

Decision No. C24-0591-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0288R

IN THE MATTER OF THE APPLICATION OF THE CITY OF WHEAT RIDGE FOR AUTHORITY TO CONSTRUCT AND MAINTAIN A PEDESTRIAN BRIDGE CROSSING OF THE BNSF GOLDEN SUBDIVISION RAILROAD (“ALSO UTILIZED BY REGIONAL TRANSPORTATION DISTRICT FOR COMMUTER RAIL”) IN THE CITY OF WHEAT RIDGE, JEFFERSON COUNTY, STATE OF COLORADO.

**INTERIM COMMISSION DECISION DEEMING
APPLICATION COMPLETE AND APPROVING
PRELIMINARY PLANS**

Issued Date: August 20, 2024

Adopted Date: August 14, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (“Application”) filed by the City of Wheat Ridge (“Wheat Ridge”) on June 21, 2024, and an Amendment to the Application (“Amended Application”) filed by Wheat Ridge on July 24, 2024, seeking preliminary approval of design plans to construct a new grade separated pedestrian and bicycle crossing over the tracks of the Regional Transportation District (“RTD”) and the BNSF Railway Company (“BNSF”) at the Ward Station of the RTD G Line in the City of Wheat Ridge, County of Jefferson, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on July 2, 2024.

3. On July 11, 2024, RTD filed an Entry of Appearance and Notice of Intervention as of Right in this matter. RTD does not state that it contests or opposes the Application.

4. On July 19, 2024, BNSF filed a Notice of Intervention, BNSF does not contest or oppose the Application.

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

6. Now being fully advised in the matter, we approve the preliminary plans and require further information to be filed.

B. Findings of Fact

7. Wheat Ridge proposes to construct a new grade separated pedestrian pathway over the tracks of the BNSF, and RTD at a location of the RTD Ward Station to provide a suitable and efficient pedestrian access to the Ward Station from the south side of the railroad crossing. A multi-use trail, pedestrian bridge, and plaza are being constructed to allow for easier pedestrian access to Ward Station.

8. The proposed new grade separation is designed to clear span the entire 139.5' railroad corridor. The bridge structure is proposed to provide a minimum of 31.01' clearance from the top of rail to the bottom of the bridge structure and will provide a minimum of 27.33' of horizontal clearance from the centerline of track to the abutment of the bridge structure. The proposed minimum clearances meet or exceed the minimum requirements found in Rules 7324 and 7325 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7. The pedestrian pathway will provide a minimum of approximately 14' of width with a covering

over the bridge structure limiting height. Stairs and elevators will be provided on both sides of the bridge structure to provide access to the bridge. The pathway structure will be enclosed above the railroad corridor.

9. Wheat Ridge states there are approximately 81 commuter rail trains and two freight trains per day between BNSF and RTD that currently use the corridor at the location of the proposed grade separation. Freight trains travel at a maximum timetable speed of 79 miles per hour (“MPH”) while RTD light rail trains travel at a maximum timetable speed of 40 MPH. There are no anticipated changes in the number of trains that will use the crossing in the future. Wheat Ridge estimates that there will be 540 pedestrians and 60 bicycles per day using the crossing when it opens with increases to 720 pedestrians and 80 bicycles by the year 2050.

10. Wheat Ridge estimates the cost of the entire project at \$10,352,100 with the costs being paid 100 percent by Wheat Ridge.

C. Conclusions

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

12. No intervenor that filed a Petition to Intervene or other pleading contests or opposes the Application.

13. Because the Application as amended is preliminary, Wheat Ridge proposes to provide the final plans for Commission review and approval by the end of July 2024. However, because the preliminary plans are not being ruled on until August 14, 2024, we will provide Wheat Ridge with additional time to file the final plans. Wheat Ridge waives the time limits specified in § 40-6-109.5, C.R.S.

14. We find that good cause exists, and that public safety will be improved by approving the preliminary plans and requiring Wheat Ridge to file final plans in this proceeding by August 31, 2024.

II. ORDER

A. It Is Ordered That:

1. The Application filed by the City of Wheat Ridge (“Wheat Ridge”) on June 21, 2024, and an Amendment to the Application filed by Wheat Ridge on July 24, 2024 seeking preliminary approval of design plans to construct a new grade separated pedestrian and bicycle crossing over the tracks of the Regional Transportation District (“RTD”) and the BNSF Railway Company (“BNSF”) at the Ward Station of the RTD G Line in the City of Wheat Ridge, County of Jefferson, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Waiver of § 40-6-109.5, C.R.S. by Wheat Ridge is noted.
3. The Intervention by RTD on July 11, 2024, is granted.
4. The Intervention by BNSF on July 19, 2024, is granted.
5. The Preliminary Plans are approved.
6. Wheat Ridge is required to file final plans for this project by August 31, 2024.
7. The Commission retains jurisdiction to enter further decisions as necessary.

8. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 14, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners