

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DOCKET NO. 04A-277R

2005 APR 12 PM 4:43

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO DEMOLISH, CONSTRUCT, WIDEN AND MAINTAIN SEVEN GRADE-SEPARATED STRUCTURES AT RAIL-HIGHWAY CROSSING AT VARIOUS LOCATIONS WITHIN THE LIMITS OF THE CENTRAL COLORADO SPRINGS I-25 IMPROVEMENT PROJECT, ALONG I-25 FROM CIRCLE/LAKE INTERCHANGE TO THE BRIARGATE INTERCHANGE IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, STATE OF COLORADO

**STIPULATION REGARDING PLAN SUBMITTALS**

WHEREAS on May 27, 2004, Applicant Colorado Department of Transportation ("CDOT") filed its Notice of Application Filed in the above captioned matter. CDOT filed the application for an order regarding authority to demolish, construct, widen and maintain seven grade-separated structures at rail-crossings at various locations within the limits of the central Colorado Springs I-25 improvement project, along I-25 from Circle/Lake interchange to the Briargate Interchange in the City of Colorado Springs.

WHEREAS the Union Pacific Railroad Company ("UPRR") appeared and intervened in this matter on or about July 30, 2004.

WHEREAS the Staff of the Commission ("Staff") appeared and intervened in this matter on or about October 6, 2004.

WHEREAS a prehearing conference was held on December 16, 2004 during which the parties agreed to a general procedural approach due to the design build nature of the application.

WHEREAS a status conference was held on March 29, 2005 during which the parties agreed to provide quarterly status reports to the Public Utilities Commission regarding the status of the design. The parties further agreed to establish a process for the parties to resolve disputes in an expedited manner.

NOW THEREFORE, the parties, by and through their respective counsel, and in consideration of the mutual promises contained herein, agree and stipulate as follows:

1. CDOT shall submit quarterly status reports regarding the status of the 30%, 60% and 90% plans. The first status report shall be filed by CDOT on or before June 15, 2005. CDOT shall file quarterly thereafter until the 90% for all seven grade-separated structures are completed. At the request of any party, a conference call may be scheduled to discuss any item related to the status reports or the Application.

2. CDOT, by and through counsel, hereby waives the time limits set forth in C.R.S. § 40-6-109.5 for the commission to issue its decision due to the special nature of this design-build concept application.

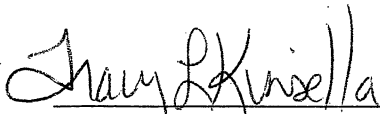
3. The design build contractor has the following tentative schedule for several of the seven structures:

Location	30% Plans	60% Plans	90% Plans
I-25 Southbound Ramp over Mark Dabling & UPRR	End of May 2005	Mid-August 2005	Early October 2005
I-25 Northbound Ramp	End of May 2005	Mid-August 2005	Early October 2005
Mark Dabling & UPRR	End of June 2005	Mid-August 2005	Early October 2005
I-25 Southbound and Northbound	End of June 2005	Mid-August 2005	Early October 2005
Mainline Bridges over Mark Dabling & UPRR	Early October 2005	Early February 2006	Early April 2006
Bijou Bridge over UPRR	Early October 2005	Early February 2006	Early April 2006

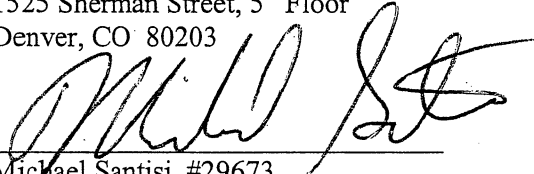
4. The parties agree that any dispute that arises as a result of the design contained in the plans shall be handled in an expedited manner. Any party may file a motion for a forthwith hearing on a disputed item. Any hearing scheduled shall be held no earlier than three days following the request. All parties agree to waive the response time associated with the motion for forthwith hearing. The Commission shall immediately set the disputed item for a hearing.

5. This Stipulation may be executed in counterparts and by facsimile copies of signatures, all of which when taken together shall constitute the entire agreement between the Parties with respect to the issues addressed by this Stipulation.

Dated this 12<sup>th</sup> day of April 2004.



Tracy L. Kinsella, #27361  
Assistant Attorney General  
Colorado Attorney General's Office  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203



Michael Santisi, #29673  
Business and Licensing Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

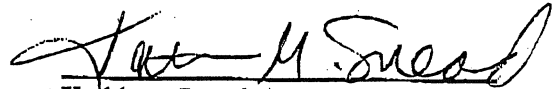
Kathleen Snead, #9969  
Union Pacific Railroad Company  
1331 Seventeenth Street, Suite 406  
Denver, CO 80202

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Dated this \_\_\_\_\_ day of April 2004.

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Tracy L. Kinsella, #27361  
Assistant Attorney General  
Colorado Attorney General's Office  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203



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Union Pacific Railroad Company  
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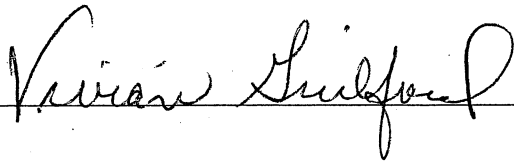
Michael Santisi, #29673  
Business and Licensing Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the \_\_\_\_ day of April, 2005, a true and correct copy of the foregoing was placed in the United States mail, first class postage prepaid, addressed as follows:

Kathleen Snead  
Union Pacific Railroad Company  
1331 Seventeenth Street, Suite 406  
Denver, CO 80202

Michael Santisi  
Business and Licensing Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203  
(VIA INTERDEPARTMENTAL MAIL)

  
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