

Decision No. C25-0347

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0113R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO ALTER THE EXISTING ALAMEDA AVENUE UNDERPASS GRADE SEPARATED CROSSINGS UNDER THE TRACKS OF THE BNSF RAILWAY COMPANY, UNION PACIFIC RAILROAD COMPANY AND REGIONAL TRANSPORTATION DISTRICT (US DOT #253027H AND #245391A) BY ADDING A NEW ELEVATED PEDESTRIAN SIDEWALK ABOVE THE ROAD SURFACE AS PART OF THE ALAMEDA UNDERPASS REHABILITATION PROJECT IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

Issued Date: May 5, 2025
Adopted Date: April 30, 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 March 17, 2025, for an order authorizing the construction of a new elevated pedestrian sidewalk above the road surface within the existing Alameda Avenue underpass grade separated crossings under the tracks of the BNSF Railway Company (“BNSF”), Union Pacific Railroad Company (“UPRR”), and Regional Transportation District (“RTD”) at BNSF railroad milepost 3.752 of the 20th St.-Pueblo Branch, National Inventory number 245391A, and at UPRR railroad milepost 3.387, Burnham Lead Subdivision, National Inventory number 253027H 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 March 21, 2025.

3. On March 24, 2025, RTD filed an Entry of Appearance and Notice of Intervention as of right in this matter. RTD states that it does not contest or oppose the Application.

4. On March 25, 2025, BNSF filed an Entry of Appearance and Notice of Intervention as matter of right. BNSF does not contest or oppose the Application.

5. On March 28, 2025, Staff of the Commission sent a Deficiency Letter to Denver outlining missing information from the Application.

6. On April 4, 2025, Denver filed a supplement to the Application that cured the identified deficiencies in the Application.

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

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

B. Findings of Fact

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

10. Denver proposes to construct a new elevated pedestrian sidewalk above the existing road surface along the north side of the Alameda Avenue underpass grade separated crossings under the tracks of BNSF (“West Bridge”) and the UPRR and RTD tracks (“East Bridge”) in Denver to improve pedestrian accessibility to the underpass and to make the crossing compliant with the Americans with Disabilities Act.

11. The proposed pedestrian sidewalk is 1251.48 feet in length running east to west. The bridge structure is proposed to provide a minimum of 12.79’ clearance from the top of the

sidewalk surface to the bottom of the bridge structure for the West Bridge and a minimum of 13.55' clearance from the top of the sidewalk surface to the bottom of the bridge structure for the East Bridge. The pedestrian sidewalk will vary between 8' and 8' 9" of walkway width and have a Type 9 guardrail 3 feet in height above the sidewalk surface and a handrail. 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.

12. Denver states there are approximately 11 through trains per day that use the West Bridge at a maximum timetable speed of 30 miles per hour ("MPH") and that for the East Bridge there is one freight train per week at a maximum timetable speed of 10 MPH and 117 light rail trains with a maximum speed of 55 MPH. There are no anticipated changes in the number of trains that will use the crossings in the future.

13. Denver estimates the cost of the work to be \$99,835.00. Denver will cover 100 per cent of the costs for the project.

14. Denver proposes to start the project in May 2025 and anticipates the work being complete by March 2026. Denver will be required to provide a copy of the signed Construction and Maintenance Agreement with BNSF for this project by May 31, 2025, prior to starting construction on this project.

15. 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 March 31, 2026. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

16. BNSF will be required to update the US DOT Crossing Inventory Form for the West Bridge and UPRR and RTD will be required to update the US DOT Crossing Inventory Form for the East Bridge in this proceeding by March 31, 2026.

C. Conclusions

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

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

19. 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.

20. 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 March 17, 2025, for an order authorizing the construction of a new elevated pedestrian sidewalk above the road surface within the existing Alameda Avenue underpass grade separated crossings under the tracks of the BNSF Railway Company (“BNSF”), Union Pacific Railroad Company (“UPRR”), and Regional Transportation District (“RTD”) at BNSF railroad milepost 3.752 of the 20th St.-Pueblo Branch, National Inventory number 245391A, and at UPRR railroad milepost 3.387, Burnham Lead Subdivision, National Inventory number 253027H 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. The intervention of BNSF is noted.
4. Denver is authorized and ordered to proceed with the construction of a new elevated pedestrian sidewalk above the road surface within the existing Alameda Avenue underpass grade separated crossings at BNSF railroad milepost 3.752, 20th St.-Pueblo Branch, and at UPRR railroad milepost 3.387, Burnham Lead Subdivision, in the City and County of Denver, Colorado.
5. Denver shall file a copy of the signed Construction and Maintenance Agreement with BNSF for this project by May 31, 2025, prior to starting work at the crossing.
6. 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 March 31, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.
7. BNSF shall update the U.S. DOT Crossing Inventory Form for the crossing at BNSF railroad milepost 3.752, 20th St.-Pueblo Branch/UPRR at railroad milepost 3.387, Burnham Lead Subdivision, and RTD will be required to update the U.S. DOT Crossing Inventory Form for their bridge structure. These forms will need to be filed in this proceeding by BNSF/UPRR and RTD by March 31, 2026.
8. 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.

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

10. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 30, 2025.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners