

Decision No. C14-1245-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0894R

IN THE MATTER OF THE APPLICATION OF ADAMS COUNTY FOR AUTHORITY TO ALTER AN AT-GRADE CROSSING AT LOWELL BOULEVARD (U.S. DOT #253281K AND #094492S) IN ADAMS COUNTY, STATE OF COLORADO.

**INTERIM DECISION DEEMING APPLICATION
COMPLETE AND REFERRING
APPLICATION AND INTERVENTIONS TO AN
ADMINISTRATIVE LAW JUDGE FOR DISPOSITION**

Mailed Date: October 16, 2014

Adopted Date: October 15, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the County of Adams (Adams County) on August 27, 2014, requesting authority to construct sidewalks on both sides of the crossing including extension of crossing surface panels, installation of active warning blank-out signs for pedestrians, channelizing fencing, pedestrian swing gates, and pedestrian-related signage at the crossing of Lowell Boulevard with the tracks of the BNSF Railway Company (BNSF), Union Pacific Railroad Company (UPRR), and Regional Transportation District (RTD), National Inventory Nos. 253281K and 094492S, in Adams County, State of Colorado.

2. On September 22, 2014, UPRR filed an Entry of Appearance and Notice of Intervention. UPRR does not contest or oppose the Application.

3. On September 23, 2014, BNSF filed an Entry of Appearance and Notice of Intervention. BNSF does not contest or oppose the Application.

4. On September 26, 2014, LOBO, LLC filed an Entry of Appearance and Notice of Intervention as of Right. LOBO, LLC claims there are safety issues and objects to the addition of pedestrian crossings and all related at-grade improvements pertaining to those crossings on the east side of Lowell Boulevard.

5. On September 29, 2014, Eddie and Carol Bohn filed an Entry of Appearance and Notice of intervention as of Right. The Bohn's agree with the allegations and points raised in the LOBO, LLC intervention and claim additional safety issues with the proposed pedestrian crossing on the east side of Lowell Boulevard. The Bohn's oppose the Application and request a hearing in this matter.

6. On October 2, 2014, RTD filed an Entry of Appearance and Notice of Intervention. RTD does not oppose the proposed crossing alterations, but opposes the cost allocation portion of the Application and requests a hearing on only cost allocation.

7. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

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

9. Now being fully advised in the matter, we refer the Application to an Administrative Law Judge for disposition of the interventions and a determination of the merits of the Application.

II. ORDER

A. It Is Ordered That:

1. The application (Application) filed by the County of Adams (Adams County) on August 27, 2014, requesting authority to construct sidewalks on both sides of the crossing

including extension of crossing surface panels, installation of active warning blank-out signs for pedestrians, channelizing fencing, pedestrian swing gates, and pedestrian-related signage at the crossing of Lowell Boulevard with the tracks of the BNSF Railway Company, Union Pacific Railroad Company, and Regional Transportation District, National Inventory Nos. 253281K and 094492S, in Adams County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Proceeding No. 14A-0894R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for disposition of the interventions and determination of the merits of the Application.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 15, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners