

Decision No. C20-0369

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

PROCEEDING NO. 20A-0070R

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IN THE MATTER OF THE APPLICATION OF THE E-470 AUTHORITY FOR AUTHORITY TO WIDEN TWO EXISTING HIGHWAY OVERPASS BRIDGES CROSSING OVER TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY, USDOT NO. 906-536L, IN ADAMS COUNTY, STATE OF COLORADO.

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**COMMISSION DECISION GRANTING  
REQUEST TO MODIFY FILING DEADLINES**

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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 Request to Modify Filing Deadlines (Motion) filed by the E-470 Authority (E-470) on April 28, 2020, requesting to modify filing deadlines ordered by Decision No. C20-0233, mailed April 13, 2020, due to issues caused by the current novel coronavirus pandemic (COVID-19).

2. The original Application filed by E-470 on February 26, 2020, stated construction would start by May 1, 2020 and be completed by December 31, 2020.

3. E-470 is now requesting to change the dates so that the signed Construction and Maintenance Agreement is filed with the Commission around November 1, 2020.

4. As grounds for this request, E-470 states that it has had recent discussions with the Union Pacific Railroad (UPRR) representatives regarding the Construction and Maintenance Agreement. UPRR has informed E-470 that the Construction and Maintenance Agreement may require six to nine months to complete due, in part, to recently announced furloughs for UPRR

staff as a result of the pandemic. UPRR is optimistic the process could be completed more quickly, however, they have recommended that E-470 anticipate the signed Construction and Maintenance Agreement by November 1, 2020.

5. There were no responses to the Motion.

6. The original Application was filed prior to the start of the effects of COVID-19, over which Colorado Governor Jared Polis declared a state of emergency.<sup>1</sup> In addition to the stated furloughs at UPRR necessitated by COVID-19, we recognize that effective management of the challenges presented by COVID-19, given the timing of the original Application, additionally supports the requested extension of time to file the signed Construction and Maintenance Agreement by November 1, 2020.

7. We find that good cause exists to grant the Motion consistent with the above discussion.

## II. **ORDER**

### A. **The Commission Orders That:**

1. The Request to Modify Filing Deadlines filed by the E-470 Authority (E-470) on April 28, 2020, requesting to modify filing deadlines ordered by Decision No. C20-0233, mailed April 13, 2020, due to issues caused by the current novel coronavirus pandemic (COVID-19) is granted.

2. E-470 shall provide the signed Construction and Maintenance Agreement by November 1, 2020.

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<sup>1</sup> In this instance, given the timing of the filing of the initial Application and Governor Polis' declaration of a state of emergency, we recognize this declaration on our own motion. Any future filings should continue to specify whether COVID-19 considerations, or any other pertinent circumstances, support the requested action.

- 3. The Application as amended is granted.
- 4. E-470 is authorized and ordered to proceed with the widening of E-470 Highway bridge structures over the tracks of the Union Pacific Railroad Company near Aurora, Colorado.
- 5. The remaining requirements from Decision No. C20-0233 remain in effect with the understanding that the project completion will occur after the original December 31, 2020 date contained within that Decision.
- 6. The Commission retains jurisdiction to enter further decisions as necessary.
- 7. 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

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners