

Decision No. C24-0723

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0349R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO OBTAIN PUC AUTHORIZATION TO RECONSTRUCT STRUCTURES K-18-HE & K-18-HD ON US HWY 50B OVER UNION PACIFIC RAILROAD MP 116.73 (U.S. DOT# 253142P) AND MINOR EARTHWORK IN UNION PACIFIC RAILROAD RIGHT OF WAY IN PUEBLO COUNTY, STATE OF COLORADO.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Issued Date: October 8, 2024
Adopted Date: September 25, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (“Application”) filed by the Colorado Department of Transportation (“CDOT”) on August 14, 2024, for an order authorizing reconstruction of two overpass structures on U.S. Highway 50B (US 50B) over the tracks of the Union Pacific Railroad Company (“UPRR”), and minor earthwork in UPRR Right-of-Way, at railroad milepost 116.73, National Inventory No. 253142P, in Pueblo County, 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 August 16, 2024.

3. No interventions were filed in this matter.

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

5. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received contesting or opposing the Application.

7. CDOT requests authority for the reconstruction of two overpass structures on US 50B over UPRR track, and minor earthwork in UPRR Right-of-Way near the bridge structures. The existing US 50B bridges over UPRR will be reconstructed to accommodate larger traffic volumes at the interchange of southbound Interstate-25 traffic to eastbound US 50B.

8. The proposed overpass structures are designed to clear span the entire railroad corridor. The EB bridge is proposed to be 164'-5 1/2" in length from back face of abutment to back face of abutment. The minimum clearance under the bridge structure is proposed at 23'-4" from the top of rail of the existing UPRR track to the bottom of the girder. The bridge will span a NB bypass road, an existing UPRR track, a future UPRR track, and an access road. There is proposed to be 57'-8 3/8" horizontal clearance from the existing UPRR track to the proposed MSE wall by the NB bypass road and a proposed 73'-7 1/2" horizontal clearance from the centerline of a future UPRR track to the proposed east MSE wall. The bridge is proposed to be 56'-9 5/8" out to out and consist of 2 14'-0" lanes, a shoulder varying from 5'-9 5/8" to 5'-10 3/4" shoulder, a second shoulder adjacent to a sidewalk varying from 7'-7" to 8'-0", a 1'-6" Type 9 bridge rail with 78" chain link fence, one Type 9 bridge rail with 36" splash guard, a 10'-6"

sidewalk, and a 1'-6" curb on the exterior of the bridge by the sidewalk including Type 9 bridge rail with special 92" chain link fence.

9. The WB bridge is proposed to be 173'-2 7/8" in length from back face of abutment to back face of abutment. The minimum clearance under the bridge structure is proposed at 23'-4" from the top of rail of the existing UPRR track to the bottom of the girder. The bridge will span a NB bypass road, an existing UPRR track, a future UPRR track, and an access road. There is proposed to be 58'-5" horizontal clearance from the existing UPRR track to the proposed MSE wall by the NB bypass road and a proposed 75'-9 1/8" horizontal clearance from the centerline of a future UPRR track to the proposed east MSE wall. The bridge is proposed to be 55'-5 1/2" out to out and consist of 2 14'-0" lanes and a third lane varying from 14'-0" to 17'-2 1/4", a shoulder varying from 4'-1" to 4'-9 3/4", a second shoulder varying from 3'-6" to 5'-0", two 1'-6" Type 9 bridge rails with 78" chain link fence.

10. The proposed minimum clearances for both bridge structures 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.

11. CDOT estimates the cost of the project at \$6,575,630. CDOT will cover the cost of this work as part of the CDOT I-25 and US50B Interchange Reconstruction project in Pueblo.

12. CDOT proposes to start the reconstruction of both overpass structures on January 6, 2025, and anticipates being complete with the work by December 31, 2026. CDOT will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than December 31, 2026.

However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

13. CDOT will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by CDOT by December 31, 2026.

C. Conclusions

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

15. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 CCR 723-1.

16. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER

A. The Commission Orders That:

1. The Application (“Application”) filed by the Colorado Department of Transportation (“CDOT”) on August 14, 2024, for an order authorizing reconstruction of two overpass structures on U.S. Highway 50B (US 50B) over the tracks of the Union Pacific Railroad Company (“UPRR”) and minor earthwork in UPRR Right-of-Way, at railroad milepost 116.73, National Inventory No. 253142P, in Pueblo County Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. CDOT is authorized and ordered to proceed with the reconstruction of both overpass structures.

3. CDOT is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by December 31, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

4. CDOT will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by CDOT by December 31, 2026.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

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

7. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 25, 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