

Decision No. C25-0841

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0386R

IN THE MATTER OF THE APPLICATION OF CITY AND COUNTY OF DENVER FOR
AUTHORITY TO MODIFY AN EXISTING BICYCLE AND PEDESTRIAN PATH UNDER
THE BNSF JERSEY CUTOFF BRIDGE 983722V IN THE CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

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

Issued Date: November 25, 2025

Adopted Date: November 12, 2025

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 September 23, 2025, for an order authorizing modifying an existing bicycle and pedestrian path under the BNSF Railway Company (“BNSF”) Jersey Cutoff Bridge in the BNSF Powder River Division, Brush Subdivision, milepost 0.562, National Inventory number 983722V in the City and County of 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 October 3, 2025.

3. On October 7, 2025, BNSF filed an Entry of Appearance and Notice of Intervention as of right in this matter. BNSF states that it does not contest or oppose the Application.

4. The Commission reviewed the record in this matter and deems the Application complete by operation of law on November 18, 2025, 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.

7. Denver requests authority to modify an existing bicycle and pedestrian path under the BNSF Jersey Cutoff Bridge in Denver. As part of Denver's Globeville Levee project, the existing pedestrian trail along the South Platte River will be widened from 10' to 12' with an adjacent 3' wide rumble strip on each side of the path underneath the bridge and reconstructed at its existing grade to improve trail safety. The 12' wide trail will be constructed of 6" thick concrete slab. Of the proposed trail segment, approximately 50' is beneath the Jersey Cutoff bridge. The current bridge is elevated 8.6' over the existing ground where the bicycle and pedestrian path will be reconstructed at its existing elevation. There will be no modifications or impacts to the existing bridge, abutments, or piers that support the Jersey Cutoff Bridge. The proposed trail will maintain the existing 8.6' vertical clearance from the pavement to the bridge low chord.

8. As part of this application, Denver is requesting a variance to Rule 7327 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* ("CCR") 723-7, which requires a minimum 10' clearance from trail elevation to bridge low chord. Denver states it is not feasible to reconstruct the trail, nor reconstruct the bridge, to provide this clearance. Reconstructing the trail at its existing elevation will maintain the existing condition.

9. Denver states there is 1 train per week that uses the bridge at a maximum timetable speed of 10 miles per hour (“MPH”). There are no anticipated changes in the number of trains that will use the bridge in the future. Denver states approximately 266 pedestrians and bicyclists use the crossing per day.

10. Denver estimates the cost of the Denver’s Globeville Levee project , which includes the cost of the trail work at the bridge to be \$5,928,969. Denver and the Mile High Flood Control District will cover the entire costs of the project.

11. Denver proposes to start the project in on approval of the Application and anticipates the work being complete by January 1, 2026.

12. 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 January 1, 2026. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

13. BNSF will be required to update the US DOT Crossing Inventory Form for the crossing by January 1, 2026.

C. Conclusions

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

15. No intervenor that filed a Petition to Intervene or other pleading contests or opposes the Application.

16. 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* (“CCR”) 723-1.

17. 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 September 23, 2025, for an order authorizing modifying an existing bicycle and pedestrian path under the BNSF Railway Company (“BNSF”) Jersey Cutoff Bridge in the BNSF Powder River Division, Brush Subdivision, milepost 0.562, National Inventory number 983722V in the City and County of Denver, State of Colorado is deemed complete by operation of law on November 18, 2025, within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. The intervention of BNSF is noted.

3. Denver’s request for a variance to Rule 7327 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (“CCR”) 723-7, is granted.

4. Denver is authorized and ordered to proceed with modifying the existing bicycle and pedestrian path.

5. Denver is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by January 1, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. BNSF shall update the U.S. DOT Crossing Inventory Form for the crossing by January 1, 2026.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

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

9. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 12, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners