

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-181R

IN THE MATTER OF THE APPLICATION OF THE CITY OF NORTHGLENN, COLORADO
FOR AUTHORITY TO CONSTRUCT A PEDESTRIAN/BICYCLE UNDERPASS THROUGH
THE UNION PACIFIC RAILWAY EMBANKMENT IN NORTHGLENN, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: September 19, 2003

Adopted Date: September 10, 2003

I. BY THE COMMISSION:

A. Statement

1. On December 11, 2002, the City of Northglenn (Northglenn), Colorado, filed an application for authority to construct a pedestrian-bicycle underpass under the industrial lead track of the Union Pacific Railroad Company (UPRR), south of East 112th Avenue at milepost 6.44, in the City of Northglenn, Adams County, Colorado.

2. On May 13, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. 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 May 13, 2003.

4. On May 29, 2003 the UPRR filed its Entry of Appearance and Notice of Intervention.

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 *Colorado Code of Regulations* (CCR) 723-1, because the application is noncontested, and the Applicant did not request a public hearing.

B. Findings of Fact

7. Northglenn is constructing a pedestrian-bicycle trail along Grange Hall Creek within the City of Northglenn.

8. The purpose of this application is to secure Commission approval to construct the pedestrian-bicycle trail under the existing UPRR tracks at railroad milepost 6.44. The UPRR trackage in the vicinity of the proposed underpass is on a high fill. The project consists of the construction of a 10' x 10' pre-cast box culvert, approximately 54' long. Wing walls and Head walls at both ends of the culvert, lighting for safety and security and grading to accommodate construction of a concrete trail at both approaches to the culvert.

9. Notice of the proposed trail underpass has been given by the Commission to all interested parties, including the adjacent property owners and the UPRR. No intervention was received in opposition to this application.

10. The construction cost for the project is approximately \$498,000.00. Funding for the entire project will be paid for by Northglenn.

11. Maintenance of the pedestrian-bicycle trail and approaches will be the responsibility of Northglenn.

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

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

C. Conclusions

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

15. No intervention was received in opposition to this application. The application is noncontested and unopposed.

16. 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 Rules of Practice and Procedure, 4 CCR 723-1.

17. 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 City of Northglenn, Colorado, is authorized to construct a pedestrian-bicycle underpass under the industrial lead track of the Union Pacific Railroad Company, south of East 112th Avenue at railroad milepost 6.44, in the City of Northglenn, Adams County, Colorado.

2. 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.

3. The construction, operation, and maintenance of the pedestrian-bicycle trail shall be the responsibility of the City of Northglenn, Colorado.

4. The Union Pacific Railroad Company shall continue to maintain its railroad track and facilities.

5. The Commission retains jurisdiction to enter further required orders.

- B. This Order is effective on its Mailed Date.
- C. ADOPTED IN COMMISSIONERS' WEEKLEY MEETING
SEPTEMBER 10, 2003

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

POLLY PAGE

JIM DYER

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.