

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0070R

IN THE MATTER OF THE APPLICATION OF THE E-470 AUTHORITY FOR AUTHORITY TO WIDEN TWO EXISTING HIGHWAY OVERPASS BRIDGES CROSSING OVER TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY, USDOT NO. 906-536L, IN ADAMS COUNTY, STATE OF COLORADO.

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

Mailed Date: April 13, 2020
Adopted Date: April 8, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the E-470 Authority (E-470) on February 26, 2020, seeking authority to widen the existing bridge structures of the E-470 Highway to add an additional 22'-0" to each structure over the tracks of the Union Pacific Railroad Company (UPRR) Limon Subdivision, railroad milepost 624.51, National Inventory No. 906536L, near the City of Aurora, County of Adams, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on February 28, 2020.

3. On February 28, 2020, Staff of the Commission sent a deficiency letter outlining information missing from the Application.

4. On March 3, 2020, E-470 filed the missing information from the original Application.

5. No interventions were filed in this matter.

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

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

B. Findings of Fact

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

9. E-470 proposes to widen each of the two existing bridge structures to add an additional 22'-0" of width to each existing bridge. The additional lane in each direction is needed to accommodate increasing vehicular traffic use. The new lane in each direction will match the existing bridges.

10. Construction will include construction of additional piers in line with the existing piers within the UPRR right-of-way. The additional piers will support the new spans being constructed as part of this project. No other span lengths or clearances are changing as a result of these bridge widenings, so the bridge structure will continue to meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7324 and 7325 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

11. The new structure additions will bring the bridge to a width of 154'-0" out to out and will accommodate four lanes in the northbound direction and three lanes in the southbound direction. The chain link fence will be moved to the edges of the new bridge structures.

12. E-470 states that the existing traffic volumes using the E-470 Highway as of 2018 are 34,900 vehicles per day (VPD) using the roadway and a speed limit of 75 miles per hour (MPH) with projected growth to 42,067 VPD by 2023 and 62,633 VPD by 2038. E-470 states there are currently three trains per day at a maximum timetable speed of 49 MPH using the crossing with no anticipated increases or decreases of trains in the foreseeable future.

13. E-470 estimates the cost of the project at \$3,096,674 with the cost for the project being funded by E-470.

14. E-470 proposes to start construction on May 1, 2020, and have the work completed by December 31, 2021. E-470 will be required to inform the Commission in writing that construction for the widening of the new grade separated structure is complete and operational within ten days of completion. The Commission will expect this letter by December 31, 2021. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. E-470 shall also be required to file a signed copy of the Construction and Maintenance Agreement for the project. We will expect this signed agreement to be filed in this proceeding by May 1, 2020 prior to the start of construction.

C. Conclusions

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

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

17. Because the Application 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, 4 CCR 723-1 of the Commission's Rules of Practice and Procedure.

18. We find that good cause exists to grant the Application as amended consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the E-470 Authority (E-470) on February 26, 2020, seeking authority to widen the existing bridge structures of the E-470 Highway to add an additional 22'-0" to each structure over the tracks of the Union Pacific Railroad Company (UPRR) Limon Subdivision, railroad milepost 624.51, National Inventory No. 906536L, near the City of Aurora, County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application as amended is granted.

3. E-470 is authorized and ordered to proceed with the widening of E-470 Highway bridge structures over the tracks of the UPRR near Aurora, Colorado.

4. E-470 shall inform the Commission in writing when the widened grade separated structures are complete and operational within ten days of completion. The Commission will expect this letter by December 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.

5. E-470 shall file a copy of the signed Construction and Maintenance Agreement with the UPRR by May 1, 2020 prior to the start of any crossing construction.

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
April 8, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners