

Decision No. C14-0240

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0359R

IN THE MATTER OF THE APPLICATION OF DOUGLAS COUNTY FOR AUTHORITY TO INSTALL WAYSIDE HORNS AND IMPROVE ROAD APPROACHES TO CONVERT THE PRIVATE CROSSING TO A PUBLIC ROADWAY AT THE ATRIUM DRIVE CROSSING OF THE UNION PACIFIC RAILROAD TRACKS, DOUGLAS COUNTY, COLORADO.

**DECISION GRANTING MOTION
FOR ADDITIONAL EXTENSION OF TIME**

Mailed Date: March 6, 2014
Adopted Date: March 5, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Request for PUC Action on the Matter of the Construction and Maintenance Agreement filed by Douglas County on January 28, 2014. We construe this filing as a Motion for extension of time (Motion). Union Pacific Railroad Company (UPRR), the only other party in this proceeding, did not respond to the Motion. Consistent with the discussion below, we grant the Motion.

2. Douglas County filed the Application for authority to install wayside horns and improve road approaches to convert the private crossing to a public roadway at the Atrium Drive crossing of the Union Pacific railroad tracks (Application) on April 16, 2013. UPRR timely intervened, but did not object to the Application. By Decision No. C13-0643, mailed June 4, 2013, the Commission granted the Application and required Douglas County to file a copy of the Construction and Maintenance Agreement (CMA) by August 31, 2013.

3. By Decision No. C13-1164, mailed September 20, 2013, the Commission granted an extension of time until November 29, 2013 for Douglas County to file a signed copy of the CMA. By Decision No. C13-1559, mailed December 27, 2013, the Commission granted a second extension of time to January 28, 2014.

4. In its Motion, Douglas County requests the Commission's assistance in receiving the CMA, the easement fee, and the easement agreement from UPRR. Douglas County states it has provided all requested information to UPRR, but did not receive the CMA. Douglas County states it cannot meet the Commission requirement to file a signed CPA until UPRR provides this document to Douglas County and both parties review it. Douglas County requests an additional extension of time to file the CMA to March 31, 2014.

5. The Commission finds good cause to grant the extension of time. The Commission orders UPRR to provide a draft CMA, easement fee, and easement agreement to Douglas County by **April 2, 2014** or file a motion explaining why additional time is required. The Commission orders Douglas County to file the signed CMA by **May 15, 2014** or file a motion explaining why additional time is required.

6. This is a third extension of time to file a CMA in this proceeding. The Commission is concerned about the delays in implementing the improvements to the Atrium Drive crossing and any harm that may result from these delays. The Commission will consider additional judicial and administrative options for enforcing its decisions should these delays continue.

II. ORDER

A. The Commission Orders That:

1. The Request for PUC Action on the Matter of the Construction and Maintenance Agreement filed by Douglas County on January 28, 2014 is construed as a Motion for extension of time and is granted.

2. Union Pacific Railroad Company is ordered to provide a draft Construction and Maintenance Agreement, easement fee, and easement agreement to Douglas County by **April 2, 2014** or file a motion explaining why additional time is required.

3. Douglas County is ordered to file with the Commission a signed Construction and Maintenance Agreement by **May 15, 2014** or file a motion explaining why additional time is required.

4. The Commission retains jurisdiction to enter further decisions as necessary.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners