

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97A-598R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE CITY OF COLORADO SPRINGS, FOR THE AUTHORITY TO CONSTRUCT A 10-SPAN PEDESTRIAN BRIDGE OVER INTERSTATE 25 AND OVER THE UNION PACIFIC RAILROAD COMPANY TRACKS, AT RAILROAD MILE POST WC 74.03 AD, MORE OR LESS, LOCATED IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

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

I. BY THE COMMISSION:

A. Statement

1. On December 1, 1997, the Colorado Department of Transportation (CDOT) and the City of Colorado Springs, Colorado (Colorado Springs), filed this application requesting authority to replace the existing pedestrian overpass separation structures at railroad milepost 74.01 with a new pedestrian structure over Interstate Highway 25 and the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 74.03, located in the City of Colorado Springs, El Paso County, Colorado.

2. On December 17, 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 December 17, 1997.

4. On January 12, 1998, UPRR filed its Entry of Appearance and Notice of Intervention.

5. Received by the Commission as a late-filed exhibit on July 16, 1998, is a copy of the fully executed Contract dated July 13, 1998, by and between CDOT, Colorado Springs, and UPRR, providing for construction, operation and maintenance of the pedestrian grade separation structure No. I-17-LV of over Interstate Highway 25 and the tracks of UPRR located in the City of Colorado Springs, El Paso County, Colorado.

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

7. CDOT and Colorado Springs have waived the time limits set forth in § 40-6-109.5, Section (1) and (2), C.R.S. for this application.

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

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

B. FINDINGS OF FACT

11. Notice of the proposed construction of the pedestrian 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.

12. CDOT is improving a portion of Interstate Highway 25 located in the City of Colorado Springs, El Paso County, Colorado. By this application CDOT and Colorado Springs proposes to replace the existing pedestrian grade separation structure over I-25 and the mainline and siding tracks of the UPRR at railroad milepost 74.01, with one new 10-span separation structure at railroad milepost 74.03.

13. The new pedestrian structure (Structure No. I-17-LV) will have 10 spans with a total length of 899'-3". The minimum vertical clearance from the top of rail to the bottom of the structure will be 23'-0" inches which exceeds the Commission requirement of 22'-6". Horizontal clearance from the center line of the mainline track to the face of retaining wall will be 49'-4" which exceeds the Commission's requirement of 8'-6". The structure will be 12 feet wide, out to out. Wire mesh fence will be attached to the outside of the bridge truss on both sides to prevent debris from falling onto the UPRR tracks.

14. Average daily traffic on I-25 at the project area was 102,677 in 1997 and is projected to be about 131,588 vehicles per day in 2015.

15. There are approximately 35 trains per day at this location with a maximum timetable speed of 45 mph.

16. This project is being funded under Title 23, U.S.C. and therefore is exempt from the provisions of § 40-4-106(3)(b), C.R.S. The estimated cost of the grade separation structure including removal of the existing structures is \$1,500,000.

17. Maintenance of the new pedestrian grade separation structure will be the responsibility of CDOT, Colorado Springs, and UPRR in accordance with the Contract by and between the CDOT, Colorado Springs, and UPRR dated July 13, 1998. Under the terms of this Contract, UPRR will continue to maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the new structure, CDOT will maintain the structure including the embankment, piers, slope paving, abutments, substructure, superstructure, and fencing, and Colorado Springs will provide snow removal.

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.

20. CONCLUSIONS ON FINDINGS OF FACT

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

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

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

24. 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 Colorado Department of Transportation and the City of Colorado Springs, Colorado are authorized to construct, operate and maintain a pedestrian grade separation structure over Interstate Highway 25 and the mainline and siding tracks of the Union Pacific Railroad Company at railroad milepost 74.03, in the City of Colorado Springs, El Paso County, Colorado.

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

3. The total actual cost of labor and material required for the pedestrian grade separation structure authorized in ordering paragraph No. 1 above, shall be paid in accordance with the Contract, dated July 13, 1998, by and between the Colorado Department of Transportation, the City of Colorado Springs, Colorado, and the Union Pacific Railroad Company.

4. Maintenance of the completed grade-separation structure shall be in accordance with the Contract, dated July 13, 1998, by and between the Colorado Department of Transportation, the City of Colorado Springs, Colorado, and the Union Pacific Railroad Company.

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

6. This Order is effective on its Mailed Date.

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

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

G/RAI/APPS/97A-598R/DECISION

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN RAYMOND L. GIFFORD
ABSENT.