

Decision No. C03-0068

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97A-433R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER, DEPARTMENT OF PUBLIC WORKS, CITY ENGINEER'S OFFICE, FOR AUTHORITY TO REMOVE AND REPLACE TWO EXISTING GRADE SEPARATION STRUCTURES CARRYING THE SPEER BOULEVARD ROADWAY OVER THE SOUTH PLATTE RIVER AND RAILROAD TRACKS OWNED BY THE REGIONAL TRANSPORTATION DISTRICT, AND FOR A VARIANCE TO THE COMMISSION'S CLEARANCE RULES, LOCATED IN DENVER, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: January 17, 2003
Adopted Date: January 15, 2003

I. BY THE COMMISSION

A. Statement

1. On September 26, 1997, the City and County of Denver, (Denver) filed this application requesting authority to replace the existing highway/railroad grade separation structure that carries Speer Boulevard over the South Platte River and the tracks of the Regional Transportation District (RTD) in Denver, Colorado.

2. On October 28, 1997, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of this application together with a copy of the application, to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed October 28, 1997.

4. On November 25, 1997, the RTD filed its Entry of Appearance and Notice of Intervention.

5. On October 24, 2002, Denver, through its Assistant City Attorney informed the Commission that on March 7, 2002, Denver acquired the property and tracks under the Speer Avenue overpass from RTD.

6. No protests, objections, or petitions to intervene in opposition were filed in this application. This application is noncontested and unopposed.

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

8. The Commission has reviewed the record in this matter and deems that the application is now complete within the meaning of § 40-6-109.5, C.R.S.

9. The Commission will determine this matter upon the record, without a formal oral hearing under § 40-6-109(5), C.R.S., and Commission Rule of Practice and Procedure No. 24, 4 CCR 723-1, because the application is noncontested.

B. FINDINGS OF FACT

10. Notice of the proposed construction of the highway/railroad grade separation structure has been given by the Commission to all interested parties, including adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

11. Denver proposes to replace the existing highway/railroad grade separation structure of Speer Boulevard over tracks and right of way formerly owned by RTD, now owned

by Denver, (which are used by the Platte Valley Historic Trolley), with a new structure at the same location in Denver, Colorado.

12. The Speer Boulevard bridge structures were constructed in 1957. The structures are approximately 398 feet long and have 4 traffic lanes in each direction. The new structures will be 408 feet long and also will allow 4 traffic lanes in each direction.

13. The Commission requirement for vertical clearance is 22'-6". The new structures will be 20'11", which exceeds the Platte Valley Historic Trolley requirement of 16' and is therefore acceptable.

14. Average daily traffic (ADT) on Speer Boulevard at the project area is currently about 53,500 vehicles per day with a projected ADT of 59,000 in the year 2015.

15. This project is being funded by Denver. The estimated cost of the project including the bridge replacement is \$15,800,000.

16. Maintenance of the new highway/railroad grade separation structure will be the responsibility of Denver as will the maintenance of the roadbed, tracks, and appurtenances underneath the new structure.

17. The trackage that runs beneath the Speer Avenue separation structure is no longer connected to the interstate system of railroad trackage, therefore no railroad operation will occur under the structure.

18. All exhibits, specifications and plans are complete, accurate and meet Commission requirements.

19. The public safety, convenience and necessity requires, and will be served, by the granting of this application as hereinafter ordered.

C. CONCLUSIONS ON FINDINGS OF FACT

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

21. No intervenor who filed a petition to intervene or other pleading contested or opposed the application. The application is noncontested and unopposed.

22. The Commission will determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Commission Rule of Practice and Procedure No. 24, 4 CCR 723-1.

23. The public safety, convenience and necessity requires, and will be served by the granting of this application.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. The City and County of Denver, is authorized to replace the existing highway/railroad grade separation structure that carries Speer Boulevard over the tracks now owned by the City and County of Denver, in Denver, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits submitted and approved in this application.

3. The total actual cost of labor and material required for the highway/railroad grade separation structure authorized in ordering paragraph No. 1 above, shall be paid by the City and County of Denver.

4. Maintenance of the completed grade-separation structure shall be the responsibility of the City and County of Denver, Colorado.

5. The Commission retains jurisdiction to make further orders as required in this matter.

6. This Order is effective on the date that it is mailed.

**B. ADOPTED IN COMMISSIONERS WEEKLY MEETING
JANUARY 15, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN RAYMOND L. GIFFORD
ABSENT.