

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-198R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO DEMOLISH EXISTING VIADUCTS AND CONSTRUCT A NEW VIADUCT AT THE INTERSTATE HIGHWAY 25 CROSSING OVER THE UNION PACIFIC RAILROAD TRACKS, BURLINGTON NORTHERN SANTA FE RAILROAD TRACKS AND THE REGIONAL TRANSPORTATION DISTRICT LIGHT RAIL TRACKS AT BROADWAY IN THE CITY AND COUNTY OF DENVER, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: July 19, 2004
Adopted Date: July 15, 2004

I. BY THE COMMISSION:

A. Statement

1. On May 11, 2001, the Colorado Department of Transportation (CDOT) filed an application requesting authority to demolish the existing viaducts and construct a new viaduct at the crossing of Interstate Highway 25 (I-25) crossing over Broadway Boulevard, (Broadway) and the tracks of the Regional Transportation District (RTD) Light Rail, Union Pacific Railroad Company (UPRR), and the Burlington Northern and Santa Fe railway Company (BNSF) in the City and County of Denver, Colorado. The current locations are National Inventory Crossing No. 253-028P, UPRR mile post 3.93 and National Inventory Crossing No. 003-656G, BNSF milepost 4.05.

2. The Commission gave notice of this application together with a copy of the application, to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed May 14, 2001.

3. On May 14, 2001, the PUC filed its Entry of Appearance and Notice of Intervention.

4. On May 21, 2001, the UPRR filed its Entry of Appearance and Notice of Intervention.

5. On May 22, 2001, the BNSF filed its Entry of Appearance and Notice of Intervention

6. On May 23, 2001, CDOT filed its Entry of Appearance and Notice of Intervention

7. On June 11, 2001, Gates Rubber Company filed its Entry of Appearance and Notice of Intervention

8. On June 13, 2001, RTD filed its Entry of Appearance and Notice of Intervention

9. Received by the Commission as late-filed exhibits on December 30, 2003, are copies Memorandum of Understanding between CDOT and RTD dated July 13, 2001, the fully executed contract dated July 31, 2001, by and between CDOT and BNSF, the fully executed contract dated January 14, 2002, by and between CDOT and UPRR. These documents provide agreements for the demolition of the old viaducts, reconstruction, operation and maintenance of the new viaduct of I-25 over Broadway, the tracks of UPRR, BNSF and RTD located in the City and County of Denver, Colorado.

10. No protests, objections, or petitions to intervene in opposition were filed in this application. This application is uncontested and unopposed.

11. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.

12. CDOT waives the time limits set forth in § 40-6-109.5 (1) and (2), C.R.S., for this application.

13. The Commission has reviewed the file and deems the application to be complete within the meaning of § 40-6-109.5 (3), C.R.S.

B. FINDINGS OF FACT

14. Notice of the proposed demolition and reconstruction of the viaducts have been given by the Commission to all interested parties, including adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

15. The viaduct replacement is a multi-phase CDOT project to improve the I-25 corridor. The two existing viaduct structures are identified as E-16-DI, northbound I-25 and E-16-DH, southbound I-25. The new single viaduct structure will be identified as F-16-JK.

16. The new structure will be a multi-span structure approximately 1640 feet in length. The overall width of the structure is approximately 173 feet to provide for five 12 foot travel lanes in each direction and a total of four 12 foot shoulders, two in each direction.

17. Average daily traffic on I-25 was 184,000 vehicles per day in the year 2000 and is projected to be about 260,000 vehicles per day in 2020. There are approximately 26 to 40 UPRR train movements per day plus switching movements and 32 to 40 BNSF train movements per day on a joint track at timetable speed of 30 to 45 miles per hour (mph). The UPRR Burnham Track has switching movements only at speed of 5 to 20 mph. RTD has 335 light rail commuter trains per weekday and 170 per weekend with speeds of approximately 30 mph.

18. The estimated cost for the entire multi-phase project is \$62 million. The estimated cost of the Phase 1A portion of the project, for which funds have been secured is \$2,500,000. Construction will consist of: piers, retaining walls, superstructure, lighting, fences, and communications relocations.

19. Maintenance of the new viaduct structure will be in accordance with the agreements by and between CDOT and UPRR, dated January 14, 2002, CDOT and BNSF, dated July 31, 2001 and CDOT and RTD dated July 13, 2001. Under the terms of these agreements, CDOT will maintain the viaduct structure including but not limited to the roadway approaches, embankment, slope paving, abutments, substructure, super structure from the top of the girders up. UPRR, BNSF, and RTD will maintain their respective tracks and circuits.

20. All exhibits, specifications and plans are complete, accurate and meet Commission requirements.

C. CONCLUSIONS ON FINDINGS OF FACT

21. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

22. Because the application is uncontested, the Commission will determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Commission's Rules of Practice and Procedure No. 24, 4 CCR 723-1.

23. The public safety, convenience and necessity require, and will be served by the granting of this application.

II. ORDER**A. THE COMMISSION ORDERS THAT:**

1. The Colorado Department of Transportation is authorized to demolish and reconstruct the viaduct that carries Interstate Highway 25 over the tracks and facilities of the Union Pacific Railroad Company, the Burlington Northern and Santa Fe Railway Company and the Regional Transportation District Light Rail. The current locations are National Inventory Crossing No. 253-028P, UPRR mile post 3.93 and National Inventory Crossing No. 003-656G, BNSF milepost 4.05, ID No. 235-343F, located in the City and County of Denver, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits submitted in this application and hereby approved.

3. The total actual cost of labor and material required for the highway/railroad grade separation structure authorized in ordering paragraph No. 1 above shall be paid in accordance with the Contract by and between the Colorado Department of Transportation and the Union Pacific Railroad Company dated May 15, 2003; the Contract by and between the Colorado Department of Transportation and the Burlington Northern and Santa Fe Railway Company dated July 21, 2001; and the Memorandum of Understanding between the Colorado Department of Transportation and the Regional Transportation District dated July 13, 2001.

4. Maintenance of the completed viaduct structure shall be in accordance with the Contract by and between the Colorado Department of Transportation and the Union Pacific Railroad Company dated May 15, 2003, and the Contract by and between the Colorado Department of Transportation and the Burlington Northern and Santa Fe Railway Company dated July 21, 2001 and the Memorandum of Understanding between the Colorado Department of Transportation and the Regional Transportation District dated July 13, 2001.

5. The Commission retains jurisdiction to make further orders as required in this matter.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JULY 15, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners