

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

DOCKET NO. 98A-329R

---

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR  
AUTHORITY TO CONSTRUCT ONE AT-GRADE PEDESTRIAN CROSSING ALONG THE WEST  
SIDE OF DECATUR STREET OF THE RAILROAD LINE OWNED BY THE REGIONAL  
TRANSPORTATION DISTRICT KNOWN AS THE PLATTE VALLEY TROLLEY LINE.

---

**COMMISSION ORDER GRANTING APPLICATION**

---

---

Mailed Date: June 30, 2003  
Adopted Date: April 23, 2003

**I. BY THE COMMISSION:**

**A. Statement**

1. On July 15, 1998, The City and County of Denver (Denver), filed this application for authority to construct a pedestrian-bicycle sidewalk across the tracks and right-of-way of the Regional Transportation District (RTD), along the west side of Decatur Street connecting the walkways at Howard Place and the Lakewood Gulch Bike and Pedestrian Trail in Rude Park.

2. The Commission gave notice of the 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. The Notice was mailed July 23, 1998.

3. On July 23, 1998, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On August 17, 1998, RTD filed its Entry of Appearance and Notice of Intervention in opposition to the application, which was subsequently withdrawn.

5. 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.

6. 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 Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, because the application is noncontested and unopposed.

**B. Findings of Fact**

7. The City and County of Denver is constructing an at-grade pedestrian crossing. This project consists of the construction of an at-grade crossing across the track of the RTD on the west side of Decatur Street. This walkway would connect walkways at Howard Place and the Lakewood Gulch Bike and Pedestrian Trail in Rude Park.

8. The track is used exclusively by the Platte Valley Trolley. During the operating season, the Trolley runs every 30 minutes at a speed of 10-15 mph. The estimated pedestrian and bicycle traffic is 50–100 crossing per day

9. No train activated safety devices will be needed and the cross buck warning signs and the advance warning signs will conform to the Manual of Uniform Traffic Control Devices.

10. The purpose of this application is to secure Commission approval to construct the pedestrian-bicycle sidewalk across the single track of RTD.

11. Notice of the proposed grade crossing has been given by the Commission to all interested parties, including the adjacent property owners. One intervenor who filed a petition to intervene opposed the application and subsequently withdrew the intervention reserving the right to request the matter be reopened.

12. Funding for the entire project will be paid for by the City and County of Denver.

13. Maintenance of the pedestrian-bicycle crossing including the crossing surfaces, approaches, and warning signs will be the responsibility of the City and County of Denver.

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

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

**C. Conclusions On Findings Of Fact**

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

17. One intervenor who filed a petition to intervene opposed the application but subsequently withdrew the opposition. The application is now noncontested and unopposed.

18. 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.

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

**II. ORDER:**

**A. The Commission Orders That:**

20. The City and County of Denver, is authorized to construct a pedestrian-bicycle sidewalk across the tracks and right-of-way of the Regional Transportation District (RTD), along the west side of Decatur Street connecting the walkways at Howard Place and the Lakewood Gulch Bike and Pedestrian Trail in Rude Park.

1. The construction authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted with the application, which are hereby approved.

2. The construction, operation, and maintenance of the pedestrian-bicycle sidewalk crossing shall be the responsibility of The City and County of Denver.

3. The Commission retains jurisdiction to enter further required orders.
4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
APRIL 23, 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

POLLY PAGE

JIM DYER

Commissioners