

Decision No. C21-0209

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0237R

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.

**COMMISSION DECISION
GRANTING FINAL STAGE 2 PLANS**

Mailed Date: April 12, 2021
Adopted Date: April 7, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the approval of the Application Amendment (Amended Application) filed jointly by the Colorado Department of Transportation (CDOT) and the City and County of Denver (Denver) (collectively Applicants), on March 18, 2021, requesting approval of the final plans for Stage 2 of the project 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 mile post 2.38 on the Market Street Line, National Inventory No. 924618R, and installation of the new traffic signal crossing warning devices for the at-grade crossings of 46th North Avenue and 46th South Avenue of the tracks of the BNSF Railway Company (BNSF) at railroad mile post 539.08 of the Market Street Line in Denver, State of Colorado.

2. No comments were filed regarding the Amended Application for the Stage 2 final plans.

3. Now being fully advised in the matter, we approve the final plans for Stage 2 and grant the Application as amended for this project.

B. Findings of Fact

4. Stage 2 of this project includes three different sub-stages. Stage 2.1 involved moving head-to-head I-70 traffic under the north span of the BNSF bridge. Stage 2.2 includes demolition of the existing I-70 viaduct over the new railroad lead and 46th Avenue South roadway. During the demolition portion of this stage, the roadway and railroad will be closed for approximately two weeks and the final traffic signal configuration approved by Decision No. C20-0435 mailed June 11, 2020, will be installed. Stage 2.3 will shift I-70 traffic to the ultimate configuration with westbound I-70 traffic under the north span of the BNSF bridge and eastbound traffic under the south span of the bridge.

5. With these three sub-stages complete, the portion of the I-70 project involving the new BNSF bridge structure, the new bridge structure for Monroe Street, the new crossings of 46th Avenue North and 46th Avenue South, and the new traffic signals controlling the intersections and crossings will be complete.

C. Conclusions

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

7. No intervenor that filed a petition to intervene or other pleading contests or opposes the Amended Application for Stage 2.

8. Because the Amended Application for Stage 2 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 *Code of Colorado Regulations* 723-1 of the Commission's Rules of Practice and Procedure.

9. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by the granting of the Applicants' final plans for Stage 2.

II. ORDER

A. The Commission Orders That:

1. The Application Amendment filed jointly by the Colorado Department of Transportation and the City and County of Denver (collectively Applicants), on March 18, 2021, requesting approval of the final plans for Stage 2 of the project 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 mile post 2.38 on the Market Street Line, National Inventory No. 924618R, and installation of the new traffic signal crossing warning devices for the at-grade crossings of 46th North Avenue and 46th South Avenue of the tracks of the BNSF Railway Company (BNSF) at railroad mile post 539.08 of the Market Street Line in Denver, State of Colorado is granted.

2. Applicants are authorized and ordered to proceed with the Stage 2 activities consisting of shifting I-70 traffic, demolition of the existing I-70 viaduct over the new railroad lead and 46th Avenue South roadway, and shifting I-70 traffic to the ultimate configuration with westbound I-70 traffic under the north span of the BNSF bridge and eastbound traffic under the south span of the bridge.

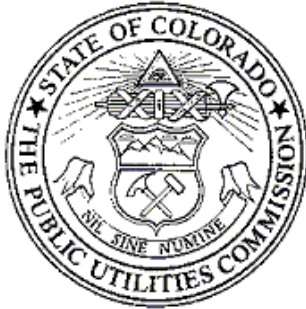
3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

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
April 7, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners