

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0378R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AN ORDER AUTHORIZING THE RESTRIPIING OF THE EXISTING INTERSTATE 70 ROADWAY STRUCTURE OVER THE UNION PACIFIC RAILROAD COMPANY TRACKS AT MP 633.15, ARSENAL LEAD ON THE LIMON SUBDIVISION IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Mailed Date: August 22, 2019

Adopted Date: August 21, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) on the City and County of Broomfield on July 10, 2019, seeking authority to restripe the existing bridge structure of Interstate 70 (I-70) over the tracks of the Union Pacific Railroad Company (UPRR) Arsenal Lead at railroad milepost 633.15 of the Limon Subdivision, National Inventory No. 804689G, in the City and County of Denver, State of Colorado.

2. The Commission gave notice of this Application (Notice) to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S. The Notice was mailed July 10, 2019.

3. On August 8, 2019, UPRR filed an Entry of Appearance and Notice of Intervention. UPRR does not contest or oppose the Application.

4. The Commission reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

5. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

7. The bridge structure in question was originally approved by the Commission by Decision No. C15-0638 mailed July 8, 2015 in Proceeding No. 15A-0394R and was designed to accommodate future expansion on the structure with construction of the Central 70 Project. CDOT is starting the Central 70 Project, which is a public-private partnership to design, build, finance, operate, and maintain planned improvements on the I-70 corridor. The Central 70 Project will reconstruct ten miles of I-70 between Brighton Boulevard and Chambers Road including the addition of one new Express Lane in each direction, removal of the aging 54-year old viaduct, lowering I-70 between Brighton and Colorado Boulevards, and construction of a 4-acre park over a portion of the lowered I-70. This design is based on a 14-year study that includes many public meetings, final approval of the study by the Federal Highway Administration, a Record of Decision for the project, and a completed environmental study process. CDOT selected a contractor to complete the improvements identified in the Final Project Agreement. The City and County of Denver (Denver) is a coordinating agency for the project and Joint Applicant to the instant application as Denver currently owns or will own the roadway right-of-way in the future.

8. The instant application involves restriping the I-70 bridge structure over the UPRR Arsenal Lead to include in the eastbound direction one 12' shoulder, one 12' auxiliary

lane, five 12' general purpose lanes, a 4' buffer area, one 12' tolled express lane, and one 8' inner shoulder. The westbound direction will include one 12' shoulder, two 12' auxiliary/general purpose lanes, three 12' general purpose lanes, one 4' buffer lane, one 12' tolled express lane, and one 8' shoulder. There will be a Type 7 guardrail with a concrete glare screen between the eastbound and westbound lanes.

9. CDOT states that the projected vehicle traffic on I-70 is 219,190 vehicles per day (VPD) traveling at a posted speed of 60 to 70 miles per hour (MPH) and is projected to increase to 258,660 VPD by 2021 and 305,530 VPD by 2035. CDOT states that there is less than one train per day currently using the crossing at a maximum timetable speed of ten MPH with no projections for growth at this time.

10. CDOT proposes to start restriping on October 7, 2019 upon Commission approval and be complete by July 31, 2020. We will require CDOT to inform us in writing when the project is complete within ten days of completion by July 31, 2020. However, we understand this letter may be provided earlier or later depending on changes or delays to the construction schedule.

11. CDOT estimates the cost of the restriping work at \$10,000 with CDOT paying for the costs of the project.

C. Conclusions

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

13. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

14. Because the Application as amended is unopposed, the Commission finds that it will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

15. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by granting CDOT's Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Colorado Department of Transportation (CDOT) on the City and County of Broomfield on July 10, 2019, seeking authority to restripe the existing bridge structure of Interstate 70 (I-70) over the tracks of the Union Pacific Railroad Company (UPRR) Arsenal Lead at railroad milepost 633.15 of the Limon Subdivision, National Inventory No. 804689G, in the City and County of Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of UPRR is granted.

3. The Application is granted.

4. CDOT is authorized and ordered to perform restriping work on the I-70 bridge structure above the UPRR Arsenal Lead in accordance with the approved plans.

5. CDOT shall inform the Commission in writing when the widening work is complete and operational within ten days of completion. The Commission will expect this letter by July 31, 2020. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

7. The Commission retains jurisdiction to enter further decisions as necessary.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 21, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners