

Decision No. C19-0715

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 19A-0237R

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IN THE MATTER OF THE JOINT APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF DENVER FOR AN ORDER AUTHORIZING THE DEMOLITION OF THE EXISTING INTERSTATE 70 VIADUCT OVERPASS BRIDGE OVER BNSF TRACKS AND CONSTRUCTION OF THE REPLACEMENT INTERSTATE 70 UNDERPASS AT MILE POST 2.38 ON THE MARKET STREET LINE, AND RECONSTRUCTION OF 46TH NORTH AVENUE AND 46TH SOUTH AVENUE AT-GRADE CROSSINGS OF THE BNSF TRACKS AT MILE POST 539.08 ON THE MARKET STREET LINE.

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**COMMISSION DECISION GRANTING  
FINAL STAGE 1.1 THROUGH 1.3 PLANS**

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Mailed Date: August 29, 2019

Adopted Date: August 28, 2019

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of the approval of the Application Amendment filed jointly by the Colorado Department of Transportation (CDOT) and the City and County of Denver (Denver) (collectively Joint Applicants), on August 8, 2019, seeking approval of the final plans for Stages 1.1 through 1.3 for that portion of the Central 70 project to demolish the existing Interstate 70 (I-70) viaduct overpass bridge and construct a replacement I-70 underpass at railroad milepost 2.38 on the Market Street Line, National Inventory No. 924618R, and reconstruction of the at-grade crossing of 46th Avenue into two at-grade crossings of 46th North Avenue and 46th South Avenue of the tracks of the BNSF Railway Company (BNSF) at railroad milepost 539.08 of the Market Street Line in Denver, State of Colorado.

2. No comments were filed regarding the Amended Application for Stages 1.1 through 1.3.

3. Now being fully advised in the matter, we approve the final plans for Stages 1.1 through 1.3 for this project.

**B. Findings of Fact**

4. Stage 1.1 of this project involves a shutdown of railroad operations on the Market Street Line and removal of the existing tracks across 46th Avenue and under I-70. Construction of the new railroad bridge over the proposed new I-70 will occur and new track will be installed across the railroad bridge.

5. The new bridge structure is proposed to be a two-span structure with the new I-70 WB located under Span 1 and the new I-70 EB located under Span 2. The total length of the structure is 232'-5 1/2" from abutment to abutment. The minimum vertical clearance for each span is 17'-7 1/2". The WB span is 117'-5 1/2" and will accommodate a minimum 20' variable shoulder, a 12' tolled express lane, a 4' buffer, 3 12' travel lanes, another variable width shoulder, a variable width ramp, and an 8' shoulder. The EB span is 107'-2" and will accommodate a minimum 20' variable shoulder, a 12' tolled express lane, a 4' buffer, 3 12' travel lanes, a variable width shoulder, a variable width ramp, and a 6' shoulder. The top of the structure is 24'-10" out to out and will accommodate one track centered 11'-6" to the edge of the structure. This will provide an 8' clearance from centerline of track to the edge of walkway and provide a 2'-7" walkway on each side of the structure. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7325 and 7327 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings

6. Stage 1.2 of this project involves construction of the new 46th North Avenue at-grade crossing. The new crossing is proposed to accommodate 2 12' lanes.

7. Stage 1.3 of this project involves construction of the new 46th South Avenue at-grade crossing. The new crossing is proposed to accommodate 2 12' lanes.

8. Warning devices for the 46th North Avenue and 46th South Avenue grade crossings are proposed to be submitted for approval in a later stage of the plans.

9. CDOT is starting the Central 70 Project, which is a public-private partnership to design, build, finance, operate, and maintain planned improvements on the I-70 corridor. The Central 70 Project will reconstruct ten miles of I-70 between Brighton Boulevard and Chambers Road including the addition of one new Express Lane in each direction, removal of the aging 54-year old viaduct, lowering I-70 between Brighton and Colorado Boulevards, and construction of a 4-acre park over a portion of the lowered I-70. This design is based on a 14-year study that includes many public meetings, final approval of the study by the Federal Highway Administration, a Record of Decision for the project, and a completed environmental study process. CDOT selected a contractor to complete the improvements identified in the Final Project Agreement. Denver is a coordinating agency for the project and Joint Applicant to the instant application as Denver currently owns or will own the roadway right-of-way in the future.

10. The instant application involves the I-70 and 46th Avenue crossings with the tracks of the BNSF Market Street Line. The result of the Central 70 project at this location will close the I-70 crossing over the tracks of the BNSF, will construct a new bridge structure for the tracks of the BNSF, will move the I-70 crossing under the new BNSF bridge structure, will close the existing 46th Avenue at-grade crossing of the BNSF tracks, and will split 46th Avenue into two one-way roadways that will cross the BNSF at-grade on each side of the new lowered I-70.

11. For the project, the Joint Applicants state that there are currently approximately 4 switching train movements per day using the crossings at a maximum timetable speed of 40 miles per hour (MPH). There are currently no known anticipated increases or decreases in train traffic projected. There are currently 2,855 vehicles per day (VPD) using the 46th Avenue crossing including approximately 5 percent heavy vehicles and school buses at a posted speed limit of 35 MPH with projections to 3,400 VPD in 5 years and 4,100 VPD in 20 years. There are currently 155,800 VPD using the I-70 crossing including approximately 11 percent heavy vehicles and school buses at a posted speed limit of 55 MPH with projections to 174,400 VPD in 5 years and 212,200 VPD in 20 years.

12. There have been no reported crashes at the crossings.

13. The Joint Applicants estimate the cost of the work for the subject crossings at \$4,810,000 with all costs for these crossing projects being borne by CDOT. Necessary funds are available through private activity bonds, loan agreements, a TIFIA loan, private equity funding, and CDOT funds.

### **C. Conclusions**

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

15. No intervenor that filed a petition to intervene or other pleading contests or opposes the Amended Application for Stages 1.1 through 1.3.

16. Because the Amended Application for Stages 1.1 through 1.3 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.

17. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by approval of the Joint Applicants' final plans for Stages 1.1 through 1.3.

## II. ORDER

### A. The Commission Orders That:

1. The Application Amendment filed jointly by the Colorado Department of Transportation (CDOT) and the City and County of Denver (Denver) on August 8, 2019, seeking approval of the final plans for Stages 1.1 through 1.3 for that portion of the Central 70 project to demolish the existing Interstate 70 (I-70) viaduct overpass bridge and construct a replacement I-70 underpass at railroad milepost 2.38 on the Market Street Line, National Inventory No. 924618R, and reconstruction of the at-grade crossing of 46th Avenue into two at-grade crossings of 46th North Avenue and 46th South Avenue of the tracks of the BNSF Railway Company at railroad milepost 539.08 of the Market Street Line in Denver, State of Colorado is granted.

2. CDOT and Denver are authorized and ordered to proceed with the Stage 1.1 through Stage 1.3 activities consisting of removal of the existing tracks across 46th Avenue and under I-70, construction of the new railroad bridge over the proposed new I-70, and construction of the two new 46th North Avenue and 46th South Avenue at-grade crossings.

3. 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.

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

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 28, 2019.**

( S E A L )



ATTEST: A TRUE COPY



Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners