

Decision No. C23-0218

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17A-0739R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT AND THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO CONSTRUCT AND OPERATE AN ALTERED AT-GRADE CROSSING AT 14TH AND STOUT STREETS IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COMMISSION DECISION GRANTING
MOTION TO AMEND THE APPLICATION**

Mailed Date: March 31, 2023

Adopted Date: March 29, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for a Motion to Amend Application (Motion) filed jointly by the Regional Transportation District (RTD) and the City and County of Denver (Denver) (collective Joint Applicants) on March 1, 2023, seeking authority and approval to amend the Application approved by the Commission by Decision No. C17-1038 mailed December 14, 2017, to add additional equipment in this area at the one-way alley adjacent to the 14th Street and Stout Street, which will require changes of the existing at-grade crossing equipment at the crossing of the 14th Street alley, no current National Inventory No., in Denver, State of Colorado.

2. Now being fully advised in the matter, we grant the Motion.

B. Findings of Fact

3. The Joint Applicants want to make further changes of the equipment controlling the 14th and Stout intersection with the addition of additional blank-out signs and static signage at the alley adjacent to the 14th and Stout, which is a one-way alley northbound. There is existing “No Left Turn” blank-out signs at the alley, there have 21 accidents between 2012 and 2022 at the alley where motor vehicles have violated the one-way direction and exited the alley southbound when light rail vehicles are approaching.

4. The Joint Applicants propose to address vehicles traveling the wrong-way out of the alley by replacing the existing “No Left Turn” blank-out signs on 14th with new blank-out signs that will alternate between the R3-2 “No Left Turn” symbol and the W10-7 Light Rail Vehicle symbol. They further propose to add two new additional blank-out signs facing northbound on either side of the alley that alternate between the R5-1a “Wrong Way” symbol and the W10-7 LRV symbol. In addition to these new signs, the Joint Applicants propose additional R5-1 “Do Not Enter” static signs at the north side of the crossing. The Joint Applicants believe that the proposed additional improvements will serve to promote and safeguard the health and safety of the general public and RTD passengers by stopping vehicles from driving the wrong-way into the side of the light rail vehicle or drive in front of the light rail vehicle and be hit by the LRV.

5. The Joint Applicant’s provide Exhibit B showing how the previously approved signal phasing will be changed to include the additional blank-out sign operations and Exhibit F showing the additional signing and striping to be added highlighted in red on the exhibit. The remaining elements approved in the previous Commission Decision have been installed and are operational.

6. The phasing of the traffic signal and installed pedestrian blank-out signs and LRV signals will remain the same with the addition of the proposed new blank-out signs at the alley entrance. There are currently two blank-out signs that will be replaced with four new blank-out signs that will be activated at the same time as the existing blank-out signs.

7. The Joint Applicants estimate the cost of the additional equipment for the project at \$44,256 with costs being paid for by the Joint Applicants as shown on Exhibit D and the necessary funds available from the Joint Applicants for their respective parts of the project.

8. The Joint Applicants will get the necessary blank-out and static signs, and will get them installed per plans. Due to supply chain issues, lead time for items is longer now than previously, so the Joint Applicants should be able to complete this project within one year of the date of approval of the Motion. The Joint Applicants will be required to inform the Commission in writing that construction of the project improvements is complete and operational within ten days of completion. The Commission will expect this letter by March 31, 2024. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

9. Once the project is complete, RTD will be required to obtain a National Inventory No. for the alley crossing and file a copy of the updated National Inventory Form in this proceeding.

C. Conclusions

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

11. No intervenor that filed a petition to intervene or other pleading contests or opposes the Motion.

12. Because the Motion 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.

13. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by granting the Motion consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The Motion to Amend Application (Motion) filed jointly by the Regional Transportation District (RTD) and the City and County of Denver (Denver) (collective Joint Applicants) on March 1, 2023, seeking authority and approval to amend the Application approved by the Commission by Decision No. C17-1038 mailed December 14, 2017, to add additional equipment in this area at the one-way alley adjacent to the 14th Street and Stout Street, which will require changes of the existing at-grade crossing equipment at the crossing of the 14th Street alley, no current National Inventory No., in Denver, State of Colorado is granted.

2. The Joint Applicants shall inform the Commission in writing when the changes are complete and operational within ten days of completion. The Commission will expect this letter by March 31, 2024.

3. RTD will be required to file a copy of the updated National Inventory Form for this crossing by the end of the project on March 31, 2024

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
March 29, 2023.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners