

Decision No. C19-0452

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 00A-275R

IN THE MATTER OF THE APPLICATION OF THE BOARD OF TRUSTEES OF THE TOWN OF OLATHE, COLORADO, FOR AUTHORITY TO CONSTRUCT A GRADE CROSSING, INSTALL STANDARD WARNING AND ADVANCE WARNING SIGNALS AT SAID CROSSING; ALL ACROSS THE RIGHT-OF-WAY AND TRACKS OF THE UNION PACIFIC RAILROAD COMPANY, IN THE TOWN OF OLATHE, MONTROSE COUNTY, COLORADO.

**COMMISSION DECISION GRANTING MOTION TO
WITHDRAW AND RESCINDING DECISION NO. C01-0255**

Mailed Date: May 31, 2019

Adopted Date: May 29, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Leave to Withdraw Application (Motion) filed by the Town of Olathe (Olathe) on May 6, 2019, requesting to withdraw the application to construct a new at-grade crossing and install warning signs at the location of the new Denham Circle with the Union Pacific Railroad Company at approximately 1140 feet south of railroad milepost 362 of the Montrose Subdivision in Olathe, Colorado.

2. As grounds for the Motion, Olathe states that the original application was filed in anticipation of a residential development. However, the development was not constructed and there is no longer the need to construct the crossing.

3. There were no responses filed to the Motion.

4. Now being fully advised in the matter, we will grant the Motion and rescind Decision No. C01-0255¹ that granted the application in this matter.

II. ORDER

A. The Commission Orders That:

1. The Motion for Leave to Withdraw Application filed by the Town of Olathe on May 6, 2019, requesting to withdraw the application to construct a new at-grade crossing and install warning signs at a new crossing of Denham Circle with the Union Pacific Railroad Company at approximately 1140 feet south of railroad milepost 362 of the Montrose Subdivision in Olathe, Colorado is granted.

2. Decision No. C01-0255 granting the application in this matter is rescinded.

3. Proceeding No. 00A-275R is closed.

4. This Decision is effective on its Mailed Date.

¹ Decision No. C01-0255 was issued in this proceeding on March 15, 2001.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 29, 2019.**

(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

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners