

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0459R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION
DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING
AT EAST 17TH AVENUE ADJACENT TO FITZSIMONS PARKWAY WITHIN THE CITY OF
AURORA, ARAPAHOE COUNTY, COLORADO

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING INTERVENTION OF
AURORA; NOTING INTERVENTION OF
STAFF; AND, REQUIRING FILING BY RTD**

Mailed Date: July 2, 2014

I. STATEMENT

1. On May 12, 2014, the Regional Transportation District (RTD) filed an application for a Decision requesting authority to construct an at-grade light rail transit crossing at East 17th Avenue adjacent to Fitzsimons Parkway, 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 May 14, 2014.

3. On June 13, 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. Good cause is found to grant Aurora's intervention.

4. On June 18, 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.

5. The Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition on June 25, 2014. The matter was subsequently assigned to the undersigned ALJ.

6. The intervenors in this Application proceeding are Aurora and Railroad Staff.

7. While in past similar proceedings involving RTD light rail crossings in Aurora, a pre-hearing conference was typically set and then vacated by motion of the parties. In order to conserve resources and save time, no pre-hearing conference will be set at this time. Rather, it is anticipated that RTD will shortly file a motion to bifurcate this Application to allow construction of the at-grade crossing to move forward, while issues regarding modeling, analysis, and bench testing of signalization timing alternatives are worked, similar to such motions filed in previous applications. Because this process has been approved in previous, similar applications, RTD will be ordered to file such a motion no later than July 11, 2014.

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. The Regional Transportation District shall file a motion to bifurcate proceeding and grant application to construct at-grade crossing except for traffic signal programming, by the close of business on July 11, 2014.
4. This Decision is effective immediately.

(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

PAUL C. GOMEZ

Administrative Law Judge