

Decision No. C24-0832

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 06A-153R

IN THE MATTER OF THE JOINT APPLICATION OF THE PARK CREEK METROPOLITAN DISTRICT AND THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO CONSTRUCT A NEW PUBLIC HIGHWAY-RAILROAD AT-GRADE CROSSING ACROSS AN INDUSTRIAL RAILROAD SPUR TRACK WITHIN THE CITY AND COUNTY OF DENVER WHICH IS OPERATED BY THE UNION PACIFIC RAILROAD COMPANY AND TO INSTALL APPROPRIATE GRADE CROSSING WARNING DEVICES.

**COMMISSION DECISION GRANTING SECOND
AMENDED APPLICATION**

Issued Date: November 19, 2024
Adopted Date: November 6, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Leave to Amend Application (“Motion”) and an Application Amendment (“Amended Application”) filed by the Park Creek Metropolitan District (“Park Creek”) and the City and County of Denver (“Denver”) (“collectively, Applicants”) on October 18, 2024, requesting to make a second amendment to the application to request additional changes to the Application as originally amended and approved by Decision No. C23-0416 mailed July 11, 2023, consisting of some changes to the plans including signage placement and addition of truncated domes to the sidewalks, relocation of the vehicle detection zone and adjusting the timing calculations to account for the raised speed limit on the roadway and adjustment of the vehicle detection zone and a request to allow Denver to operate the queue cutter signal in a hybrid operation to provide

time-of-day operations once the vehicle queues from the 40th Avenue and Havana Street intersection start regularly queuing near the crossing.

2. As grounds for the Motion and Amended Application, the Applicants submitted the previous amended application after receiving no comments from the Union Pacific Railroad Company (“UPRR”) by the May 22, 2023 date by which UPRR agreed to provide comments. Two weeks later, UPRR’s consultants cited technical concerns related to the future operation of the queue cutter signal by Denver and possible interconnection software upgrades that may be installed at the existing traffic signal to enhance the queue-cutter signal. Since that time, Park Creek has worked with Denver and UPRR’s consultant to resolve the remaining technical operating concerns. The Amended Application addresses those concerns so that UPRR will amend the existing Construction and Maintenance Agreement.

3. There were no responses filed to the Motion.

4. Now being fully advised in the matter, we grant the Motion and Amended Application.

II. ORDER

A. The Commission Orders That:

1. The Motion for Leave to Amend Application (“Motion”) and an Application Amendment (“Amended Application”) filed by the Park Creek Metropolitan District (“Park Creek”) and the City and County of Denver (“Denver”) (“collectively, Applicants”) on October 18, 2024 requesting to make a second amendment to the application to request additional changes to the Application as originally amended and approved by Decision No. C23-0416 mailed July 11, 2023 consisting of some changes to the plans including signage placement and addition of truncated domes to the sidewalks, relocation of the vehicle detection

zone and adjusting the timing calculations to account for the raised speed limit on the roadway and adjustment of the vehicle detection zone and a request to allow Denver to operate the queue cutter signal in a hybrid operation to provide time-of-day operations once the vehicle queues from the 40th Avenue and Havana Street intersection start regularly queuing near the crossing is granted.

2. Park Creek and Denver are authorized to make the changes as described in the Amended Application.

3. Park Creek shall file the signed Construction and Maintenance Agreement in this matter by July 31, 2025.

4. Park Creek shall inform the Commission of project completion and UPRR shall provide an updated National Inventory Form for this project by December 31, 2025.

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

6. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 6, 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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Commissioners