

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-059R

IN THE MATTER OF THE APPLICATION OF THE CITY OF DELTA, COLORADO FOR
THE AUTHORITY TO UPGRADE THE CROSSING OF THE UNION PACIFIC RAILROAD
AND 1675 ROAD, IMMEDIATELY NORTH OF STATE HIGHWAY 92, IN THE CITY OF
DELTA, DELTA COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: November 4, 2004
Adopted Date: November 3, 2004

I. BY THE COMMISSION

A. Statement

1. On February 4, 2002, the City of Delta, Colorado (Delta), filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bell, and interconnect traffic signals at the crossing of 1675 Road, north of State Highway 92 (SH 92) across the tracks and right-of-way of the Union Pacific Railroad Company (UPRR) at railroad milepost 53.07, National Inventory I.D. No. 254-027L, near the City of Delta, in Delta 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 February 7, 2002.

3. On February 7, 2002, the Staff of the Commission filed an Entry of Appearance and Notice of Intervention

4. On February 14, 2002, UPRR filed an Entry of Appearance and Notice of Intervention.

5. On February 15, 2002, the Board of County Commissioners of Delta Co. filed an Entry of Appearance and Notice of Intervention.

6. On February 22, 2002, the Colorado Department of Transportation (CDOT) filed an Entry of Appearance and Notice of Intervention.

7. On September 7, 2004, the Commission received a copy of the fully executed construction and maintenance contract by and between Delta, and UPRR, dated June 4, 2002.

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

B. Findings of Fact

9. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bell, and interconnect circuits at the crossing of 1675 Road, north of SH 92 across the tracks and right-of-way of UPRR at railroad milepost 53.07, National Inventory I.D. No. 254-027L, near the City of Delta, in Delta County, Colorado.

10. 1675 Road is two-lane asphalt street in the immediate vicinity of the track and is widened to three lanes south of the tracks. The crossing is protected by cross bucks at both approaches.

11. The average daily vehicular traffic over the crossing is 100 vehicles per day, with a posted speed limit of 35 mph. Presently, 6 to 8 freight trains cross this location per day, with a maximum timetable speed of 30 mph.

12. The work to be done and the expenses therefor will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an agreement by and between Delta, and UPRR dated June 4, 2002. The total estimated cost of the project is \$153,625.

13. Maintenance of the roadway approaches to the crossing will be the responsibility of Delta. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of UPRR.

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

C. Conclusions

15. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) and (3)(a), C.R.S. (1993).

16. The Commission will determine this matter on the record, without a formal hearing, under §40-6-109(5), C.R.S.(1993) and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

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

II. ORDER

A. The Commission Orders That:

1. The City of Delta, Colorado is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bell, and interconnect circuits at the crossing of 1675 Road, north of State Highway 92, across the tracks and right-of-way of the

Union Pacific Railroad Company at railroad milepost 53.07, National Inventory I.D. No. 254-027L, near the City of Delta, in Delta County, Colorado.

2. The installation of the warning devices authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

3. The installation, operation, and maintenance of the crossing warning devices shall comply with the Contract dated June 4, 2002, by and between, the City of Delta and the Union Pacific Railroad Company.

4. The total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid in accordance with the Contract dated June 4, 2002, by and between the, City of Delta and the Union Pacific Railroad Company.

5. The Union Pacific Railroad Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

6. The Commission retains jurisdiction to enter further required orders.

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 3, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners