

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0640R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT, FOR AUTHORITY TO CONSTRUCT A GRADE SEPARATED STRUCTURE FOR LIGHT RAIL TRANSIT OVER PEORIA STREET AND SAND CREEK TRAIL, WITHIN THE CITY OF AURORA, ADAMS COUNTY, COLORADO.

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

Mailed Date: July 28, 2014
Adopted Date: July 23, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Regional Transportation District (RTD) on June 11, 2014, requesting authority to construct two new light rail tracks on a new grade separation structure over Peoria Street and the Sand Creek Trail and make modifications to Peoria Street to accommodate the new bridge structure, no current National Inventory Number, located in the City of Aurora, County of Adams, State of Colorado. RTD will obtain a National Inventory Number for this crossing.

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 June 16, 2014.

3. On July 7, 2014, the City and County of Denver (Denver) filed a Notice of Intervention as of Right. Denver does not contest or oppose the Application.

4. On July 16, 2014, the City of Aurora (Aurora) filed an Entry of Appearance and Motion to Intervene. Aurora does not object to the Application at present.

5. The Commission 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. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

7. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

8. RTD proposes to construct two new light rail tracks on a new bridge structure that will cross over both Peoria Street and the Sand Creek Trail.

9. The new light rail tracks will be located on a new bridge structure that will span over Peoria Street, the Sand Creek Trail, Sand Creek, and a maintenance access road. The new structure will consist of 11 spans. Peoria Street is located under Spans 5 and 6, and Sand Creek Trail is located under Span 8. The minimum distance between Peoria Street and the bottom girder of the bridge structure is currently proposed at 16'-9" and the minimum vertical distance between Sand Creek Trail and the bottom of the bridge structure is currently proposed at 30'-3". The minimum width under each span for Peoria Street meets the Commission's minimum requirement of 26'-0". The bridge structure will vary in width from 33'-4" minimum to 38'-3" maximum out to out. The bridge structure will accommodate two light rail tracks, two 2'-6" walkways, two 8" curbs, and catenary two catenary poles at the bridge piers. The tracks will be constructed on a minimum of 14'-0" track centers. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado*

Regulations 723-7-7326 and 7327 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail and Rail Crossings.

10. RTD states that there are currently 31,300 vehicles per day (VPD) using Peoria Street at a posted speed limit of 35 miles per hour (MPH). Traffic volumes are expected to increase to 37,800 VPD on Peoria Street in five years, 41,500 VPD in ten years, and 49,500 VPD by 2035. There are currently no light rail trains. RTD anticipates that once the light rail begins revenue operations, there will be approximately 165 train movements in 2016 with an increase to approximately 235 train movements by 2035 operating at a maximum speed of 25 MPH.

11. Construction of the light rail bridge structure is expected to begin upon Commission approval of the Application and be completed by January 2016. Revenue service is estimated to start in early 2016. RTD will be required to inform the Commission in writing that all track work is complete and operational within ten days of completion. The Commission will expect this letter no later than January 31, 2016. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

12. RTD requests a special application procedure because construction of the RTD project is being performed on a design-build basis. With a design-build process, design and construction can sometimes be performed concurrently, meaning that the design plans submitted with this Application may not be what is finally constructed. RTD proposes that it be allowed construction design tolerances from the plans as submitted including track and side clearance envelopes of 6'-2", a minimum vertical clearance between the top of roadway and bottom of structure of 16'-6", and applicable Commission Rules. If a variance from any of the above

tolerances is necessary, RTD will file a motion to amend the application to gain approval of the changed requirements.

13. We will allow the proposed special application procedure as outlined by RTD with the caveat that if there are any modifications to the plans requiring an amended application or any clearance changes requiring a variance, no construction work is to be performed until the Commission has ruled on the amended application or petition for variance. We will also require that RTD file a copy of the final plans for the crossing once construction is complete so the Commission has an accurate record showing what was constructed at the crossing. We will expect these final plans to be filed with the Commission at the end of construction by January 31, 2016.

14. RTD will be required to obtain a new crossing number for the crossing and to file a copy of the new crossing inventory form showing the information for the new crossing. The Commission will expect this information to be filed at the end of construction by January 31, 2016.

15. RTD estimates the cost of the bridge structure at \$13,059,200. RTD will be responsible for all project construction costs.

C. Conclusions

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

17. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

18. Because the Application is unopposed, the Commission finds that it 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.

19. We find that good cause exists to grant the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Regional Transportation District (RTD) on June 11, 2014, requesting authority to construct two new light rail tracks on a new grade separation structure over Peoria Street and the Sand Creek Trail and make modifications to Peoria Street to accommodate the new bridge structure, no current National Inventory Number, located in the City of Aurora, County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of the City and County of Denver is granted

3. The intervention of the City of Aurora is granted.

4. The Application is granted.

5. The special application procedure proposed by RTD is approved with the condition that no construction is to begin at the crossing until any amendments or petitions for variance that may be needed at the crossing have been ruled on by the Commission.

6. RTD is authorized and ordered to proceed with construction of two new light rail tracks on a new grade separation structure over Peoria Street and the Sand Creek Trail and to make modifications to Peoria Street to accommodate the new bridge structure.

7. RTD shall inform the Commission in writing when the construction is complete and operational within ten days of completion. The Commission will expect the letter by January 31, 2016. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

8. RTD is required to file a copy of the final crossing plans once construction is complete by January 31, 2016.

9. RTD is required to obtain a new crossing number and to file a copy of the new crossing inventory form showing the updated information for the crossing by January 31, 2016.

10. 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.

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

12. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 23, 2014.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners