

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0129R

IN THE MATTER OF THE APPLICATION OF CITY AND COUNTY OF DENVER FOR AUTHORITY TO MODIFY THE EXISTING CROSSING TO ADD A PROTECTED BIKE LANE ON THE EXISTING ROAD UNDER THE REGIONAL TRANSPORTATION DISTRICT A-LINE OVERPASS AT GREEN VALLEY RANCH BLVD LOCATED APPROXIMATELY 500' EAST OF PENA BLVD IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COMMISSION DECISION GRANTING
MOTIONS FOR VARIANCE**

Issued Date: August 29, 2025

Adopted Date: August 20, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Unopposed Motion for Variance (“Motion 1”) filed by the City and County of Denver (“Denver”) on July 18, 2025, requesting the Commission accept the attached Right of Entry Agreement Access for Trail Construction in lieu of a signed Construction and Maintenance Agreement (“C&M Agreement”) with the Regional Transportation District (“RTD”) ordered by the Commission in Decision No. C25-0422 issued June 4, 2025.

2. This matter also comes before the Commission for consideration of a Motion for Variance (“Motion 2”) filed by the City and County of Denver (“Denver”) on July 31, 2025, requesting a variance of the requirement to file a signed C&M Agreement with RTD by providing additional information about ownership of the land at the crossing, minimum vertical clearance

between the path and bridge structure, meaning Denver will not be required to touch or interfere with the bridge structure, and stating that Denver will be solely responsible for maintaining the bike lane.

3. By Decision No. C25-0422, the Commission deemed the Application complete, granted the Application, and required Denver to file a copy of the signed C&M Agreement with RTD for this project by June 20, 2025, prior to starting work at the crossing.

4. On July 18, 2025, Denver filed its Motion 1 requesting a variance of the requirement in Decision No. C25-0442 for Denver to file a signed C&M Agreement with RTD for this project. In support of this Motion 1, Denver states the City's general contractor, Krische Construction Inc. and RTD have entered into an agreement that outlines the terms for the design, construction, operation and maintenance of the crossing, and filed a true and correct copy of the Agreement in the proceeding.

5. On July 31, 2025, Denver filed Motion 2 requesting a variance of the requirement to file a signed C&M Agreement with RTD. Motion 2 states the minimum vertical clearance between Denver's proposed bicycle path and RTD's bridge structure is 17 feet and 6 inches, and that Denver's work will not require it to touch or otherwise interfere with RTD's tracks, bridge structure, or support structures. In addition, Denver's motion states Denver will be solely responsible for maintaining its bike lane. For these reasons, Denver does not believe a C&M Agreement is necessary in this instance.

B. Conclusion

6. Motion 1 and Motion 2 state good cause to grant a variance of the requirement to file a signed C&M Agreement with RTD.

7. Now being fully advised, we grant Denver's Motions.

II. ORDER**A. The Commission Orders That:**

1. The Motions for Variance filed by the City and County of Denver on July 18, 2025 and on July 31, 2025, requesting the Commission rescind the requirement of Denver to file a signed Construction and Maintenance Agreement (C&M Agreement) with Regional Transportation District are granted.

2. The remaining compliance ordered in Decision No. C25-0422 remains as required.

3. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 20, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MEGAN M. GILMAN

TOM PLANT

Commissioners

COMMISSIONER ERIC BLANK
ABSENT