

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00A-199R

IN THE MATTER OF THE APPLICATION OF THE CITY OF ENGLEWOOD, COLORADO FOR THE AUTHORITY TO CONSTRUCT THE BIG DRY CREEK PEDESTRIAN/BICYCLE CROSSING UNDER THE CONSOLIDATED MAINLINE OF THE UNION PACIFIC RAILROAD, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, AND THE REGIONAL TRANSPORTATION DISTRICT (RTD) LIGHT RAIL LINE, AND THE UNION PACIFIC SPUR LINE NORTH OF BELLEVIEW AVENUE.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: July 21, 2004
Adopted Date: July 20, 2004

I. BY THE COMMISSION:

A. Statement

1. On April 4, 2000, the City of Englewood (Englewood), Colorado, filed an application for authority to construct the Big Dry Creek pedestrian-bicycle underpass under the consolidated mainline of the Union Pacific Railroad Company (UPRR), the Burlington Northern and Santa Fe Railway Company (BNSF) and the Regional Transportation District (RTD) Light Rail Line, and the UPRR Spur Line right-of-way north of Belleview Avenue at milepost 9.19, in the City of Englewood, Arapahoe County, Colorado.

2. On April 14, 2000, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of the application together with a copy of the application to all interested parties, including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. The Notice was mailed April 14, 2000.

4. On April 18, 2000, Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On April 21, 2000, BNSF filed its Entry of Appearance and Notice of Intervention.

6. On April 27, 2000, UPRR filed its Entry of Appearance and Notice of Intervention.

7. On May 11, 2000, RTD filed its Entry of Appearance and Notice of Intervention.

8. On February 10, 2003 UPRR, BNSF, and RTD submitted agreements for construction and maintenance as late filed exhibits.

9. The Commission has reviewed the record in this matter and deems that the application is now complete within the meaning of § 40-6-109.5, C.R.S.

B. Findings of Fact

10. Englewood is constructing a pedestrian-bicycle trail along Big Dry Creek within the City of Englewood. The Big Dry Creek trail will provide a non-motorized connection from the Platte River Greenway in Englewood, Colorado to the High Line Canal Trail in Greenwood Village, Colorado. This will provide a vital link in the non -motorized recreational trail accessing the south central metro area.

11. The purpose of this application is to secure Commission approval to construct the pedestrian-bicycle trail under the existing tracks at railroad milepost 9.19. The construction will include a box culvert under the consolidated mainline of the UPRR and BNSF, a UPRR spur line and the RTD north bound and southbound Light Rail Line.

12. Notice of the proposed trail underpass has been given by the Commission to all interested parties, including the adjacent property owners UPRR, BNSF, and RTD. No intervention was received in opposition to this application.

13. The construction cost for the project is approximately \$333,000. Funding for the entire project will be paid for by Englewood.

14. Maintenance of the pedestrian-bicycle trail and approaches will be the responsibility of Englewood.

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

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

C. Conclusions

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

18. No intervention was received in opposition to this application. The application is uncontested and unopposed.

19. The Commission will determine this matter on the record, without a formal hearing, under § 40-6-109(5), C.R.S., and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

20. 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 City of Englewood, Colorado, is authorized to construct a pedestrian-bicycle underpass under the industrial lead track of the Union Pacific Railroad Company, north of East Belleview Avenue at railroad milepost 9.19, in the City of Englewood, Arapahoe County, Colorado.

2. The construction authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted with the application, which are hereby approved.

3. The construction, operation, and maintenance of the pedestrian-bicycle trail shall be the responsibility of the City of Englewood, Colorado.

4. The Union Pacific Railroad Company shall continue to maintain its railroad track and facilities.

5. The Burlington Northern and Santa Fe Railway Company shall continue to maintain its railroad track and facilities

6. The Regional Transportation District shall continue to maintain its light rail track and facilities

7. The Commission retains jurisdiction to enter further required orders.

- B.** This Order is effective on its Mailed Date.
- C. ADOPTED IN COMMISSIONERS' WEEKLEY MEETING
JULY 20, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners