

Decision No. C14-0451

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 14A-0225R

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IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO ALTER AN EXISTING AT-GRADE CROSSING OF THE UNION PACIFIC RAILROAD COMPANY'S TRACKS AT DENARGO STREET IN THE CITY AND COUNTY OF DENVER, AND TO INSTALL ACTIVE WARNING DEVICES AT THIS CROSSING.

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**COMMISSION DECISION DEEMING APPLICATION  
COMPLETE AND GRANTING APPLICATION**

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Mailed Date: May 2, 2014  
Adopted Date: April 30, 2014

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an application (Application) filed by the City and County of Denver (Denver) on March 13, 2014, requesting authority to alter the existing at-grade crossing of the Union Pacific Railroad Company's (UPRR) tracks at Denargo Street and install active warning devices consisting of traffic signal indications and new crossing surfaces at the crossing of the UPRR's tracks with Denargo Street, National Inventory No. 804393H, in Denver, State of Colorado.

2. The Commission gave notice of this Application (Notice) to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S. The Notice was mailed March 17, 2014.

3. On April 8, 2014, UPRR filed an Entry of Appearance and Notice of Intervention as of Right. UPRR does not contest or oppose the Application.

4. On April 14, 2014, the Regional Transportation District (RTD) filed an Entry of Appearance and Notice of Intervention as of Right. RTD does not contest or oppose the Application.

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

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

7. Now being fully advised in the matter, we grant the Application.

**B. Findings of Fact**

8. The Commission gave notice to all interested parties, including the adjacent property owners. No interventions were received opposing the Application.

9. Denver seeks authority to alter the existing at-grade crossing of Denargo Street with the UPRR and install active warning devices consisting of traffic signal indications. The proposed alterations consist of adding sidewalks to both sides of Denargo Street, installing curb and gutter on both sides of the street, and improving drainage in the area. New crossing surfaces will be installed. The traffic signal indications at the crossing will remain green until a train is detected. Once a train is detected, the traffic signal will change to amber and then red and remain in red while the train is occupying the crossing. The train detection circuit will provide 50 seconds of clearance time to the traffic signal indications to allow time for a pedestrian crossing the tracks to complete this action prior to the train arriving at the crossing.

10. The grade of the roadway northbound to the tracks is an approximately 2.75 percent downgrade with the grade across the tracks an approximate 0.58 percent downgrade. The roadway grade northbound after crossing the tracks is an approximate 1.18 percent upgrade from the tracks.

11. Denver states there were approximately 3,400 vehicles per day (VPD) using the crossing in 2011 at a speed limit of 30 miles per hour (MPH). These volumes are projected to increase to 16,000 VPD by the year 2030. There are currently six daily train movements through the crossing at a maximum timetable speed of five MPH with no projections for an increase or decrease in use in the near future.

12. Denver states that a grade separation at this location was examined and determined to be infeasible due to the location of existing commercial and industrial buildings in the vicinity of the crossing. A grade separation would eliminate access for nearby businesses, create a radical grade change that would not facilitate heavy vehicle traffic use of this road, and the existing Delgany Street ramp south of the crossing renders a grade separation of the crossing infeasible.

13. Denver proposes installing railroad crossing pavement markings on the northbound and southbound travel lanes approaching the Denargo Street crossing.

14. Denver proposes installing W10-1 advance warning signs, crossbucks (R15-1) with number of tracks signs (R15-2) on posts to the side of the traffic signals, crossbucks (R15-1) on the traffic signal mast arms, R10-6 "Stop Here On Red" signs, and R8-6 "Do Not Stop on Tracks" signs on the traffic signal posts for both directions.

15. Denver states that the cost of the project is estimated at \$427,299 for the railroad related work with the project developer Denargo Market, L.P. paying for all project costs.

16. Denver proposes to start construction during the first quarter of 2014 with the project completed by the second quarter of 2014. Denver will be required to inform the Commission in writing that all of the roadway, track, signal, and civil work are complete and operational within ten days of completion. The Commission will expect this letter no later than June 30, 2014. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. Denver will also be required to file a signed copy of the Construction and Maintenance Agreement for this crossing prior to starting work at the crossing. We will expect this signed agreement to be filed no later than May 31, 2014. Finally, we will require UPRR to update the crossing inventory form for this crossing showing the crossing changes and to file a copy of the updated U.S. DOT crossing inventory form in this proceeding by June 30, 2014.

17. Unless otherwise stated in the uncontested Application, Rules 7211(a), 7211(c), and 7301(a) of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7, will govern the parties' obligations with respect to all crossing surface costs and all costs of crossing warning devices. As stated in the uncontested Application, UPRR will maintain, at its expense, all track, appurtenances, crossing surfaces, and active warning devices in accordance with Rule 7211(a). Denargo Market, O.P will operate, maintain, repair, and replace the street infrastructure until it is accepted by Denver.

### **C. Conclusions**

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

19. No intervenor that filed a petition to intervene or other pleading contests or opposes the construction of the new crossing and active warning equipment.

20. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 CCR 723-1.

21. Based on the Findings of Fact, we find good cause exists and that the requirements of public safety and necessity are met by granting the Application consistent with the above discussion.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The application (Application) filed by the City and County of Denver (Denver) on March 13, 2014, requesting authority to alter the existing at-grade crossing of the Union Pacific Railroad Company's (UPRR) tracks at Denargo Street and install active warning devices consisting of traffic signal indications and new crossing surfaces at the crossing of the UPRR's tracks with Denargo Street, National Inventory No. 804393H, in Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Entry of Appearance and Notice of Intervention of UPRR is noted.

3. The Entry of Appearance and Notice of Intervention of the Denver Regional Transportation District is noted.

4. The Application is granted.

5. Denver is authorized and ordered to proceed with sidewalk, curb and gutter, pavement markings, signage, drainage alterations, and installation of active warning consisting of traffic signal indications and new crossing surfaces at the crossing of the UPRR with Denargo Street in Denver, Colorado.

6. Denver is required to file a copy of the signed Construction and Maintenance Agreement by May 31, 2014 prior to starting construction.

7. Denver is required to inform the Commission in writing that the crossing changes are complete and operational within ten days after completion. We shall expect this letter by June 30, 2014. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

8. UPRR is required to update the U.S. DOT inventory forms showing the crossing changes and to file a copy of the updated form in this proceeding by the end of construction on June 30, 2014.

9. 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 Decision.

10. The Commission retains jurisdiction to enter further decisions as necessary.

11. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
April 30, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOSHUA B. EPEL

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PAMELA J. PATTON

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GLENN A. VAAD

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Commissioners