

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

DOCKET NO. 04A-218R

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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 SW1/4 SECTION 22, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M. AT RAILROAD MILEPOST 633.55, IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO (DOT NO 804-640X)

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: June 29, 2004

Adopted Date: June 16, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On April 30, 2004, the City and County of Denver (Denver) filed this application for authority to demolish an Air Cargo Bridge formerly used at the Stapleton International Airport (SIA) facility as a cargo bridge, which crosses 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 May 12, 2004.

3. On May 21, 2004, the UPRR filed its Entry of Appearance and Notice of Intervention

4. On May 24, 2004, Forest City Stapleton filed its Entry of Appearance and Notice of Intervention

5. Received by the Commission, on May 6, 2004, 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.

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 that the application is now 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 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**

9. 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 opposed the application.

10. 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 would render the premises reasonably available for subsequent industrial development or general railroad purposes'.

11. By this application Denver wishes to demolish an Air Cargo Bridge in the Southwest Quarter of Section Twenty-two, Township Three South, Range Sixty-seven West of the Sixth Principal Meridian at approximately railroad Milepost 633.55, DOT No. 804-640X.

12. The Air Cargo Bridge structure was approved in Application No 37099; Commission Decision No. C85-1162, on September 10, 1985.

13. The Commission has already approved the demolition of two other runway overpass structures near this project by Decision No. C03-1156 on October 8, 2003.

14. 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.

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

16. 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**

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

18. The application is noncontested and unopposed.

19. 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.

20. Good grounds exist to grant the application.

**II. ORDER****A. The Commission Orders That:**

1. The City and County of Denver is authorized to demolish the Air Cargo Bridge 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 633.55 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  
June 16, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER POLLY PAGE  
ABSENT.