

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97A-232R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO PERFORM BRIDGE REPLACEMENT WORK ON A STRUCTURE OVER THE DENVER ROCK ISLAND RAILROAD TRACKS, AND FOR A VARIANCE OF THE VERTICAL CLEARANCE OVER THE RAILROAD TRACKS, AT RAILROAD REFERENCE POINT 0003.78, MORE OR LESS, ON STATE HIGHWAY 265, LOCATED IN ADAMS COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: February 7, 2003
Adopted Date: February 5, 2003

I. BY THE COMMISSION

A. Statement

1. On May 23, 1997, the Colorado Department of Transportation (CDOT), filed this application requesting authority to replace the existing highway/railroad grade separation structure that carries SH 265 over the tracks of the Denver Rock Island Railroad (DRIR) at railroad milepost 0003.78 in Adams County, Colorado. A request is also made for a variance from standard for the vertical clearance.

2. On June 10, 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 June 10, 1997.

4. On June 13, 1997, CDOT filed its Entry of Appearance and Notice of Intervention.

5. On June 20, 1997, the DRIR filed its Entry of Appearance and Notice of Intervention.

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

9. The Commission has reviewed the record in this matter and deems that the application is complete within the meaning of § 40-6-109.5, 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 Rule of Practice and Procedure No. 24, 4 CCR 723-I, because the application is noncontested.

B. FINDINGS OF FACT

11. 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 and DRIR. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

12. CDOT proposes to replace the existing highway/railroad grade separation structure of SH 265 with a new structure over tracks of the DRIRR at railroad milepost 0003.78, in Adams County, Colorado.

13. CDOT also requests a variance for the vertical clearance over the DRIR railroad. The vertical clearance from the top of rail of the existing SH 265 bridge structure is approximately 20.11 feet. The vertical clearance from top of rail for the new structure will be 21.06 feet which is less than minimum clearance of 22.5 feet. The variance is required to facilitate the vertical alignment of SH 265 with another existing structure that carries SH 265 over the Union Pacific Railroad Company tracks immediately south of DRIR tracks. Just east of the SH 265 structure the DRIR tracks cross under the Burlington Northern and Santa Fe Railway Company mainline tracks which also has a reduced verticle clearance.

14. Average daily traffic on SH 265 at the project area is currently about 6,588 vehicles per day with a projected increase to 9,028 in the year 2012. Total train movements through the project area are 4 per day.

15. This project is being funded by CDOT. The estimated cost of the project including the bridge replacement is \$390,000.

16. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the CDOT including the embankment, piers, slope paving, abutments, substructure, and superstructure.

17. DRIR will continue to maintain its roadbed, tracks, and appurtenances underneath the new 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.

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 Rule 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 is ordered and directed to replace the existing highway/railroad grade separation structure that carries SH 265 over the tracks of the Denver Rock Island Railroad at railroad milepost 0003.78 in Adams County, 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 Colorado Department of Transportation.

4. The Colorado Department of Transportation shall maintain the new highway/railroad grade separation structure including the embankment, piers, slope paving, abutments, substructure, and superstructure.

5. The Denver Rock Island Railroad shall continue to maintain its roadbed, tracks, and appurtenances underneath the new structure.

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

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

**B. ADOPTED IN COMMISSIONERS WEEKLY MEETING
FEBRUARY 5, 2003**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners