

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0528R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING OF THE SAND CREEK MULTI-USE PATH ADJACENT TO THE MID-BLOCK PEDESTRIAN CROSSWALK AT FITZSIMONS PARKWAY APPROXIMATELY 250 FEET NORTH OF E. MONTVIEW BOULEVARD, WITHIN THE CITY OF AURORA, ADAMS COUNTY, COLORADO.

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

Mailed Date: July 11, 2014
Adopted Date: July 9, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Regional Transportation District (RTD) on May 23, 2014, requesting authority to construct a new at-grade light rail pedestrian at-grade crossing of the Sand Creek Multi-Use Path adjacent to the mid-block pedestrian crossing of Fitzsimons Parkway consisting of construction of two light rail tracks with crossing surfaces, new signage, blank-out sign indications for pedestrians with supplemental 2nd train blank-out signs and bells, detectable warning panels, pedestrian swing gates, and pedestrian related signage at the crossing, no current National Inventory Number, in the City of Aurora, County of Arapahoe, 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 May 28, 2014. An Amended Notice was mailed on June 5, 2014.

3. On June 18, 2014, the City of Aurora (Aurora) filed an Entry of Appearance and Motion to Intervene. Aurora does not object to the Application at present.

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

5. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), 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 interventions were received opposing the Application.

8. RTD seeks authority to construct a new light rail pedestrian at-grade crossing of the Sand Creek Multi-Use Path adjacent to the mid-block pedestrian crosswalk at Fitzsimons Parkway consisting of construction of two light rail tracks with crossing surfaces, new signage, blank-out sign indications for pedestrians with supplemental 2nd train blank-out signs and bells, detectible warning panels, pedestrian swing gates, and pedestrian related signage at the crossing in Aurora.

9. The grade of the light rail tracks is presently proposed at a 0.32 percent downgrade northbound through the new crossing.

10. RTD does not provide information regarding the estimated use of the Sand Creek Multi-Use Path. At the time the I-225 Corridor begins revenue service, RTD projects there will be approximately 165 light rail trains per day (TPD) through the crossing operating at a timetable speed of 45 miles per hour for both directions. RTD estimates that light rail train movements through the crossing will increase to approximately 235 TPD through the crossing by 2035.

11. RTD states that a grade separation at this location is not practicable because of low pedestrian volumes and high costs.

12. RTD proposes to install pedestrian active warning devices that will consist of blank out signs that will alternately flash between the light rail transit approaching sign (W10-7) and the “No Pedestrian” sign (R9-3) with an additional “2nd Train” blank out sign that would be activated if a second train is approaching the crossing within approximately ten seconds. This blank out sign would be installed back-to-back between tracks at the pedestrian crossing location and will also include a pedestrian bell. RTD has not completed the calculations for equipment warning times at the crossing, but will determine those timings such that they are compliant with the Manual on Uniform Traffic Control Devices (MUTCD), the American Railway Engineering and Maintenance-of-way Association (AREMA) Communication and Signals recommended practices, and RTD’s Light Rail Design Criteria.

13. Detectible warning panels will be installed on each side of the pedestrian crossing in addition to pedestrian swing gates. RTD also proposes installing “Pedestrian Stop Here When Flashing” (R8-10a Special) signs at each of the pedestrian swing gate locations and installing signs saying “Pull to Open” and “Push to Open” on the appropriate sides of the pedestrian swing gates. Also, pedestrian sized crossbucks (R15-1) with number of tracks signs (R15-2P) will be installed at the crossing as well as a special “High Speed Trains” sign. While we do not have an issue with the proposed signs per say, we are starting to see different signs proposed on the different RTD corridors that are to be providing the same message to pedestrians. We requested that RTD work with Commission Staff and affected jurisdictions to review the pedestrian signage and develop standards for such signage by Decision No. C13-0318 in Proceeding No. 13A-0054R issued March 14, 2013. Should RTD develop signage standards that are

different from what are proposed in the Application, we will allow the proposed pedestrian signage to be changed at this crossing to be consistent with RTD's new standards without further review or approval needed from the Commission. We will require an updated signing plan to be filed in this proceeding, if necessary, showing any pedestrian signage changes so we have an accurate record of the pedestrian signage installed at the crossing. Additional signage will be installed guiding pedestrians and bicyclists to the mid-block pedestrian crossing of Fitzsimons Parkway. The mid-block pedestrian crossing will be controlled by a pedestrian hybrid beacon that will not be interconnected to the RTD pedestrian crossing signal. Sufficient storage for pedestrians and bicycles is available between the RTD pedestrian crossing and the Aurora mid-block pedestrian crossing of Fitzsimons Parkway.

14. RTD estimates the project costs at \$201,500 for all crossing work. The RTD FasTracks program is responsible for all construction costs.

15. RTD proposes to start construction upon approval of the Application and have construction completed within two and one-half years. RTD will be required to inform the Commission in writing that all of the roadway, track, signal, and civil work are complete and operational within ten days of completion. The Commission will expect this letter no later than January 31, 2016. 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. We will also require RTD to assign a crossing number for the new crossing and file a copy of the new inventory form for this crossing in this proceeding by January 31, 2016.

16. Because RTD will be performing work on a design-build basis, they request a special application procedure. With a design-build process, design and construction can sometimes be performed concurrently, meaning that the design plans submitted with

this Application may not be what is finally constructed. RTD proposes that they be allowed construction design tolerances from the plans as submitted such that they be allowed to stay within specific construction tolerances including horizontal track location within five feet and track approach grade within 1 percent, and that design will conform to the applicable standards from the 2009 MUTCD, 2012 AREMA Manual for Railway Engineering, RTD Light Rail Design Criteria requirements of track clearance of a minimum of 14 feet and side clearances of a minimum of 6'-2", and applicable requirements contained in the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7. If the final design includes changes outside of the tolerances requested or stated criteria, or changes requiring further Commission approval, RTD would file a motion to permit the variance. RTD would not modify the applicable improvement or construct the additional improvement, or fail to construct any improvements before any required motion or amendment has been granted by the Commission.

17. We will allow the proposed special application procedure as outlined by RTD. We will require that RTD file a copy of the final plans for the crossing once construction is complete so that the Commission has an accurate record showing what was constructed at the crossing. We will expect these final plans to be filed with the Commission at the end of construction by January 31, 2016.

C. Conclusions

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

19. No intervenor that filed a petition to intervene or other pleading contests or opposes the construction of the new crossing and active warning equipment.

20. 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 CCR 723-1.

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

II. ORDER

A. The Commission Orders That:

1. The application filed by the Regional Transportation District (RTD) on May 23, 2014, requesting authority to construct a new at-grade light rail pedestrian at-grade crossing of the Sand Creek Multi-Use Path adjacent to the mid-block pedestrian crossing of Fitzsimons Parkway consisting of construction of two light rail tracks with crossing surfaces, new signage, blank-out sign indications for pedestrians with supplemental 2nd train blank-out signs and bells, detectable warning panels, pedestrian swing gates, and pedestrian related signage at the crossing, no current National Inventory Number, in the City of Aurora, County of Arapahoe, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Intervention of the City of Aurora is granted.

3. The Application is granted.

4. The special application procedure proposed by RTD is approved.

5. RTD is authorized and ordered to proceed with construction of a new at-grade light rail pedestrian crossing of the Sand Creek Multi-Use Path adjacent to the mid-block pedestrian crossing of Fitzsimons Parkway including construction of two light rail tracks with crossing surfaces, new signage, blank-out sign indications for pedestrians with supplemental

2nd train blank-out signs and bells, detectable warning panels, pedestrian swing gates, and pedestrian related signage at the crossing.

6. RTD is required to inform the Commission in writing that the crossing changes are complete and operational within ten days after completion. We shall expect this letter by January 31, 2016. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

7. RTD is required to assign a crossing number for the new crossing and file a copy of the new inventory form for this crossing in this proceeding by the end of construction on January 31, 2016.

8. RTD shall file a complete set of plans for the constructed crossing by January 31, 2016.

9. 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.

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

11. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 9, 2014.**

(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

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners