

Decision No. C25-0630

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0305R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO CONSTRUCT A BICYCLE AND PEDESTRIAN PATH UNDER THE REGIONAL TRANSPORTATION DISTRICT A-LINE OVERPASS (NO US DOT NO. EXISTS) LOCATED SOUTH OF GREEN VALLEY RANCH BLVD. AND EAST OF PENA BLVD. IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

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 Application (“Application”) filed by the City and County of Denver (“Denver”) on July 8, 2025, for an order authorizing the construction of a bicycle and pedestrian path under the Regional Transportation Districts A-Line overpass located south of Green Valley Ranch Blvd. and East of Pena Blvd. at RTD’s East Rail Line, milepost 13.73 in the City and County of Denver, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on July 10, 2025

3. On July 14, 2025, Regional Transportation District (“RTD”) filed an Entry of Appearance and Notice of Intervention as of Right in this matter. RTD states that it does not oppose the Application.

4. On July 21, 2025, Staff of the Commission sent a Deficiency Letter to Denver outlining missing information from the Application.

5. On July 28, 2025, Denver filed a supplement to the Application that cured the identified deficiencies in the Application.

6. The Commission reviewed the record in this matter and deems the Application complete within the meaning of § 40-6-109.5, C.R.S.

7. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

8. The Commission gave notice to all interested parties, including the adjacent property owners.

9. Denver requests authority for an order authorizing the construction of a bicycle and pedestrian path under the Regional Transportation Districts A-Line overpass located south of Green Valley Ranch Blvd. and East of Pena Blvd. in Denver. The path is a part of a much larger pedestrian and bicycle trail network in the Green Valley Ranch neighborhood.

10. The proposed trail will run from north-west to south-east. The design is proposed to provide a minimum of 26 feet clearance from the top of the trail concrete pavement to the bottom of the bridge structure. The trail will be 13 feet wide consisting of 10 feet wide, 6-inch-thick concrete pavement and a 3 feet wide trail section consisting of 6-inch-thick concrete fines. The minimum distance from the concrete fines side of the trail to the RTD bridge columns is 19 feet 10 3/4 inches and the minimum distance from the concrete pavement side of the trail to the

RTD bridge abutment is 22 feet 5 3/4 inches. The proposed minimum clearances meet or exceed the minimum requirements found in Rule 7327 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (“CCR”) 723-7.

11. The five-year projections of the number of pedestrians and bicycles to use the trail is 100 per day and the twenty-year projections of the number of pedestrians and bicycles to use the trail is 400 per day. Denver states there are approximately 146 commuter trains per day that use the overpass at a maximum timetable speed of 79 miles per hour (“MPH”). There are no anticipated changes in the number of trains that will use the crossings in the future.

12. Denver estimates the cost of the work to be \$173,134.19. Denver will cover the entire costs of the project.

13. Denver proposes to start the project by September 1, 2025 on approval of the Application and anticipates the work being complete by October 31, 2025. Denver and RTD have entered into the Light Rail System Master Agreement and the Metro Area Connection Light Rail System Operation and Maintenance Agreement. These agreements address the maintenance costs associated for this crossing.

14. Denver will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than October 31, 2025. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

15. RTD will be required to request a new U.S. DOT Crossing Inventory Number and complete the new US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by RTD by October 31, 2025.

C. Conclusions

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

17. No intervenor that filed a Petition to Intervene or other pleading contests or opposes the Application.

18. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 CCR 723-1.

19. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

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

1. The Application (“Application”) filed by the City and County of Denver (“Denver”) on July 8, 2025, for an order authorizing the construction of a bicycle and pedestrian path under the Regional Transportation Districts A-Line overpass located south of Green Valley Ranch Blvd. and East of Pena Blvd. at RTD’s East Rail Line, milepost 13.73 in the City and County of Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. The intervention of RTD is noted.

3. Denver is authorized and ordered to proceed with the construction of the bicycle and pedestrian path.

4. Denver is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by October 31, 2025. However, we

understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. RTD shall request a new U.S. DOT Crossing Inventory Number and complete the new US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by RTD by October 31, 2025.

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

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

8. 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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MEGAN M. GILMAN

TOM PLANT

Commissioners

COMMISSIONER ERIC BLANK
ABSENT