

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

IN THE MATTER OF THE APPLICATION OF )  
THE STATE DEPARTMENT OF HIGHWAYS, )  
DIVISION OF HIGHWAYS - STATE OF )  
COLORADO, FOR AUTHORITY TO CON- )  
STRUCT THE RAILROAD DEPRESSION IN )  
AND THROUGH THE CITY OF LITTLETON, )  
ARAPAHOE COUNTY, COLORADO, WHICH )  
INCLUDES, AMONG OTHER THINGS, GRADE )  
SEPARATION STRUCTURES TO CARRY )  
STATE HIGHWAY 75 (MAIN STREET AND )  
ALAMO AVENUE) AND PRINCE STREET )  
TRAFFIC OVER THE TRACKS AND FACIL- )  
ITIES OF THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY AND THE )  
ATCHISON, TOPEKA AND SANTA FE RAILWAY )  
COMPANY AND ALSO INCLUDES CLOSING THE )  
EXISTING AT-GRADE CROSSING OF RIDGE )  
ROAD. )

APPLICATION NO. 35414  
ORDER GRANTING APPLICATION

- - - - -  
June 25, 1985  
- - - - -

S T A T E M E N T

BY THE COMMISSION:

The summary of the official record in the above entitled application is attached as Appendix A.

Applicant did not request a public hearing.

The Commission has determined this matter upon the record herein without a formal oral hearing pursuant to the provisions of § 40-6-109(5), C.R.S.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. As provided by § 40-4-106(2)(a), C.R.S. the Commission has jurisdiction in this matter.
2. Notice of this application has been given by the Commission to all interested parties pursuant to § 40-6-108(2), C.R.S.
3. All protests, if any, have been withdrawn. All petitions to intervene or other pleadings, if any, are in support of the application.
4. All statements contained in this application are adopted by reference as findings of fact.
5. The construction as proposed herein is compatible with the public safety, convenience and necessity.

### CONCLUSIONS ON FINDINGS OF FACT

1. As provided by § 40-6-109(5), C.R.S., and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing.

2. The public safety, convenience and necessity requires, and will be served, by the granting of this application as hereinafter ordered.

#### THEREFORE THE COMMISSION ORDERS THAT:

1. Authority is granted to the State Department of Highways, Division of Highways, State of Colorado, to construct, operate and maintain a railroad depression in and through the City of Littleton, Arapahoe County, Colorado, including three grade separation structures to carry State Highway 75 (Main Street and Alamo Avenue) and Prince Street over the tracks and facilities of the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company.

2. Authority is granted to the State Department of Highways, Division of Highways, State of Colorado, to close the existing grade crossing of Ridge Road across the property and tracks of the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company in the City of Littleton, Arapahoe County, Colorado upon completion of the three grade separation structures authorized in Ordering Paragraph No. 1 above.

3. The State Department of Highways, Division of Highways, State of Colorado shall design and construct all structures to meet or exceed the Commission's Regulations Governing Clearances on Railroads with Reference to Side and Overhead Structures, Parallel Tracks, Crossings of Public Roads, Highways and Streets.

4. The State Department of Highways, Division of Highways, State of Colorado shall file with the Commission as late filed exhibits, one copy of the construction plans of each phase of the project to show compliance with the clearance requirements ordered in Paragraph No. 3, above.

5. All temporary detour roadway crossings of the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company necessitated by the construction of this project shall be protected by automatic flashing light signals with short arm gates in accordance with the Agreement by and between the State Department of Highways, Division of Highways, State of Colorado; the Atchison, Topeka and Santa Fe Railway Company; and the Denver and Rio Grande Western Railroad Company dated April 20, 1985.

6. The work to be done and payment therefor shall all be performed and paid by the State Department of Highways, Division of Highways, State of Colorado; the Atchison, Topeka and Santa Fe Railway Company; and the Denver and Rio Grande Western Railroad Company as set forth in the plans, specifications, agreement and exhibits, all as filed herein.

7. The State Department of Highways, Division of Highways, State of Colorado shall notify the Commission in writing within 10 days of the completion of the project.

8. The Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.

This Order is effective forthwith.

DONE IN OPEN MEETING the 25th day of June, 1985.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edythe S. Miller

Arden Schmidt

Ronald L. Lehn

Commissioners

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Decision No. C85-806  
June 25, 1985  
Appendix A

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PUBLIC UTILITIES COMMISSION

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85-06-24 11:00:57

NAME: HIGHWAYS.STATE DEPT.OF  
ACTIVITY

PUC NUMBER: 35414

DATE CODE

10 02 16 83 APPL.FILED FOR AUTHORITY TO CONSTRUCT THE RR DEPRESSION  
IN AND THROUGH THE CITY OF LITTLETON,ARAPAHOE COUNTY.CO.,  
WHICH INCLUDES,AMONG OTHER THINGS,GRADE SEPARATION STRUC-  
TURES TO CARRY STATE HIGHWAY 75 (MAIN STREET AND ALAMO  
AVE.) AND PROVIDE STREET TRAFFIC OVER THE TRACKS AND  
FACILITIES OF THE D & RGW RR CO.AND THE AT & SF RAILWAY  
CO.AND ALSO INCLUDES CLOSING THE EXISTING AT-GRADE CROSS-  
ING OF RIDGE ROAD.  
20 03 10 83 NOTICE OF APPL.FILED ISSUED.(30 DAYS).  
30 04 05 83 MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-  
CANT FILED ON BEHALF OF THE D & RGW RR CO.BY JOHN S.  
WALKER,ESQ.  
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40 04 07 83 LATE-FILED EXHIBIT IN SUPPORT OF SAID APPL.FILED ON  
BEHALF OF APPLICANT.  
50 04 08 83 PROTEST FILED ON BEHALF OF WILBUR G.WRIGHT BY ROBERT  
J.FLYNN,ESQ.  
60 04 21 83 MOTION TO INTERVENE IN SUPPORT OF THE APPLICANT FILED BY  
THE D & RGW RR CO.GRANTED BY ER NO.83-195 BY HAG.  
70 04 22 83 ENTRY OF APPL.A-PACE OF COUNSEL FILED ON BEHALF OF STAFF  
OF COMMISSION BY DAVID C.HJELMFELT,ESQ.  
80 04 27 83 SET FOR HEARING AT 9 A.M.,6-8-83,DENVER.CO.  
90 05 04 83 MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPL.  
FILED ON BEHALF OF THE TOPEKA AND SANTA FE RAILWAY CO.  
BY PETER J.CROPP,ESQ.  
100 05 06 83 MOTION TO VACATE AND RESET HEARING DATE OF 6-8-83 FILED  
ON BEHALF OF APPLICANT BY SUSAN A.LUPTON,ESQ.  
110 05 09 83 MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-  
CANT FILED BY THE AT & SF RAILWAY CO.,AND MOTION TO  
VACATE AND RESET HEARING FILED BY APPLICANT ARE REFERRED  
TO EXAMINER TROPH FOR DISPOSITION.  
150 05 17 83 INTERIM ORDER OF EXAMINER PAXON ISSUED GRANTING MOTION  
TO INTERVENE IN SUPPORT OF THE APPLICANT FILED BY THE  
AT & SF RAILWAY CO.ON 5-4-83,GRANTING MOTION TO VACATE  
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Decision No. C85-806  
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Appendix A

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AND RESET HEARING FILED ON 5-6-83 BY THE APPLICANT, AND  
RESETTING HEARING AT 9 A.M., 8-2-83, DENVER, CO., ALL PRE-  
HEARING FILING REQUIREMENTS WILL BE MODIFIED TO CONFORM  
TO THE NEW HEARING DATE. (DEC. R83-769-1-TFD).  
OFFER OF PUBLIC DOCUMENTS NOT UNDER SEAL FILED ON BEHALF  
OF THE D & RGN RR CO. BY JOHN S. WALKER, ESQ.  
MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-  
CANT FILED ON BEHALF OF THE CITY OF LITTLETON BY LARRY  
W. BERKOWITZ, ESQ.  
MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-  
CANT FILED BY CITY OF LITTLETON IS REFERRED TO EXAMINER  
TEMER FOR DISPOSITION.  
INTERIM ORDER OF EXAMINER DIXON ISSUED GRANTING MOTION  
TO INTERVENE IN SUPPORT OF THE APPLICANT FILED BY THE  
CITY OF LITTLETON ON 6-6-83. (DEC. R83-979-1-TFD).  
LATE-FILED EXHIBIT FILED ON BEHALF OF APPLICANT.  
LIST OF WITNESSES FILED ON BEHALF OF INTERVENOR, THE AT &  
SF RAILWAY CO., BY PETER J. CROUSE, ESQ.  
LIST OF WITNESSES AND EXHIBITS FILED ON BEHALF OF APPLI-  
CANT BY DONALD ALOSTRANDER, ESQ.  
IDENTIFICATION OF WITNESS FILED ON BEHALF OF STAFF OF

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COMMISSION BY DAVID C. HJELMFELT, ESQ.  
LIST OF WITNESSES FILED ON BEHALF OF THE AT & SF RAIL-  
WAY CO. BY PETER J. CROUSE, ESQ.  
LIST OF WITNESSES AND EXHIBITS FILED ON BEHALF OF INTER-  
VENOR, THE D & RGN RR CO., BY JOHN S. WALKER, ESQ.  
LIST OF WITNESSES AND EXHIBITS FILED ON BEHALF OF INTER-  
VENOR, CITY OF LITTLETON, BY LARRY W. BERKOWITZ, ESQ.  
STAT OF R.L. JACOBSEN, WITNESS, FILED ON BEHALF OF INTER-  
VENOR, THE D & RGN RR CO., BY JOHN S. WALKER, ESQ.  
VOLUNTARY WITHDRAWAL OF PROTEST FILED ON BEHALF OF  
WILBUR G. WRIGHT BY ROBERT J. FLYNN, ESQ.  
HEARING SET FOR 8-2-83, AT DENVER, CO., IS VACATED, SAID  
MATTER WILL BE HANDLED BY MODIFIED PROCEDURE.  
LATE-FILED EXHIBIT FILED ON BEHALF OF APPLICANT.  
LATE-FILED EXHIBIT (PHASE III CONSTRUCTION) FILED ON  
BEHALF OF APPLICANT.