

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-478R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF JULESBURG FOR
AUTHORITY TO REMOVE THE TRACK FROM THE RAIL CROSSING OF STATE
HIGHWAY 138/385 WITH THE TRACKS OF THE UNION PACIFIC RAILROAD COMPANY
AT RAILROAD MILEPOST 365.06 IN THE TOWN OF JULESBURG, COUNTY OF
SEDGWICK, IN THE STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: November 22, 2004

Adopted Date: November 10, 2004

I. BY THE COMMISSION:

A. Statement

1. On September 22, 2004, the Town of Julesburg, State of Colorado (Julesburg), filed an application requesting authority to remove a Town owned spur track, connecting to the Union Pacific Railroad Company tracks at railroad milepost 365.06, that crosses State Highway 138 (SH138) near highway mile marker 58.

2. The Commission gave notice of this application to all interested parties, in accordance with § 40-6-108(2), C.R.S. The Notice was mailed October 4, 2004.

3. On October 13, 2004, the UPRR filed an Entry of Appearance and Notice of Intervention.

4. On October 18, 2004, the Agreement between the Colorado Department of Transportation (CDOT) and Julesburg was filed.

5. 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

6. The purpose of this application is to secure Commission approval to remove a spur track and patch the asphalt roadway on SH 138. The UPRR and Julesburg entered into an agreement on May 29, 1919 for the spur track to serve the town electric plant. The spur track has not been used for this purpose for many years and not used at all for the last 10 years. The UPRR removed the switch from its mainline track to this spur several years ago.

7. Notice, has been given by the Commission to all interested parties, including the adjacent property owners. No intervention was received in opposition to this application. The application is uncontested and unopposed.

8. The crossing has an average daily vehicle count of 3,191. There is no train service at this location and no crossing safety devices.

9. The removal of the tracks and patching of the asphalt on SH 138 will be a cooperative effort between Julesburg and CDOT.

10. According to the Agreement between CDOT and Julesburg, the cost of the track removal will be paid for by Julesburg and the pavement project will be paid for by CDOT.

C. Conclusions

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

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

13. Because the application is unopposed, the Commission will 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, 4 CCR 723-1.

II. ORDER

A. The Commission Orders That:

1. The Town of Julesburg, State of Colorado is authorized to remove a Town owned spur track, connecting to the Union Pacific Railroad Company tracks at railroad milepost 365.06, that crosses State Highway 138 (SH138) near highway mile marker 58.

2. Removal of the spur track, authorized in Ordering Paragraph 1, above, shall be in accordance with the plans, specifications and exhibits, as submitted with this application and hereby approved.

3. Maintenance of State Highway is the responsibility of the Colorado Department of Transportation.

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

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, 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
November 10, 2003**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners