

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0457R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER, FOR AUTHORITY TO INSTALL NEW CURB AND GUTTER, NEW SIDEWALK, AND NEW PEDESTRIAN DETECTABLE WARNING SURFACES ON ALL FOUR QUADRANTS OF THE RAILROAD CROSSING, REPLACE EXISTING ASPHALT CONCRETE PAVEMENT CROSSING SURFACE WITH NEW CONCRETE PANELS, RESURFACE ROADWAY, INSTALL NEW BICYCLE LANES ON THE NORTHSIDE AND THE SOUTHSIDE OF 51ST AVENUE IN BOTH THE WESTBOUND AND THE EASTBOUND DIRECTION, AND INSTALL NEW RAILROAD CROSSING PAVEMENT MARKINGS AND NEW RAILROAD WARNING SIGNS FOR BOTH ROADWAY APPROACHES IN ADVANCE OF THE TRACKS, INSTALL NEW STREET LIGHTS FOR THE APPROACHES OF THE RAILROAD CROSSING, AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING 51ST AVENUE, USDOT NO. 245-285S IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

Issued Date: December 17, 2024

Adopted Date: December 11, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by the City and County of Denver (“Denver”) on October 21, 2024, for an order authorizing the installation of new curb and gutter, new sidewalk, and new pedestrian detectable warning surfaces on all four quadrants of the railroad crossing, the replacement of the existing asphalt pavement crossing surface with new concrete panels, the resurfacing of the roadway, the installation of new bicycle lanes on the northside and the southside of 51st Avenue,

and the installation of new railroad crossing pavement markings and new railroad warning signs for both roadway approaches at the at-grade crossing of 51st Avenue with the existing tracks owned by the BNSF Railway Company (“BNSF”) at railroad milepost 1.12, National Inventory No. 245285S, in Denver, 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 October 29, 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. Denver requests authority for an order authorizing the installation of new curb and gutter, new sidewalk, new pedestrian detectable warning surfaces on all four quadrants of the railroad crossing, the replacement of the existing asphalt pavement crossing surface with new concrete panels, the resurfacing of the roadway, the installation of new bicycle lanes on the northside and the southside of 51st Avenue, the installation of new railroad crossing pavement markings, and new railroad warning signs for both roadway approaches at the at-grade crossing. 51st Avenue has low to moderate vehicle use and a moderately deficient roadway profile over the crossing, which have contributed to hazardous crossing activity. Denver seeks to implement recommendations in accordance with the diagnostic team which are necessary to improve safety and reduce hazards at this crossing.

8. Denver states that existing traffic volume at the subject crossing is 2,643 vehicles per day (“VPD”). Five percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. Projected 5-year traffic volume is 2,985 VPD and 20-year projected traffic volume is 3,758 VPD. The posted speed limit at the crossing is 25 miles per hour (“MPH”). There is currently one train per week that uses the crossing at a maximum timetable speed of 10 MPH with no anticipated changes in train volume in the future.

9. Denver estimates the cost of the project at \$493,148.60. The cost for improvements will be funded 30 percent through the appropriation of Federal Highway Administration Rebuilding American Infrastructure with Sustainability and Equity Grant funds and 70 percent through appropriation of Denver bond funds.

10. Denver proposes to start the project on August 1, 2025, and anticipates being complete with the work by January 30, 2027. Denver 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 January 30, 2027. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

11. Denver and BNSF will be required to update the US DOT Crossing Inventory Form for the crossing. This updated form will need to be filed in this proceeding by BNSF by January 30, 2027.

C. Conclusions

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

13. No intervenor that filed a petition to intervene or other pleading contests or opposes the upgrade of the at-grade crossing.

14. 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 *Code of Colorado Regulations* 723-1.

15. 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 City and County of Denver (“Denver”) on October 21, 2024, for an order authorizing the installation of new curb and gutter, new sidewalk, new pedestrian detectable warning surfaces on all four quadrants of the railroad crossing, the replacement of the existing asphalt pavement crossing surface with new concrete panels, the resurfacing of the roadway, the installation of new bicycle lanes on the northside and the southside of 51st Avenue, the installation of new railroad crossing pavement markings, and new railroad warning signs for both roadway approaches at the at-grade crossing of 51st Avenue with the existing tracks owned by the BNSF Railway Company (“BNSF”) at railroad milepost 1.12, National Inventory No. 245285S, in Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. Denver is authorized and ordered to proceed with the installation of new curb and gutter, new sidewalk, new pedestrian detectable warning surfaces on all four quadrants of the railroad crossing, the replacement of the existing asphalt concrete pavement crossing surface with new concrete panels, the resurfacing of the roadway, the installation of new bicycle lanes on the

northside and the southside of 51st Avenue, the installation of new railroad crossing pavement markings, and new railroad warning signs for both roadway approaches at the at-grade crossing.

3. Denver is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by January 30, 2027. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

4. Denver and BNSF are required to file the updated National Inventory Form for the at-grade crossing in this proceeding and file the updated form in this proceeding by January 30, 2027.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application 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
December 11, 2024.**

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ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners