

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0115R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING AT THE SOUTH ABILENE STREET AND EAST EXPOSITION AVENUE INTERSECTION WITHIN THE CITY OF AURORA, ARAPAHOE COUNTY, COLORADO.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING INTERVENTION OF AURORA;
NOTING INTERVENTION OF RAILROAD STAFF;
AND SETTING PRE-HEARING CONFERENCE**

Mailed Date: April 3, 2014

I. STATEMENT

1. On February 4, 2014, the Regional Transportation District (Applicant) filed an application for an Order requesting authority to construct an at-grade light rail transit crossing at the South Abilene Street and East Exposition Avenue intersection, including the installation of new crossing surfaces for two tracks, roadway profiling, traffic signal reconstruction, signage, pavement markings, blank-out sign indications for the movements into the crossing, detectable warning panels, and pedestrian related signing (Application). The crossing is located within the City of Aurora, Arapahoe County, Colorado.

2. Notice of the application was provided by the Commission to all interested parties pursuant to § 40-6-108(2), C.R.S., on February 7, 2014.

3. On March 5, 2014, the City of Aurora (Aurora) filed its Entry of Appearance and Motion to Intervene (Motion). According to the Motion, Aurora seeks to intervene in

this Application in order to assist the Commission by providing comment, information, and project analysis. Aurora argues that its interests in this proceeding are clear and substantial since the construction of the proposed at-grade crossing involves Aurora streets.

4. On March 7, 2014, Applicant amended its Application by filing several updated exhibits to reflect coordination decisions with Aurora.

5. On March 17, 2014, Railroad Staff of the Colorado Public Utilities Commission (Staff) intervened in this proceeding as a matter of right. Staff intervenes in this proceeding due to potential inconsistencies and/or inaccuracies in the Application and attendant exhibits as filed, concerning, among other things, transit signaling and the safety and operational capabilities of the crossing. Staff is also concerned with a lack of adequate detail in the Application and exhibits as filed concerning transit signaling and safety and operational capabilities of the crossing.

6. The Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition on March 19, 2014. The matter was subsequently assigned to the undersigned ALJ.

7. The intervention of Aurora was timely filed and states good cause to grant the intervention. Therefore, Aurora is an intervenor in this proceeding.

8. The intervention as of right filed by Railroad Staff is noted.

9. In order to facilitate the orderly and expeditious resolution of this proceeding, it is appropriate to schedule a pre-hearing conference. Therefore, a pre-hearing conference in this matter will be set for **Wednesday, April 16, 2014**. The Parties should be prepared to discuss whether the issues regarding deficiencies in the Application have been resolved, whether

resolution is possible and in what timeframe, or whether it will be necessary to set an evidentiary hearing in this proceeding, and if so, a date and procedural schedule for such a hearing.

II. ORDER

A. It Is Ordered That:

1. The Motion to Intervene filed by the City of Aurora is granted.
2. The Notice of Intervention of Right filed by Railroad Staff is noted.
3. A pre-hearing conference is scheduled in this matter as follows:

DATE: April 16, 2014

TIME: 10:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director