

Decision No. C14-0962

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0639R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING OF THE WESTBOUND LANE OF E. ELLSWORTH AVENUE WITHIN THE CITY OF AURORA, ARAPAHOE COUNTY, COLORADO.

**COMMISSION DECISION
GRANTING APPLICATION**

Mailed Date: August 8, 2014
Adopted Date: August 6, 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 a new at-grade light rail crossing of E. Ellsworth Avenue including construction of two light rail tracks with crossing surfaces, roadway profiling, sidewalk reconstruction, flashing lights, gates, bells and center medians at four locations, pavement markings, vehicle signage, pedestrian detectible warning panels, LRV/no pedestrian with second train blank out signs for pedestrians, and pedestrian related signage at the crossing, no current National Inventory Number, in the City of Aurora, County of Arapahoe, 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 June 19, 2014.

3. 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.

4. The Commission reviewed the record in this matter and deemed that the Application was complete within the meaning of § 40-6-109.5, C.R.S., at the Commission Weekly Meeting of July 30, 2014.

5. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), 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 interventions were received opposing the Application.

8. RTD seeks authority to construct a new light rail crossing on the westbound lane of E. Ellsworth Avenue including construction of two light rail tracks with crossing surfaces, roadway profiling, sidewalk reconstruction, flashing lights, gates, bells and center medians at four locations, pavement markings, vehicle signage, pedestrian detectible warning panels, LRV/”No Pedestrian” blank-out signs with second train blank out signs for pedestrians, and pedestrian related signage at the crossing in Aurora. The crossing involves the light rail tracks moving from a center median configuration to a side running configuration and is located at an intersection with the RTD Park-n-Ride access and a commercial access.

9. The grade of the light rail tracks is presently proposed at a 1.00 percent down grade moving east to west. The roadway grade along E. Ellsworth will be re-profiled to match the track grade at the proposed crossing site changing from a 1.80 percent down grade moving east to west approaching the crossing.

10. RTD states that there are currently 3,400 vehicles per day (VPD) using E. Ellsworth Avenue at a posted speed limit of 25 miles per hour (MPH) and 600 VPD using the south commercial access. These volumes are projected to increase to 3,800 VPD in five years, 4,000 VPD in ten years, and 4,900 VPD by the year 2035 on E. Ellsworth Avenue. New traffic on the north and south access drives is projected at 990 VPD in five years, 1020 VPD in ten years, and 1,100 VPD by the year 2035. The light rail train service is scheduled to open for revenue service in 2016. At that time, RTD projects there will be approximately 165 light rail trains per day (TPD) through the crossing operating at a timetable speed of 5 MPH for both directions. RTD estimates that light rail train movements through the crossing to increase to approximately 235 TPD through the crossing by 2035.

11. RTD states that a grade separation at this location is not practicable because of high costs, low traffic volumes, and the complex geometry of the intersection/crossing.

12. RTD proposes to install active warning devices that will consist of flashing lights, gates, bells, and medians at each leg of the intersection/crossing. RTD also proposes installing advance warning signs (W10-1) and “Stop Here When Flashing” (R8-10) signs at the stop bar locations and railroad pavement markings on the Ellsworth Avenue legs of the intersection/crossing. Finally, RTD proposes to install crossbuck signs (R15-1) with the “2 Tracks” designation (R15-2P) on all four flashing light and gate assemblies for the vehicle gates.

13. A crosswalk is proposed to be installed on the east leg of the intersection/crossing. RTD proposes to install pedestrian detectible warning panels at each of the pedestrian entrances at the intersection/crossing including the crosswalk. RTD also proposes installing a special blank out sign that alternately flashes the light rail transit approaching sign (W10-7) and the

“No Pedestrian” sign (R9-3) with an additional “2nd Train” blank out sign that would be activated if a second train is approaching the crossing within approximately ten seconds. This blank out sign would be installed back-to-back between tracks at the pedestrian crossing location. Pedestrians will be prohibited from crossing Ellsworth Avenue on the west side of the intersection/crossing by the posting of R8-3 “No Pedestrian” signs. While we do not have an issue with the proposed signs per say, we are starting to see different signs proposed on the different RTD corridors that are to be providing the same message to pedestrians. We requested that RTD work with Commission Staff and affected jurisdictions to review the pedestrian signage and develop standards for such signage by Decision No. C13-0318 in Proceeding No. 13A-0054R issued March 14, 2013. Should RTD develop signage standards that are different from what are proposed in the Application, we will allow the proposed pedestrian signage to be changed at this crossing to be consistent with RTD’s new standards without further review or approval needed from the Commission. We will require an updated signing plan to be filed in this proceeding, if necessary, showing any pedestrian signage changes so we have an accurate record of the pedestrian signage installed at the crossing.

14. RTD estimates the project costs at \$1,110,000 for all crossing work. The RTD FasTracks program is responsible for all construction costs.

15. RTD proposes to start construction upon approval of the Application and have construction completed within two and one-half years. RTD 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 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.

We will also require RTD to assign a crossing number for the new crossing and file a copy of the new inventory form for this crossing in this proceeding by January 31, 2016.

16. Because RTD will be performing work on a design-build basis, they request a special application procedure. 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 they be allowed construction design tolerances from the plans as submitted such that they be allowed to stay within specific construction tolerances including horizontal track location within five feet and track approach grade within 1 percent, and that design will conform to the applicable standards from the 2009 Manual on Uniform Traffic Control Devices, 2012 American Railway Engineering and Maintenance-of-way Association Manual for Railway Engineering, RTD Light Rail Design Criteria requirements of track clearance of a minimum of 14 feet and side clearances at a minimum of 6'-2", and applicable requirements contained in the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7. If the final design includes changes outside of the tolerances requested or stated criteria, or changes requiring further Commission approval, RTD would file a motion to permit the variance. RTD would not modify the applicable improvement or construct the additional improvement, or fail to construct any improvements before any required motion or amendment has been granted by the Commission. Finally, RTD also proposes that the final circuitry plans be approved by the Commission before testing of the equipment commences.

17. We will allow the proposed special application procedure as outlined by RTD. We will require that RTD file a copy of the final plans for the crossing once construction is

complete so that 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. We will, however, deny RTD's request that the final circuitry plans must be approved by the Commission prior to testing of the equipment. Final circuitry plans would be filed with the remainder of the final plans in this proceeding.

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 filed by the Regional Transportation District (RTD) on June 11, 2014, requesting authority to construct a new at-grade light rail crossing of Ellsworth Avenue including construction of two light rail tracks with crossing surfaces, roadway profiling, sidewalk reconstruction, flashing lights, gates, bells and center medians at four locations, pavement markings, vehicle signage, pedestrian detectible warning panels, LRV/no pedestrian with second

train blank out signs for pedestrians, and pedestrian related signage at the crossing, no current National Inventory Number, in the City of Aurora, County of Arapahoe, State of Colorado was deemed complete within the meaning of § 40-6-109.5, C.R.S., at the Commission Weekly Meeting of July 30, 2014.

2. The Intervention of the City of Aurora is granted.

3. The Application is granted.

4. The special application procedure proposed by the RTD is approved with the exception of the request for an additional Commission Decision regarding the final circuitry plans.

5. RTD is authorized and ordered to proceed with construction of a new at-grade light rail crossing of E. Ellsworth Avenue including construction of two light rail tracks with crossing surfaces, roadway profiling, sidewalk reconstruction, flashing lights, gates, bells and center medians at four locations, pavement markings, vehicle signage, pedestrian detectible warning panels, LRV/no pedestrian with second train blank out signs for pedestrians, and pedestrian related signage.

6. RTD 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 January 31, 2016. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

7. RTD is required to assign a crossing number for the new crossing and file a copy of the new inventory form for this crossing in this proceeding by the end of construction on January 31, 2016.

8. RTD shall file a complete set of plans for the constructed crossing by January 31, 2016.

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
August 6, 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

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.