

Decision No. C19-0664

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0344R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO RECONSTRUCT THE EXISTING NORTHBOUND AND SOUTHBOUND I-25 OVERPASS BRIDGE STRUCTURES OVER TRACKS OWNED BY UNION PACIFIC RAILROAD (UPRR), US DOT. NO. 804576B, WITH AN ADDITIONAL BRIDGE SPAN TO THE SOUTH ON EACH BRIDGE STRUCTURE OVER THE FUTURE KENDALL PARKWAY ROAD IN THE CITY OF LOVELAND, LARIMER COUNTY, STATE OF COLORADO.

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

Mailed Date: August 6, 2019

Adopted Date: July 31, 2019

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 June 13, 2019, seeking authority to demolish the existing Interstate 25 (I-25) bridge structures and then replace with widened structures over the tracks of the Union Pacific Railroad Company (UPRR) Fort Collins Subdivision, railroad milepost 18.58, National Inventory No. 804576B and an additional span to the south on each bridge structure over the future Kendall Parkway in the City of Loveland, County of Larimer, 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 June 18, 2019.

3. On July 10, 2019, UPRR filed an Entry of Appearance and Notice of Intervention. UPRR does not contest or oppose the Application.

4. The Commission has reviewed the record in this matter and deems that the Application is 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 opposing the Application.

7. CDOT proposes to demolish the existing bridge structures over I-25 north of the City of Loveland and widen each structure from two lanes to four lanes over the tracks of the UPRR in Edwards, Colorado, and add an additional span on the south side of each structure to accommodate the future Kendall Parkway. This project is part of the North I-25 Express Lane Project and was identified as part of the Environmental Impact Statement conducted by CDOT. Specifically, this project widens I-25 to accommodate an additional Express Lane in the northbound and southbound directions and improves the vertical grade to allow for an 80-mile per hour (MPH) design speed. The project also adds additional spans on each bridge south of the UPRR right of way to accommodate pedestrian access pathways and a future roadway crossing for Kendall Parkway under I-25 in the future.

8. Each new bridge structure is proposed to be a two-span structure with the existing UPRR tracks located under the northern span of each structure. The total length of both the northbound and southbound structures is 240'-6" from abutment to abutment. The northbound structure has a minimum vertical clearance of 24.27' vertical clearance and a minimum horizontal clearance of 12'-0" from the centerline of an existing or future track to the face of a

structure wall. The southbound structure has a minimum vertical clearance of 24.14' vertical clearance and a minimum horizontal clearance of 12'-0" from the centerline of an existing or future track to the face of a structure wall. The northbound structure is 71'-0" out to out and accommodates three 12'-0" lanes, one 16'-0" lane, one 12'-0" shoulder, one 4'-0" shoulder, and two 1'-6" Type 7 bridge rails with a chain link fence. The southbound structure is 76'-0" out to out and accommodates three 12'-0" lanes, one 16'-0" lane, one 12'-0" shoulder, one 5'-0" variable shoulder, and two 1'-6" Type 7 bridge rails with a chain link fence. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7324 and 7325 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

9. CDOT states that the existing traffic volumes using the I-25 roadway is 79,000 vehicles per day (VPD) with an estimated 11 percent heavy trucks and 8 percent combination heavy trucks using the roadway and a posted speed limit of 75 MPH with projected growth to 92,500 VPD in 5 years and 140,000 in 20 years. CDOT states there are currently approximately one train per week using the crossing at a maximum time table speed of 25 MPH with no anticipated increases or decreases known at this time.

10. CDOT estimates the cost of the project at \$6,333,400 with the cost for the project being funded through the North I-25 Express Lanes Project.

11. CDOT proposes to start construction in July 2019 and be complete by June 2020. CDOT will be required to inform the Commission in writing that construction of the new grade separated structure is complete and operational within ten days of completion. The Commission will expect this letter by June 30, 2020. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction

schedule. CDOT shall also be required to file a signed copy of the Construction and Maintenance Agreement for the project. We will expect this signed agreement to be filed in this proceeding by July 31, 2019 prior to the start of construction.

12. CDOT shall be required to file a copy of the U.S. DOT Inventory form for the new pedestrian crossing at the end of the project by June 30, 2020.

C. Conclusions

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

14. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

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

16. We find that good cause exists to grant the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Colorado Department of Transportation (CDOT) on June 13, 2019, seeking authority to demolish the existing Interstate 25 (I-25) bridge structures and replace them with widened structures over the tracks of the Union Pacific Railroad Company (UPRR) Fort Collins Subdivision, railroad milepost 18.58, National Inventory No. 804576B and an additional span to the south on each bridge structure over the future Kendall

Parkway in the City of Loveland, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of UPRR is granted.
3. The Application is granted.
4. CDOT is authorized and ordered to proceed with the demolition of the existing structures and the construction of the widened I-25 bridge structures over the tracks of the UPRR in Loveland, Colorado.
5. CDOT shall inform the Commission in writing when the new grade separated structures are complete and operational within ten days of completion. The Commission will expect this letter by June 30, 2020. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.
6. CDOT shall file a copy of the signed Construction and Maintenance Agreement with the UPRR by July 31, 2019 prior to the start of any crossing construction.
7. CDOT shall file a copy of the new U.S. DOT Inventory form for the new pedestrian crossing at the end of the project by June 30, 2020.
8. 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.
9. The Commission retains jurisdiction to enter further decisions as necessary.
10. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 31, 2019.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners