

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-507R

IN THE MATTER OF THE APPLICATION OF SBC METROPOLITAN DISTRICT AND
CATELLUS COMMERCIAL DEVELOPMENT CORPORATION FOR AUTHORITY TO
CONSTRUCT A PUBLIC AT-GRADE CROSSING WITH STANDARD ADVANCED
WARNING SIGNALIZATION AT **49TH AVE.** AND THE UNION PACIFIC RAILROAD
TRACKS IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: December 17, 2004

Adopted Date: December 1, 2004

I. BY THE COMMISSION:

A. Statement

1. On October 7, 2004, the SBC Metropolitan District (SBC) and Catellus Commercial Development Corporation, (Catellus), filed an application for an order authorizing the construction of a permanent public at-grade rail-highway crossing at the existing private at-grade rail-highway crossing of 49th Avenue, across the right-of-way and tracks of the Union Pacific Railroad Company (UPRR), and authorizing the installation of traffic signal poles and heads, train activated signalization, pre-emption device and Stop Bars.

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. The Notice was mailed October 18, 2004.

3. On November 24, 2004, UPRR filed an Entry of Appearance and Notice of Intervention.

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. SBC, as a quasi-governmental body, is charged with responsibility for construction of necessary infrastructure, including streets and roads, to serve the Stapleton Business Center.

6. The purpose of this application is to secure Commission approval to establish a public at-grade rail-highway crossing at the existing private at-grade rail-highway crossing of 49th Avenue, across the right-of-way and the industrial lead track of the UPRR, within the Stapleton Business Center.

7. This crossing is currently operated as a private crossing pursuant to a Private Road Crossing Agreement with the UPRR. The crossing will be dedicated to and maintained by the City and County of Denver upon approval of this application.

8. The estimated average daily traffic is 1135 vehicles per day with no estimated increase when the Stapleton Business Center is fully built.

9. There is an estimated one train per weekday at this crossing with an estimated speed of 20 mph.

10. Catellus Commercial Development Corporation will pay for the total cost of this project.

C. Conclusions

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

12. The application is uncontested and unopposed.

13. 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.

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

II. ORDER:

A. The Commission Orders That:

1. The SBC Metropolitan District is authorized and directed to establish a public at-grade rail-highway crossing at the existing private at-grade rail-highway crossing of 49th Avenue, across the right-of-way and tracks of the Union Pacific Railroad Company in Stapleton business Center and to install traffic signal poles and heads, train activated signalization, pre-emption device and Stop Bars.

2. Installation of the warning devices authorized in Ordering Paragraph 1, above, shall be in accordance with the Manual of Uniform Traffic Control Devices and the plans, specifications and exhibits, as submitted with this application and hereby approved.

3. The construction of the at-grade crossing and the installation of safety devices shall be the responsibility of the SBC Metropolitan District. The total cost of this construction will be paid for by Catellus Commercial Development Corporation

4. Maintenance of the crossing roadway and signals shall be by the City and County of Denver. Maintenance of the tracks, railroad grades and operating facilities shall be the responsibility of the Union Pacific Railroad Company.

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. The Commission retains jurisdiction to enter further required orders.

7. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners