

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

DOCKET NO. 01A-509R

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IN THE MATTER OF THE APPLICATION OF THE E-470 PUBLIC HIGHWAY AUTHORITY, 22470 EAST 6<sup>TH</sup> PARKWAY, SUITE 100, AURORA, COLORADO 80018; FOR AUTHORITY TO CONSTRUCT THE E-470 PUBLIC HIGHWAY AS A GRADE SEPARATION AT THE CROSSING OF THE ROADWAY WITH THE UNION PACIFIC RAILROAD COMPANY; IN ADAMS COUNTY, STATE OF COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: September 24, 2003

Adopted Date: September 10, 2003

**I. BY THE COMMISSION:**

**A. Statement**

1. On October 24, 2001, E-470 Public Highway Authority (E-470) filed this application requesting authority to construct the new roadway as a new railroad grade separation underpass, at the crossing of the Union Pacific Railroad Company (UPRR) west of Colorado Boulevard near 120<sup>th</sup> Avenue in Adams County, State of Colorado.

2. On November 6, 2001, 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 6, 2001.

4. On November 19, 2001, UPRR filed its Entry of Appearance and Notice of Intervention.

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

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

7. 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.

8. 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 non-contested and unopposed and the applicant did not request a public hearing.

**B. Findings of Fact**

9. The E-470 Public Highway is the eastern segment of a planned circumferential beltway around the Denver Metropolitan area. E-470 is a tollway (freeway generally built to interstate highway standards) approximately 48 miles long, extending from a connection with I-25 south at C-470 to a connection with I-25 north at 158<sup>th</sup> Avenue. As planned, E-470 will be constructed in stages to an ultimate eight-lane controlled access tollway with potential for light rail or other High Occupancy Vehicle use in the median. The first three segments of E-470, from the connection with I-25 South at C-470 east and north to 120<sup>th</sup> Avenue, are complete and open to traffic. The current project, Segment IV, begins at 120<sup>th</sup> Avenue and extends west and north to I-25 North in the vicinity of 156<sup>th</sup> Avenue. Segment IV includes grade separated crossings of three railroad lines, an overpass of the Burlington Northern and Santa Fe Railway Company mainline

track, an overpass of the UPRR mainline track, and a underpass of the UPRR industrial lead track.

10. The purpose of this application is to obtain Commission approval for the new railroad/highway grade separation structure to carry the industrial lead track of the UPRR over E-470 at railroad milepost 12.83, located west of Colorado Boulevard, in Adams County, Colorado.

11. The traffic on E-470 in 2003 is estimated to be 10,200 vehicles per day with a speed limit of 70 mph. Presently no trains are operated on this segment of the line.

12. Maintenance of the railroad/highway grade separation structure, including the through-girder bridge foundations, piers, abutments, and superstructure to the bottom of the ballast on the bridge, will be the responsibility of E-470 Public Highway Authority. Maintenance of the ballast, ties, and rails on the bridge, railroad grades off the bridge, and railroad operating facilities will continue to be the responsibility of UPRR.

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

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

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) & (3)(a), C.R.S.

17. No intervention was received in opposition to this application. The application is non-contested 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 Rules of Practice and Procedure, 4CCR 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:**

1. E-470 Public Highway Authority is authorized to construct a railroad/highway grade separation structure west of Colorado Boulevard, a new roadway, under the tracks of the Union Pacific Railroad Company, in Adams County, Colorado. All work done shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

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

21. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLEY MEETING  
SEPTEMBER 10, 2003**

(SEAL)



ATTEST: A TRUE COPY

**Bruce N. Smith**  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**POLLY PAGE**

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**JIM DYER**

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Commissioners

CHAIRMAN GREGORY E. SOPKIN  
ABSENT.