

Decision No. C22-0646

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0386R

IN THE MATTER OF THE APPLICATION OF BROADWAY STATION METROPOLITAN DISTRICT NO. 1 FOR AUTHORITY TO CONSTRUCT A GRADE-SEPARATED PEDESTRIAN BRIDGE SPANNING BNSF RAILWAY COMPANY, UNION PACIFIC RAILROAD COMPANY & REGIONAL TRANSPORTATION DISTRICT TRACKS SOUTH OF BROADWAY STATION (NO US DOT NO EXISTS FOR PROJECT) IN THE CITY OF DENVER, DENVER COUNTY, STATE OF COLORADO.

**COMMISSION DECISION
GRANTING AMENDED APPLICATION**

Mailed Date: October 25, 2022
Adopted Date: October 19, 2022

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion to Amend Application (Amended Application) to File Final Plans (Motion) filed by the Broadway Station Metropolitan District No. 1 (District) on September 26, 2022, seeking final approval of final design plans to construct a new grade separated pedestrian and bicycle crossing over the tracks of the Union Pacific Railroad Company (UPRR), the BNSF Railway Company (BNSF), and the Regional Transportation District (RTD) near the intersection of Tennessee St. and Acoma Street in the City and County of Denver, State of Colorado.

2. No responses were filed to the Motion.

3. Now being fully advised in the matter, we approve the Amended Application.

B. Findings of Fact

4. The District proposes to construct a new grade separated pedestrian pathway over the tracks of the UPRR, BNSF, and RTD at a location south of the RTD Broadway Station to create a safe point of crossing for pedestrians and bicycles from Filing 1 on the east side of the rail corridor to Filing 2 on the west side of the rail corridor. This is part of the urban redevelopment project located at the side of the Gates Rubber Co. plant near I-25 and South Broadway in Denver. The proposed pedestrian/bicycle bridge will also increase accessibility to public transportation at the RTD Broadway station.

5. The District provides the City and County of Denver (Denver) Commercial Construction Permit showing that construction of the structure has been approved by Denver and provides the Denver stamped approved plans for review.

6. The proposed new grade separation is designed to clear span the 220' railroad corridor between Piers 2 and 3 with the entire length of the structure designed at 411'-5 3/4". The bridge structure is proposed to provide a minimum of 27'-10 7/8" of vertical clearance from the top of rail to the bottom of the bridge structure and will provide a minimum of 22'-3 3/8" of horizontal clearance from the centerline of track to the piers of the structure. The proposed minimum clearances meet or exceed the minimum requirements found in Rules 7324 and 7325 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations (CCR)* 723-7. The pedestrian pathway will provide a minimum of 13'-1" of width with no covering over the bridge structure limiting height. Stairs and elevators will be provided on both sides of the bridge structure to provide access to the bridge. Fencing and glass protection will be provided for the bridge structure above the railroad corridor.

7. The District states there are currently approximately 144 total trains per day between BNSF, UPRR, and RTD that currently use the corridor at the location of the proposed grade separation. Freight trains travel at a maximum timetable speed of 30 miles per hour (MPH) while RTD light rail trains travel at a maximum timetable speed of 55 MPH. The District estimates pedestrian use by 2025 of 920 to 1,500 per day and bicycles of 400 per day with increases of 1,500 to 2,030 pedestrians per day and 590 bicycles per day.

8. The District estimates the cost of the entire project at \$9,978,382 with the costs being paid from public financing through tax-exempt municipal bonds currently held by UMB Bank as the Bond Trustee.

C. Conclusions

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

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

11. 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 CCR 723-1.

12. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by approving the District's final design plans consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application filed by the Broadway Station Metropolitan District No. 1 (District) on September 15, 2020, as amended on September 26, 2022 , seeking final approval of final design plans to construct a new grade separated pedestrian and bicycle crossing over the tracks of the Union Pacific Railroad Company (UPRR), the BNSF Railway Company (BNSF), and the Regional Transportation District (RTD) near the intersection of Tennessee St. and Acoma Street in the City and County of Denver, State of Colorado is granted.

- 2. The Commission retains jurisdiction to enter further decisions as necessary.
- 3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 19, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners