

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12F-1215R

UNION PACIFIC RAILROAD COMPANY,

COMPLAINANT,

V.

COLORADO DEPARTMENT OF TRANSPORTATION,

RESPONDENT.

ORDER TO SATISFY OR ANSWER

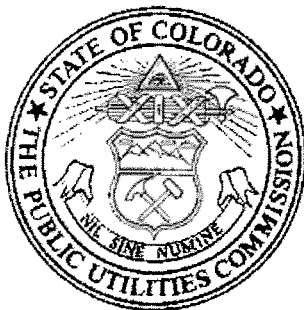
YOU ARE NOTIFIED THAT A FORMAL COMPLAINT HAS BEEN FILED AGAINST YOU IN THE ABOVE ENTITLED AND CAPTIONED CASE. YOU ARE ORDERED TO SATISFY THE MATTERS IN THE COMPLAINT OR TO ANSWER THE COMPLAINT IN WRITING WITHIN 20 DAYS FROM SERVICE UPON YOU OF THIS ORDER AND COPY OF THE ATTACHED COMPLAINT.

IF THE COMPLAINT IS SATISFIED AND ADEQUATE EVIDENCE OF SATISFACTION IS PRESENTED TO THE COMMISSION, THE COMPLAINT SHALL BE DISMISSED. IF THE COMPLAINT IS NOT SATISFIED, OR IF ADEQUATE EVIDENCE OF ITS SATISFACTION IS NOT PRESENTED TO THE COMMISSION, OR IF NO ANSWER IS FILED WITHIN THE TIME REQUIRED, THE ALLEGATIONS OF THE COMPLAINT SHALL BE DEEMED ADMITTED, AND THE COMMISSION MAY GRANT SO MUCH OF THE RELIEF SOUGHT IN THE COMPLAINT AS IS WITHIN ITS POWER AND JURISDICTION OR MAY SET THE COMPLAINT FOR HEARING.

BY ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO AT DENVER, COLORADO THIS 5TH DAY OF DECEMBER, 2012.

(S E A L)



Doug Dean

Doug Dean,
Director

ATTEST: A TRUE COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

UNION PACIFIC RAILROAD COMPANY, Complainant, v. COLORADO DEPARTMENT OF TRANSPORTATION, Respondent.	DOCKET NO. <i>12F-1215R</i>
UNION PACIFIC RAILROAD COMPANY'S FORMAL COMPLAINT	

Union Pacific Railroad, ("Union Pacific") by and through the undersigned counsel and pursuant to the Code of Colorado Regulations (4 CCR 723-1-1302), moves the Commission for an Order Compelling the Respondent, Colorado Department of Transportation ("CDOT"), to take action in the interests of public safety. In furtherance, Union Pacific states as follows:

1. Union Pacific identified significant safety issues during the diagnostic for the installation of Railroad At-Grade Crossing Protection Devices at the railroad at-grade crossing located at WCR80 in Ault, Colorado (DOT #804-860T).
2. The above referenced installation project was the subject of Weld County's Application to the Colorado Public Utilities Commission ("the Commission"), Docket No. 11A-242R.
3. Union Pacific wrote two letters to CDOT providing notification of a dangerous situation at the crossing and requesting resolution of same. Unfortunately, CDOT took no action and on August 18, 2012 an accident occurred at the crossing.
 - a) Please refer to the attached letter dated February 3, 2011 requesting that CDOT conduct a study concerning these safety issues.
 - b) Please refer to the attached letter dated October 3, 2012 and the PowerPoint Presentation addressing the need to install a traffic signal on US85 at WCR80.

WHEREFORE, Defendant Union Pacific Railroad Company moves the Commission for an Order addressing the public safety issues and the need for CDOT to install traffic signals and interconnect them with the railroad crossing at WCR80 in Ault, Colorado.

DATED at Denver, Colorado, this 21 day of November, 2012.

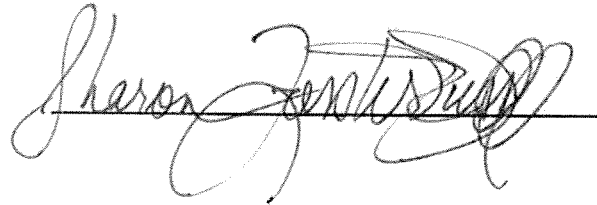


ALICE M. de STIGTER, #12771
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Denver, CO 80202
Phone: (303) 405-5406
Facsimile: (303) 405-5413
amdestig@up.com

CERTIFICATE OF MAILING

I hereby certify that the foregoing **FORMAL COMPLAINT** was deposited in the U.S. Mail, postage prepaid, this 21ST day of November, 2012, addressed to:

Ina Zinsman, P.E. Colorado Department of Transportation Region 4 Traffic Engineer 1420 Second Street Greeley, CO 80632	Kelly Abaray Manager of Industry and Public Projects Union Pacific Railroad Company 1400 West 52nd Avenue Denver, CO 80221
Mike Bedell, P.E., Senior Engineer Weld County Dept. of Public Works P. O. Box 758 Greeley, CO 80632-0758 Email: mbedell@co.weld.co.us	Stephanie L. Arries Assistant Weld County Attorney P.O. Box 758 Greeley, Colorado 80632 Email: sarries@co.weld.co.us
Jay P. Everett Union Pacific Railroad Company Superintendent of Transportation 1400 West 52nd Avenue Denver, CO 80221	Pamela Fischhaber Colorado Public Utilities Commission 1560 Broadway, Suite 250 Denver, CO 80202



Sharon Justice

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 12F-1215R

UNION PACIFIC RAILROAD COMPANY,
COMPLAINANT,

V.

COLORADO DEPARTMENT OF TRANSPORTATION,
RESPONDENT.

ORDER SETTING HEARING AND NOTICE OF HEARING

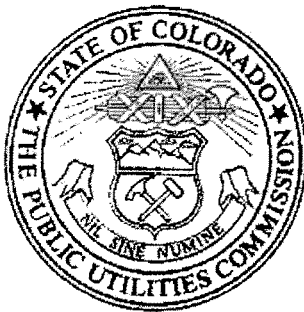
TO THE PARTIES IN THIS MATTER:

The Colorado Public Utilities Commission orders that the hearing in this matter is set before an Administrative Law Judge on:

DATE: January 14, 2013
TIME: 9:00 AM
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

At the above date, time and place you will be given the opportunity to be heard if you so desire.

(SEAL)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DOUG DEAN, Director
Colorado Public Utilities Commission
1560 Broadway, Suite 250, Denver, Colorado 80202

Dated at Denver, Colorado this
5th day of December, 2012

DOUG DEAN, Director