

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0176R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING AT THE E. EXPOSITION AVENUE AND AURORA MALL DRIVE INTERSECTION WITHIN THE CITY OF AURORA, ARAPAHOE COUNTY, COLORADO

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING UNOPPOSED MOTION
TO VACATE PREHEARING CONFERENCE
AND WAIVING RESPONSE TIME**

Mailed Date: June 5, 2014

I. STATEMENT

1. On February 26, 2014, the Regional Transportation District (RTD) filed an application for an Order requesting authority to construct an at-grade light rail transit crossing at the East Exposition Avenue and Aurora Mall Drive intersection, including the installation of new crossing surfaces for two tracks, roadway profiling, traffic signal reconstruction, signage, pavement markings, blank-out sign indications for the movements into the crossing, detectable warning panels, and pedestrian related signing (Application). The crossing is located within the City of Aurora, Arapahoe County, Colorado.

2. Notice of the application was provided by the Commission to all interested parties pursuant to § 40-6-108(2), C.R.S., on March 5, 2014.

3. On April 3, 2014, the City of Aurora (Aurora) filed its Entry of Appearance and Motion to Intervene (Motion). According to the Motion, Aurora seeks to intervene in this

Application in order to assist the Commission by providing comment, information, and project analysis. Aurora argues that its interests in this proceeding are clear and substantial since the construction of the proposed at-grade crossing involves Aurora streets.

4. On April 8, 2014, Railroad Staff of the Colorado Public Utilities Commission (Staff) intervened in this proceeding as a matter of right. Staff intervenes in this proceeding due to potential inconsistencies and/or inaccuracies in the Application and attendant exhibits as filed, concerning, among other things, transit signaling and the safety and operational capabilities of the crossing. Staff is also concerned with a lack of adequate detail in the Application and exhibits as filed concerning transit signaling and safety and operational capabilities of the crossing.

5. The Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition on April 16, 2014. The matter was subsequently assigned to the undersigned ALJ.

6. The intervenors in this application proceeding are Aurora and Railroad Staff.

7. By Interim Decision No. R14-0576-I, issued May 29, 2014, a prehearing conference was scheduled in this matter for Monday, June 9, 2014.

8. On June 4, 2014, Staff filed an Unopposed Motion to Vacate Prehearing Conference (Motion to Vacate). In the Motion to Vacate, Staff requests that RTD be permitted to file a joint motion to bifurcate the Application similar to Proceeding No. 14A-0115R, in which RTD's motion to bifurcate the application to allow construction to move forward while issues regarding modeling, analysis, and bench testing of signalization timing alternatives were worked out was granted. RTD and Aurora do not oppose the Motion to Vacate.

9. Staff represents that the parties intend to file a similar motion on or before June 18, 2014 and therefore request that the pre-hearing conference scheduled for June 9, 2014 be vacated.

10. Good cause is found to grant the Motion to Vacate. The pre-hearing conference will be vacated and the parties will be required to file no later than June 18, 2014, a motion to bifurcate the Application as discussed above. Response time to the Motion to Vacate will be waived.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate Prehearing Conference (Motion) filed by Railroad Staff of the Commission is granted.

2. The prehearing conference scheduled for June 9, 2014 is vacated.

3. The Regional Transportation District shall file a motion to bifurcate the application consistent with the discussion above no later than June 18, 2014.

4. Response time to the Motion is waived.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director