

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0350R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR
AUTHORITY TO ABOLISH THREE EXISTING DENVER ROCK ISLAND RAILROAD
AT-GRADE RAILROAD CROSSINGS (DOT# 967981R, 967984L, 967982X) ALL LOCATED
NEAR THE INTERSECTION OF RACE COURT AND FRANKLIN STREET IN THE CITY
AND COUNTY OF DENVER, STATE OF COLORADO.

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

Mailed Date: October 16, 2020

Adopted Date: October 14, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City and County of Denver (Denver) on August 24, 2020, requesting authority to abolish three at-grade crossings of the Denver Rock Island Railroad (DRIR) along National Western Drive, Franklin Street, and Race Court by removal of the tracks and signs, National Inventory Nos. 967981R, 967984L, and 967982X, in Denver, 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 September 8, 2020.

3. Notice of proposed closure of the crossings with the DRIR was posted at the crossings by Denver on September 8, 2020 as stated in the Affidavit of Patrick Riley filed with

the Commission on October 7, 2020. The Affidavit included photos of the notice posted at the subject crossings.

4. No interventions were filed in this matter.

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

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

B. Findings of Fact

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

8. Denver requests authority to abolish the three crossings along the DRIR tracks 410 and 420 along National Western Drive, Franklin Street, and Race Court in Denver, Colorado. Closure will involve removal of track, and railroad crossing related signage. The subject crossings will no longer be in use by DRIR with the proposed changes being made as part of the development of the National Western Center Campus. The three subject crossings will no longer be used with replacement trackage included in the development plans, so Denver is seeking to remove the tracks at these crossings.

9. Denver will bear all costs associated with the removal of the crossings.

10. Denver proposes to start the track removal in January 2021 and anticipates being completed with the work by March 2021. Denver will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than March 31, 2021. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

11. The National Inventory Forms will need to be updated to show the crossings as closed. These updated forms for these crossings in this proceeding will need to be filed in this proceeding by Denver and DRIR by March 31, 2021.

12. With the removal of the tracks and signage through the subject crossings, any potential highway-rail grade crossing safety issues at the crossing will be eliminated thereby preventing accidents and promoting public safety. Because the roadway will remain, no motor vehicle drivers will be inconvenienced by closure of the roadway.

C. Conclusions

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

14. No intervenor that filed a petition to intervene or other pleading contests or opposes the abolishment of the subject crossings.

15. Because the Application is unopposed, the Commission 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.

16. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City and County of Denver (Denver) on August 24, 2020, requesting authority to abolish three at-grade crossings of the Denver Rock Island Railroad (DRIR) along National Western Drive, Franklin Street, and Race Court by

removal of the tracks and signs, National Inventory Nos. 967981R, 967984L, and 967982X, in Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Denver is authorized and ordered to proceed with the closure of National Western Drive, Franklin Street, and Race Court crossings by removal of rail and all related railroad crossing signage.

4. Denver is required to inform the Commission in writing that the crossing abolishments are complete within ten days after completion. We shall expect this letter by March 31, 2021. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. The National Inventory Forms for the subject crossings need to be updated to show the crossings as closed and Denver and DRIR are required to file the updated National Inventory Forms in this proceeding by March 31, 2021.

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
October 14, 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