

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-388R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO DEMOLISH A RUNWAY OVERPASS OVER THE TRACKS OF THE UNION PACIFIC RAILROAD COMPANY, LOCATED IN THE SW ¼ SECTION 22, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M. AT RAILROAD MILEPOST 633.38, AND TO DEMOLISH A TAXIWAY OVERPASS OVER THE TRACKS OF THE UNION PACIFIC RAILROAD COMPANY LOCATED IN THE SW ¼, SECTION 22, T.3 S, R.67 W, OF THE 6TH P.M. BETWEEN RAILROAD MILEPOSTS 633.0 AND 633.38, BOTH IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO (DOT NO. 804 640X)

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: October 9, 2003
Adopted Date: October 8, 2003

I. BY THE COMMISSION

A. Statement

1. On September 4, 2003, the City and County of Denver (Denver) filed this application for authority to demolish a runway structure and a taxiway structure formerly used at the Stapleton International Airport (SIA) facility, which cross over the tracks and right-of-way of the Union Pacific Railroad Company (UPRR).

2. 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 September 9, 2003.

3. On September 9, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On September 11, 2003, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On September 15, 2003, the UPRR filed its Entry of Appearance and Notice of Intervention

6. On September 19, 2003 Forest City Stapleton filed its Entry of Appearance and Notice of Intervention

7. Received by the Commission, on September 19, 2003, as a late filed exhibit, is a copy of the fully executed Demolition Agreement by and between Denver and the UPRR dated June 2, 2003.

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

9. 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.

10. 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-I, because the application is noncontested and unopposed.

B. Findings of Fact

11. Notice of the proposed demolition 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 apposed the application.

12. Denver was granted several licenses by UPRR allowing the construction of the Structures on the portion of the mainline that passed through SIA. The licenses also provided that when the Structures no longer were needed for aviation purposes, Denver would restore the premises “to such extent and in such manner as shall render the premises reasonably available for subsequent industrial development or general railroad purposes”.

13. By this application Denver wishes to demolish a north-south runway overpass in the Southwest Quarter of Section Twenty-two, Township Three South, Range Sixty-seven West of the Sixth Principal Meridian at approximately railroad Milepost 633.38, and secondly to demolish a parallel north-south taxiway at approximately railroad Milepost 633.00.

14. The north-south runway overpass structure was approved by the Commission in Decision No. 54364, Application No. 17734, filed April 21, 1960.

15. The parallel north-south taxiway overpass structure was approved by the Commission in Decision No. 81215, Application No. 25898, filed July 6, 1972.

16. A third overpass structure, an air-cargo bridge, which was approved by the Commission in Decision No. C85-1162, Application No. 37099, filed June 25, 1985, is still being used by Denver and is not the subject of this application.

17. UPRR currently operates 10 trains per day through the project area with a timetable speed of 40 mile per hour. No increase or decrease in the traffic is expected during the project. UPRR will operate over a shoofly track during the demolition of the structures.

18. No abutting property is affected by this project. The majority of the land is owned by Denver and the remainder is owned by UPRR.

19. The demolition and funding of the demolition is covered by the Demolition Agreement dated June 2, 2003, by and between Denver and the UPRR.

C. Conclusions on Finding of Fact

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

21. The application is noncontested and unopposed.

22. 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.

II. ORDER

A. The Commission Orders That:

1. The City and County of Denver is authorized to demolish the north-south runway overpass in the Southwest Quarter of Section Twenty-two, Township Three South, Range Sixty-seven West of the Sixth Principal Meridian over the tracks and right-of-way of the Union Pacific Railroad Company at approximately railroad Milepost 633.38, and secondly to demolish a parallel north-south taxiway overpass in the Southwest Quarter of Section Twenty-two, Township Three South, Range Sixty-seven West of the Sixth Principal Meridian over the tracks and right-of-way of the Union Pacific Railroad Company at approximately railroad Milepost 633.00, all in the City and County of Denver, Colorado.

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

3. The demolition and funding of the demolition authorized in Ordering Paragraph No 1 above shall be in accordance with the Demolition Agreement dated June 2, 2003, by and between the City and County of Denver, Colorado and the Union Pacific Railroad Company.

4. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 8, 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