

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00A-151R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR THE AUTHORITY TO REMOVE AND REPLACE THE NORTHBOUND AND SOUTHBOUND GRADE SEPARATION STRUCTURES WITH ONE SINGLE SPAN STRUCTURE, AT STATE HIGHWAY 2 (COLORADO BOULEVARD) AND SMITH ROAD, ALL OVER THE UNION PACIFIC RAILROAD MILEPOST 636.61, MORE OR LESS, NATIONAL INVENTORY ID NO. 804-627J, IN THE CITY AND COUNTY OF DENVER, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: August 12, 2003

Adopted Date: August 8, 2003

I. BY THE COMMISSION:

A. Statement

1. On March 20, 2000, the Colorado Department of Transportation (CDOT) filed this application requesting authority to replace the existing highway/railroad grade separation structures (No. E-17-S & No. E-17-AX) that carries State Highway 2 (Colorado Boulevard) over Smith Road and the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 636.61, National Inventory ID No. 804-627J, in the City and County of Denver, Colorado.

2. On March 22, 2000, 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 March 22, 2000.

4. On March 28, 2000, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On March 30, 2000, the UPRR filed its Entry of Appearance and Notice of Intervention.

6. On April 4, 2000, the City and County of Denver, Colorado (Denver) filed its Entry of Appearance and Notice of Intervention.

7. Received by the Commission as a late-filed exhibit on November 8, 2000, is a copy of the fully executed Agreement dated October 30, 2000, by and between CDOT and UPRR, providing for construction, operation and maintenance of the highway/railroad grade separation structure (No. E-17-XX) of SH 2 over Smith Road and the tracks of UPRR located in the City and County of Denver, Colorado.

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

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

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

11. The Commission has reviewed the file and deems the application to be complete within the meaning of § 40-6-109.5 (3), C.R.S.

12. 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

13. 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.

14. CDOT is improving a portion of SH 2 located, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade separation structures (No. E-17-S & No. E-17-AX) that carry SH 2 over Smith Road and the mainline tracks of the UPRR at railroad milepost 636.61, National Inventory ID No. 804-627J with a new structure (No. E-17-XX) located at railroad milepost 636.61, in Denver.

15. The new structure will be a single span structure approximately 159'-6" in length. The minimum vertical clearance from top of rail to the bottom of the structure is 23'-6" which exceeds the Commission's minimum requirement of 22'- 6". The overall width of the structure is 103'- 0" to provide for three 11'- 0" travel lanes in each direction with a 14' -0" raised median, a type 7 bridge rails, a 5'- 0" pedestrian walk with bridge rails and chain link fence on each side of the structure.

16. Average daily traffic on SH 2 at the project area in 1996 was 46,800 vehicles per day and is projected to be 54,400 vehicles per day in 2017. There are approximately 5 freight train movements each day with maximum speeds of 40 mph.

17. The estimated cost of the grade separation structure including removal of the existing structure is \$6,730,000. Construction will consist of: piers, retaining walls, superstructure, lighting, fences, and communications relocations.

18. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the CDOT and UPRR in accordance with the agreement by and between CDOT and UPRR dated October 30, 2000. Under the terms of this agreement, UPRR will continue to maintain its roadbed, train communication and signal lines, tracks, and appurtenances. CDOT will maintain the overpass structure including the deck, bridge rail, substructure abutments, approach slabs, and drainage system.

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

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

C. 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 require, and will be served by the granting of this application.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. The Colorado Department of Transportation is authorized to construct, operate and maintain a highway/railroad grade separation structure to carry State Highway 2 over Smith Road and the mainline tracks of the Union Pacific Railroad Company at railroad milepost 636.61, National Inventory ID No. 804-627J, 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 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 in accordance with the Agreement by and between the Colorado Department of Transportation and the Union Pacific Railroad Company dated October 30, 2000.

4. Maintenance of the completed grade separation structure shall be in accordance with the Agreement, dated October 30, 2000, by and between the Colorado Department of Transportation 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
AUGUST 8, 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