

Decision No. C20-0435

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 1.4 PLANS AND EXTENSION
OF TIME TO FILE STAGE 2 PLANS**

Mailed Date: June 11, 2020

Adopted Date: June 10, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the approval of the Application Amendment filed jointly by the Colorado Department of Transportation (CDOT) and the City and County of Denver (Denver) (collectively Applicants), on May 21, 2020, changing the date by which Stage 2 final plans will be filed to December 2020, and seeking approval of the final plans for Stage 1.4 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 at 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 Stage 1.4 and the proposed date change to file the Stage 2 final plans.

3. Now being fully advised in the matter, we approve the final plans for Stage 1.4 and approve the extension of time to file the Stage 2 plans to December 2020.

B. Findings of Fact

4. Stage 1.4 of this project involves installation of the track signals and reinstate railroad lead operations. As part of this stage, a temporary traffic signal is required to operate the 46th South crossing until the I-70 viaduct has been demolished. After demolition, there will be room to install the permanent traffic signal. The temporary traffic signal will operate the same way as the permanent traffic signal in terms of signal cycle and preemption cycle. There will be temporary structures installed to support the temporary signals.

5. During the scheduled nine-month shutdown of the existing rail lead operations started in Stage 1.2, the existing track was temporarily closed and removed across 46th North Avenue, 46th South Avenue, and track was installed through the new crossings and across the new bridge structure. At the end of this phase, train operations will resume.

6. The traffic signals will operate with advanced preemption at a 60 second cycle length with the train operations being controlled by the traffic signals as well. The advance preemption time for 46th North crossing is 23 seconds and the advance preempt time for the 46th South crossing is 19 seconds.

C. Conclusions

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

8. No intervenor that filed a petition to intervene or other pleading contests or opposes the Amended Application for Stage 1.4 or the change in date of filing final plans for Stage 2.

9. Because the Amended Application for Stage 1.4 and the change in date of filing of final plans for Stage 2 to December 2020 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 CCR 723-1 of the Commission's Rules of Practice and Procedure.

10. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by approval of the Joint Applicant's final plans for Stage 1.4 and to move the date for filing the Stage 2 plans to December 2020.

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 May 21, 2020, changing the date by which Stage 2 final plans will be filed to December 2020, and seeking approval of the final plans for Stage 1.4 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 at the at-grade crossings of 46th North Avenue and 46th South Avenue of the tracks of the BNSF Railway Company 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 1.4 activities consisting of demolition of the I-70 viaduct, installation of track and traffic signal warning devices and use of the temporary traffic signal during this stage.

3. Applicants request to change the date of filing of the final Stage 2 plans to December 2020 is approved.

4. 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.

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

6. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 10, 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