

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0590R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING AT EAST 33RD AVENUE ADJACENT TO PEORIA STREET 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 REQUIRING FILING**

Mailed Date: July 24, 2014

I. STATEMENT

1. On June 3, 2014, the Regional Transportation District (RTD) filed an application for an Order requesting authority to construct an at-grade light rail transit crossing at 33rd Avenue west of Peoria Street, 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 June 4, 2014.

3. On June 18, 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 July 1, 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 July 17, 2014. The matter was subsequently assigned to the undersigned ALJ.

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

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

8. In keeping with previous proceedings involving RTD light rail crossings in Aurora, 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 alternates are worked out, similar to such motions filed in previous applications. Because this process has been approved in previous, similar applications, the parties will be required to file such a motion no later than August 7, 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 parties to this proceeding shall file a motion to bifurcate the proceeding and grant the application to construct an at-grade crossing, except for traffic signal programming by the close of business on August 7, 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