

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-286R

IN THE MATTER OF THE APPLICATION OF THE E-470 PUBLIC HIGHWAY AUTHORITY, 22470 EAST 6TH PARKWAY, SUITE 100, AURORA, COLORADO 80018; FOR AUTHORITY TO CONSTRUCT THE E-470 PUBLIC HIGHWAY AS A GRADE SEPARATION AT THE CROSSING OF THE ROADWAY WITH THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY; IN ADAMS COUNTY, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: October 28, 2004

Adopted Date: October 27, 2004

I. BY THE COMMISSION:

A. Statement

1. On June 8, 2001, E-470 Public Highway Authority (E-470) filed this application requesting authority to construct a new roadway as a railroad grade separation overpass, at the crossing of the Burlington Northern and Santa Fe Railway Company (BNSF) east of I-76 in Adams County, State of Colorado.

2. On July 6, 2001, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of this 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. This Notice was mailed on July 6, 2001.

4. On July 13, 2001, BNSF filed its Entry of Appearance and Notice of Intervention.

5. On September 3, 2004, the Construction & Maintenance Contract was filed.

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

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

B. Findings of Fact

8. The E-470 Public Highway is the eastern segment of a planned circumferential beltway around the Denver Metropolitan area. E-470 is a tollway (freeway generally built to interstate highway standards) approximately 48 miles long, extending from a connection with I-25 south at C-470 to a connection with I-25 north at 158th Avenue. As planned, E-470 will be constructed in stages to an ultimate eight-lane controlled access tollway with potential for light rail or other High Occupancy Vehicle use in the median. The first three segments of E-470, from the connection with I-25 South at C-470 east and north to 120th Avenue, are complete and open to traffic. The current project, Segment IV, begins at 120th Avenue and extends west and north to I-25 in the vicinity of 156th Avenue. Segment IV includes grade separated crossings of three railroad lines.

9. The purpose of this application is to obtain Commission approval for the new railroad/highway grade separation structure to carry the track of the BNSF under E-470 near railroad milepost 526.31, located east of I-76, in Adams County, Colorado.

10. The traffic on E-470 in 2003 is estimated to be 15,000 vehicles per day with a speed limit of 70 mph. There are currently 25 trains per day at this crossing with a maximum timetable speed of 79 mph.

11. Maintenance of the railroad/highway grade separation structure, including the bridges, piers, abutments, embankment, surfaces and roadway drainage will be the responsibility of E-470 Public Highway Authority. Maintenance of the tracks, railroad grades and railroad operating facilities will continue to be the responsibility of BNSF.

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

13. No intervention was received in opposition to this application. The application is un-contested and unopposed.

C. Conclusions

14. Because the application is unopposed, 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, 4CCR 723-1.

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

II. ORDER:

A. The Commission Orders That:

1. E-470 Public Highway Authority is authorized to construct a railroad/highway grade separation structure east of I-76, a new roadway over the tracks of the Burlington Northern and Santa Fe Railway Company, in Adams County, Colorado. All work done shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

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

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLEY MEETING
October 27, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners