

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00A-154R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO REPLACE AND WIDEN THE WESTBOUND INTERSTATE 70 MAINLINE
VIADUCT STRUCTURE OVER 46TH AVENUE, WHICH CROSSES OVER THE
BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY TRACKS, AT
RAILROAD REFERENCE POINT 539.86, MORE OR LESS LOCATED IN DENVER
COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed: December 17, 2003
Adopted: December 10, 2003

I. BY THE COMMISSION:

A. Statement

1. On March 21, 2000, the Colorado Department of Transportation (CDOT) filed this application requesting authority to replace the existing highway/railroad grade separation structure No. E-17-FX with a new structure No. E-17-UU to carry I-70 westbound mainline (I-70) over the tracks of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 539.86, National Inventory I.D. No.057-080F, located in the City and County of Denver, Colorado.

2. On April 12, 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 April 12, 2000.

4. On April 17, 2000, the City and County of Denver (Denver) filed its Entry of Appearance and Notice of Intervention.

5. On April 18, 2000, CDOT filed its Entry of Appearance and Notice of Intervention.

6. On April 18, 2000, BNSF filed its Entry of Appearance and Notice of Intervention.

7. Received by the Commission as a late-filed exhibit on November 30, 2000, is a copy of the fully executed Contract dated November 8, 2000, by and between CDOT and BNSF, providing for construction, operation and maintenance of I-70 highway/railroad grade separation structure No. E-17-UU of over the tracks of BNSF 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 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 has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.

11. 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

12. Notice of the proposed construction of the I-70 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.

13. CDOT is improving a portion of I-70 located in the City and County of Denver, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade separation structure that carries I-70 over the mainline and siding tracks of the BNSF at railroad milepost 539.86, with a new structure.

14. The new I-70 structure (Structure No. E-17-UU) will have 13 spans with a total length of 1875.707 feet (571.716 meters). The minimum vertical clearance from the top of rail to the bottom of the girders of span #2 (over the railroad) will be 25.229 feet (7.695 meters), which exceeds the Commission requirement of 22.5 feet (6.858 meters). Horizontal clearance from the centerline of the east-most track to the face of the crash wall at pier #3 and the horizontal clearance from the centerline of the west-most track to the face of the crash wall at pier #2 will be 12.167 feet 3.707 which exceeds the Commission's requirement of 8.5 feet (2.59 meters). The width of span # 2 (over the railroad) will vary in width from 94.358 to 122.985 feet (28.759 to 37.484 meters), out to out, to accommodate four westbound travel lanes with inside shoulder and a diverging off ramp with shoulders on both sides. Chain link fence will be attached to the bridge rail on the north side to prevent debris from falling onto the BNSF tracks.

15. Average daily traffic on I-70 at the project area is projected to be about 205,000 vehicles per day in 2030.

16. This project is being funded under Title 23, U.S.C. and therefore is exempt from the provisions of § 40-4-106(3)(b), C.R.S. The estimated cost of the grade separation structure including removal of the existing structures is \$35,000,000.

17. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the CDOT and BNSF in accordance with the Contract by and between the CDOT and BNSF dated November 8, 2000. Under the terms of this Contract, BNSF will continue to maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the new structure and CDOT will maintain the structure including the embankment, piers, slope paving, abutments, substructure, superstructure, and fence.

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

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

C. CONCLUSIONS ON FINDINGS OF FACT

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

21. No intervenor who filed a petition to intervene or other pleading contested or opposed the application. The application is noncontested and unopposed.

22. 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.

23. The public safety, convenience and necessity requires, 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 I-70 westbound mainline over the mainline and siding tracks of The Burlington Northern and Santa Fe Railway Company at railroad milepost 539.86, located 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 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 Contract, dated November 8, 2000, by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway Company.

4. Maintenance of the completed grade-separation structure shall be in accordance with the Contract, dated November 8, 2000, by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway 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' WEEKLEY MEETING
DECEMBER 10 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