

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 All protests, if any, have been withdrawn.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

Arvid Schmidt

Ronald L. Lehn

Commissioners

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

NOTE
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1

PUBLIC UTILITIES COMMISSION MRDO
 ACTIVITY

85-06-24 11:00:57

NAME: HIGHWAYS, STATE DEPT. OF

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-
 10 TURES TO CARRY STATE HIGHWAY 75 (MAIN STREET AND ALAMO
 10 AVE.) AND BRIDGE STREET TRAFFIC OVER THE TRACKS AND
 10 FACILITIES OF THE D & RGW RR CO. AND THE AT & SF RAILWAY
 10 CO. AND ALSO INCLUDES CLOSING THE EXISTING AT-GRADE CROSS-
 10 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-
 30 CANT FILED ON BEHALF OF THE D & RGW RR CO. BY JOHN S.
 30 WALKER, ESQ.

NOTE
 PAGE

2

85-06-24 11:00:57

40 04 07 83 LATE-FILED EXHIBIT IN SUPPORT OF SAID APPL. FILED ON
 40 BEHALF OF APPLICANT.
 50 04 08 83 PROTEST FILED ON BEHALF OF WILBUR G. WRIGHT BY ROBERT
 50 J. FLYNN, ESQ.
 60 04 21 83 MOTION TO INTERVENE IN SUPPORT OF THE APPLICANT FILED BY
 60 THE D & RGW RR CO. GRANTED BY ER NO. 83-195 BY HAG.
 70 04 22 83 ENTRY OF APPEARANCE OF COUNSEL FILED ON BEHALF OF STAFF
 70 OF COMMISSION BY DAVID C. HELMFELT, 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.
 90 FILED ON BEHALF OF THE TOPEKA AND SANTA FE RAILWAY CO.
 90 BY PETER J. CRUICK, ESQ.
 100 05 06 83 MOTION TO VACATE AND RESET HEARING DATE OF 6-8-83 FILED
 100 ON BEHALF OF APPLICANT BY SUSAN A. LUPTON, ESQ.
 110 05 09 83 MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-
 110 CANT FILED BY THE AT & SF RAILWAY CO., AND MOTION TO
 110 VACATE AND RESET HEARING FILED BY APPLICANT ARE REFERRED
 110 TO EXAMINER TRENK FOR DISPOSITION.
 150 05 17 83 INTERIM ORDER OF EXAMINER DIXON ISSUED GRANTING MOTION
 150 TO INTERVENE IN SUPPORT OF THE APPLICANT FILED BY THE
 150 AT & SF RAILWAY CO. ON 5-4-83, GRANTING MOTION TO VACATE

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

NOTE PAGE		85-06-24 11:00:57
150	3	AND RESET HEARING FILED ON 5-6-83 BY THE APPLICANT, AND
150		RESETTING HEARING AT 9 A.M., 8-2-83, DENVER, CO.; ALL PRE-
150		HEARING FILING REQUIREMENTS WILL BE MODIFIED TO CONFORM
150		TO THE NEW HEARING DATE. (DEC. R83-769-1-TFD).
120 05 24 83		OFFER OF PUBLIC DOCUMENTS NOT UNDER SEAL FILED ON BEHALF
120		OF THE D & RW RR CO. BY JOHN S. WALKER, ESQ.
130 05 06 83		MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-
130		CANT FILED ON BEHALF OF THE CITY OF LITTLETON BY LARRY
130		W. BERKOWITZ, ESQ.
140 06 08 83		MOTION FOR LEAVE TO INTERVENE IN SUPPORT OF THE APPLI-
140		CANT FILED BY CITY OF LITTLETON IS REFERRED TO EXAMINER
140		TEMNER FOR DISPOSITION.
160 06 21 83		INTERIM ORDER OF EXAMINER DIXON ISSUED GRANTING MOTION
160		TO INTERVENE IN SUPPORT OF THE APPLICANT FILED BY THE
160		CITY OF LITTLETON ON 6-6-83. (DEC. R83-979-1-TFD).
150 06 30 83		LATE-FILED EXHIBIT FILED ON BEHALF OF APPLICANT.
160 07 05 83		LIST OF WITNESSES FILED ON BEHALF OF INTERVENOR, THE AT &
160		SF RAILWAY CO., BY PETER J. CROUSE, ESQ.
170 07 05 83		LIST OF WITNESSES AND EXHIBITS FILED ON BEHALF OF APPLI-
170		CANT BY DONALD FLOSTRANDER, ESQ.
260 07 11 83		IDENTIFICATION OF WITNESS FILED ON BEHALF OF STAFF OF

NOTE PAGE		85-06-24 11:00:57
200	4	COMMISSION BY DAVID C. HUELMFELT, ESQ.
200 07 11 83		LIST OF WITNESSES FILED ON BEHALF OF THE AT & SF RAIL-
200		WAY CO. BY PETER J. CROUSE, ESQ.
180 07 12 83		LIST OF WITNESSES AND EXHIBITS FILED ON BEHALF OF INTER-
180		VENOR, THE D & RW RR CO., BY JOHN S. WALKER, ESQ.
170 07 12 83		LIST OF WITNESSES AND EXHIBITS FILED ON BEHALF OF INTER-
190		VENOR, CITY OF LITTLETON, BY LARRY W. BERKOWITZ, ESQ.
200 07 22 83		STAT OF R.L. JACOBSEN, WITNESS, FILED ON BEHALF OF INTER-
200		VENOR, THE D & RW RR CO., BY JOHN S. WALKER, ESQ.
210 07 27 83		VOLUNTARY WITHDRAWAL OF PROTEST FILED ON BEHALF OF
210		WILBUR G. WRIGHT BY ROBERT J. FLYNN, ESQ.
220 07 28 83		HEARING SET FOR 8-2-83, AT DENVER, CO., IS VACATED, SAID
220		MATTER WILL BE HANDLED BY MODIFIED PROCEDURE.
230 08 09 83		LATE-FILED EXHIBIT FILED ON BEHALF OF APPLICANT.
200 01 30 85		LATE-FILED EXHIBIT (PHASE III CONSTRUCTION) FILED ON
200		BEHALF OF APPLICANT.