

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-533R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO REINSTALL NEW FLASHING LIGHT SIGNALS, AUTOMATIC GATE
ARMS, AND PROTECTIVE GUARD RAIL AT THE CROSSING OF THE STATE OF
COLORADO OWNED RAILROAD TRACKS AT STATE HIGHWAY 96, PUEBLO COUNTY,
COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date December 9, 2004
Adopted Date: December 1, 2004

I. BY THE COMMISSION

A. Statement

1. On October 18, 2004, the Colorado Department of Transportation (CDOT), filed an application requesting authority to re-install the constant warning circuits, new flashing lights, gates, protective guardrail and refurbish the cabin at the crossing of the State of Colorado owned tracks (Railroad) across State Highway 96 (SH96), at railroad milepost 866.2, National Inventory I.D. No. 421-983U, located in Pueblo County, Colorado.

2. The Commission gave notice of this application to all interested parties, including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed October 22, 2004.

3. No Interventions were filed in response to this Notice.

4. 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

5. The purpose of this application is to secure Commission approval to re-install the constant warning circuits, new flashing lights, gates, protective guardrail and refurbish the cabin at the crossing of the Railroad and SH 96, at railroad milepost 866.2, National Inventory I.D. No. 421-983U, located in Pueblo County, Colorado.

6. The Railroad track, operating equipment and right-of-way was leased to the Colorado Kansas and Pacific Railroad Company until this company became financially insolvent. CDOT is unsure whether the State will be able to find a buyer or another lessee for the Railroad.

7. The current lights and gates are damaged from a motor vehicle accident and are inoperative.

8. CDOT will contract out the pre-engineering and the project safety work. The work will conform to industry standards and the PUC regulations.

9. The average daily vehicular traffic count at the existing SH 96 crossing is approximately 1332 vehicles per day and anticipated to be 1930 in 2023. There are approximately two train movements per month operating over the crossing at maximum speed of 25 mph.

10. The cost of the project is expected to be \$185,000 and will be paid for by CDOT.

11. CDOT will maintain the roadway approaches to the crossing. CDOT will maintain the track, appurtenances and warning devices until the Railroad is leased or sold. At that time, the new lessee or new owner will maintain at its expense the track, appurtenances and warning devices.

12. All specifications and plans, including the maintenance responsibilities will be furnished to the PUC by CDOT as a late-filed exhibit.

C. Conclusions

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

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

15. 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.

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 Colorado Department of Transportation, Colorado is authorized and directed to re-install the constant warning circuits, new flashing lights, gates, protective guardrail and refurbish the cabin at the crossing of the State of Colorado owned tracks across State Highway 96 (SH96), at railroad milepost 866.2, National Inventory I.D. No. 421-983U, located in Pueblo County, Colorado.

2. 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 total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid by the Colorado Department of Transportation.

4. The Colorado Department of Transportation shall maintain the roadway approaches to the track. The Colorado Department of Transportation will maintain the warning devices authorized in Ordering paragraph 1 above, at its own expense until the Railroad is leased or sold.

5. Upon completion of the installation of the grade crossing warning devices ordered herein, the Colorado Department of Transportation shall notify the Commission in writing within ten days of the initial operation of the warning devices.

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

7. 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.

8. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 1, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners