

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 97A-532R

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IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT, FOR AUTHORITY TO MODIFY AND CONSTRUCT FREIGHT RAIL AND LIGHT RAIL TRACKS AT THE INTERSECTION OF US INTERSTATE 25 AND BROADWAY STREET, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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

**I. BY THE COMMISSION:**

**A. Statement**

1. On October 29, 1997, The Regional Transportation District (RTD) filed this application requesting authority to modify and construct freight rail and light rail tracks under the highway/railroad grade separation of Interstate 25 (I-25) at the intersection of Broadway Street in the City and County of Denver.

2. On November 25, 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 the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed on November 25, 1997.

4. On December 2, 1997, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On December 3, 1997, The Burlington Northern and Santa Fe Railway Company (BNSF) filed its Entry of Appearance and Notice of Intervention.

6. On December 5, 1997, the Union Pacific Railroad Company (UPRR) filed its Entry of Appearance and Notice of Intervention.

7. On December 11, 1997, the City and County of Denver (Denver) filed its Entry of Appearance and Notice of Intervention.

8. Received by the Commission as a late filed exhibit on March 4, 2003 is a copy of the fully executed Agreement dated October 15, 1997, by and between RTD and BNSF pertaining to the railroad relocation.

9. Received by the Commission as a late filed exhibit on March 4, 2003 is a copy of the fully executed Agreement dated October 10, 1997, by and between RTD and UPRR pertaining to the railroad relocation.

10. No intervention was received in opposition to this application. The application is non-contested and unopposed.

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

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

13. The Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rule of Practice and Procedure, 4 Code of Colorado Regulations (CCR) 723-1, because the application is non-contested and unopposed and the applicant did not request a public hearing.

**B. Findings of Fact**

14. RTD is planning to construct the Southwest Corridor Light Rail Project. This application concerns alteration, reconstruction and reconfiguration of the tracks under the existing grade separated crossing of I-25 at Broadway Street.

15. The I-25 currently crosses over Broadway Street, the north and southbound light rail tracks, the southbound freight rail tracks of the UPRR, and the northbound freight rail tracks of BNSF.

16. The purpose of this application is to obtain Commission approval of the proposed modification and relocation of the BNSF northbound freight rail tracks, the UPRR southbound freight rail tracks, the Burnham lead freight rail track and to allow for a future third freight rail track on the west side of the I-25 grade separated crossing.

17. The north and southbound light rail tracks will remain in their present location on the east side of the I-25 grade separated crossing.

18. Notice of the proposed modification and construction of the railroad tracks and facilities has been given by the Commission to all interested parties, including the adjacent property owners.

19. No intervention was received in opposition to this application. The application is non-contested and unopposed.

20. Average daily vehicular traffic (ADT) at the point of crossing for I-25 and Broadway is 130,600 vehicles per day with allowable traffic speed of 55 mph. .

21. The average daily light rail count at the crossing is 172 movements at a maximum speed of 55 mph. The average daily train count on the BNSF northbound track is 30 with a speed of 40 mph. The average daily train count on UPRR southbound track is 20 with a speed of 40 mph.

22. The cost of the alteration, reconstruction and reconfiguration of the tracks under the existing grade separated crossing of I-25 at Broadway Street will be paid in accordance with the agreements by and between RTD and BNSF and RTD and UPRR.

23. RTD will maintain its light rail tracks and facilities under the I-25 grade separation structure at Broadway Street.

24. BNSF and UPRR will each maintenance their own tracks and facilities under the I-25 grade separation structure at Broadway Street.

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

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

**C. Conclusions On Findings Of Fact**

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

28. No intervention was received in opposition to this application. The application is non-contested and unopposed.

29. The Commission will determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rule of Practice and Procedure, 4 CCR 723-1.

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

**II. ORDER:**

**A. The Commission Orders That:**

1. The Regional Transportation District is authorized to modify and construct freight rail and light rail tracks under the highway grade separation at the intersection of Interstate 25 at Broadway Street in the City and County of Denver, Colorado.

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

3. The construction approved in ordering paragraph No. 1 above and the maintenance thereof shall be in accordance with the Agreement, dated October 15, 1997, by and between the Regional Transportation District and The Burlington Northern and Santa Fe Railway Company.

4. The construction approved in ordering paragraph No. 1 above and the maintenance thereof shall also be in accordance with the Agreement, dated October 10, 1997, by and between the Regional Transportation District 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' WEEKLEY MEETING  
MARCH 5, 2003**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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Commissioners