

Decision No. C04-1145

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-263R

IN THE MATTER OF THE APPLICATION OF THE NORTHWEST PARKWAY PUBLIC HIGHWAY AUTHORITY, 555 ELDORADO BOULEVARD, SUITE 130, BROOMFIELD, COLORADO 80021; FOR AUTHORITY TO CONSTRUCT THE NORTHWEST PARKWAY PUBLIC HIGHWAY AS A GRADE SEPARATION AT THE CROSSING OF THE ROADWAY WITH THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S MAIN TRACK, FRONT RANGE SUBDIVISION, IN BOULDER COUNTY, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date October 1, 2004
Adopted Date: September 29, 2004

I. BY THE COMMISSION:

A. Statement

1. On May 9, 2002, the Northwest Parkway Public Highway Authority (NW Parkway) filed this application requesting authority to construct a new roadway as a new highway/railroad grade separation over the tracks of the Burlington Northern and Santa Fe Railway Company (BNSF) Front Range Subdivision near railroad milepost 17.88, east of 96th Street, in Boulder County, Colorado.

2. The Commission gave notice of this application together with a copy of the application to all interested parties including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed on May 14, 2002.

3. On May 14, 2002, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On May 20, 2002, Broomfield Business Center, LLC filed its Entry of Appearance and Notice of Intervention.

5. On May 21, 2002, BNSF filed its Entry of Appearance and Notice of Intervention.

6. On April 2, 2003, the contract between NW Parkway and BNSF was submitted as a late filed exhibit.

7. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.

8. The Commission has reviewed the record in this matter and deems the application complete within the meaning of § 40-6-109.5, C.R.S.

B. Findings of Fact

9. The NW Parkway Public Highway is the eastern segment of a planned circumferential beltway around the Denver Metropolitan area. NW Parkway is a tollway (freeway generally built to interstate highway standards) approximately 8 miles long, extending from a connection of E-470 with I-25 to a connection with 96th Street near U.S. Highway 34. As planned, NW Parkway will be constructed in stages. Initially as a four-lane divided highway to an ultimate six-lane controlled access tollway with potential for light rail or other High Occupancy Vehicle use in the median. The roadway will pass over BNSF.

10. The purpose of this application is to obtain Commission approval for a grade separated crossing of the BNSF Front Range Subdivision track near railroad milepost 17.88, located east of 96th St., in Boulder County, Colorado.

11. The traffic on this area of NW Parkway in 2004 is estimated to be 19,700 vehicles per day with a speed limit of 70 mph. Presently there are eight trains per day on this line at a maximum timetable speed of 30 mph.

12. Maintenance of the highway/railroad grade separation structure, including the bridge, piers, abutments, embankments, and roadway surfaces will be the responsibility of NW Parkway. Maintenance of the trackage and railroad operating facilities will continue to be the responsibility of BNSF.

13. All exhibits, specifications, and plans are complete, accurate, and meet Commission requirements.

C. Conclusions

14. No intervention was received in opposition to this application. The application is uncontested and unopposed.

15. The Commission will now determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rules of Practice and Procedure, 4CCR 723-1.

16. The public safety, convenience, and necessity require, and will be served by granting this application.

II. ORDER:

A. The Commission Orders That:

1. The Northwest Parkway Public Highway Authority is authorized and directed to construct a new highway/railroad grade separation overpass across the tracks of the Burlington Northern and Santa Fe Railway Company's Front Range Subdivision near railroad milepost 17.88, east of 96th Street, in Boulder County, Colorado.

2. All work done shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

3. The Northwest Parkway Public Highway Authority shall maintain the highway/railroad grade separation structure, including the bridge, piers, abutments, embankments, and roadway surfaces. The Burlington Northern and Santa Fe Railway Company shall continue to maintain its trackage and railroad operating facilities.

4. The Commission retains jurisdiction to make further orders as required in this matter.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, re-argument, or reconsideration begins on the first day following the effective date of this Order.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLEY MEETING
September 29, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.