

Decision No. C20-0367

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15A-0617R

IN THE MATTER OF THE APPLICATION OF THE CDOT TO DEMOLISH THE EXISTING ROADWAY STRUCTURE AND PEDESTRIAN STRUCTURE AND TO CONSTRUCT A NEW REPLACEMENT ROADWAY STRUCTURE AND PEDESTRIAN STRUCTURE ON STATE HIGHWAY 82 OVER THE COLORADO RIVER AND THE TRACKS OF THE UNION PACIFIC RAILROAD, AND TO CONSTRUCT A TEMPORARY PEDESTRIAN WALKWAY, AND CONSTRUCT A TEMPORARY TRAFFIC DETOUR WHICH REQUIRES A TEMPORARY DISCONNECTION OF THE TRACKS OF THE ROARING FORK TRANSPORTATION AUTHORITY IN GLENWOOD SPRINGS, COLORADO.

**COMMISSION DECISION GRANTING MOTION
AND ALTERING DECISION NO. C15-0960**

Mailed Date: May 18, 2020

Adopted Date: May 13, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Verified Joint Motion for Partial Variance of Decision C15-0960 (Motion) filed by the Colorado Department of Transportation (CDOT) and the Roaring Fork Transportation Authority (RFTA) (collectively Joint Parties) on April 22, 2020, requesting the Commission alter Decision No. C15-0960 to remove one compliance item in the decision as a result of changing circumstances not known at the time of the original application regarding the temporary detour at the 8th Street location with the Aspen Branch wye.

2. The original application was filed on July 17, 2015 by CDOT for the Grand Avenue Bridge replacement required a traffic detour route for vehicles to use while the Grand Avenue Bridge was being demolished and rebuilt. The detour that CDOT requested involved

temporary disconnection and removal of the Aspen Branch wye tracks along the 8th Street alignment, temporary open cut along the 8th Street alignment, and construction of a temporary roadway for the detour. The temporary roadway was to be removed, the temporary open cut was to be filled in, and the tracks were to be replaced and reconnected to make the wye operational again.

B. Findings of Fact

3. Decision No. C15-0960, mailed September 4, 2015, approved the demolition of the existing grade separation bridge structure of State Highway 82 (also known as Grand Avenue), demolition of the existing pedestrian bridge structure adjacent to Grand Avenue, construction of new bridge structures for the Grand Avenue Bridge and the adjacent pedestrian bridge, construction of a temporary pedestrian walkway that was later removed, and construction of a temporary open cut traffic detour using portions of the 8th Street alignment, which required a temporary disconnection of the tracks along the RFTA Aspen Branch wye, and filling of the open cut and replacement of the tracks at the completion of the project.

4. At the time of the initial project, CDOT intended, and applied, to disconnect the tracks and create an open cut along 8th Street for a temporary detour and to put everything back as it originally was when the project was finished. This was agreed to through an agreement between CDOT and RFTA. Additionally through an agreement with CDOT and the Union Pacific Railroad (UPRR), CDOT was granted the right to use portions of the UPRR property to construct, operate, maintain, and remove the temporary detour.

5. CDOT completed the bridge structures as ordered. However, during the construction period, conversations and negotiations occurred with the City of Glenwood Springs regarding their desire to make the 8th Street temporary detour permanent. As a result of the

discussions and negotiations, the Joint Parties request that the temporary detour be allowed to remain open until such time as RFTA reactivates freight or commuter rail service.

6. As grounds for the Motion, RFTA states it currently does not need to use the west wye tracks for any type of interchange with UPRR because no rail traffic is currently running on the Aspen Branch. Both UPRR and RFTA have abandoned freight rail service over the east wye, so that the track is no longer needed. Leaving the 8th Street temporary detour open for now will substantially improve access for citizens from the west to the downtown Glenwood Springs area in terms of safety, appearance, congestion, and aesthetics.

7. Once construction of the structure is complete, CDOT will maintain the structures. UPRR will maintain their tracks, warning devices, train communications, signal wiring, and equipment. RFTA will maintain their track once the temporary traffic detour is replaced.

8. No responses were filed to the Motion.

C. Conclusions

9. Given that all of the parties involved in this matter with the addition of the City of Glenwood Springs are in agreement that the temporary detour should remain open until such time as RFTA determines to reactivate freight rail service or initiate commuter rail service, we find that good cause exists to grant the Motion to change Decision No. C15-0960 to remove the requirement that the temporary detour be filled in and the wye tracks replaced and reconnected.

II. ORDER

A. The Commission Orders That:

1. The Verified Joint Motion for Partial Variance of Decision C15-0960 filed by the Colorado Department of Transportation and the Roaring Fork Transportation Authority on

April 22, 2020, requesting the Commission alter Decision No. C15-0960 to remove one compliance item in the decision as a result of changing circumstances not known at the time of the original application regarding the temporary detour at the 8th Street location with the Aspen Branch wye is granted.

- 2. Decision No. C15-0960 is altered to remove the requirement that the temporary detour be filled in and the wye tracks replaced and reconnected.
- 3. The Commission retains jurisdiction to enter further decisions as necessary.
- 4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 13, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners