

Decision No. C14-1107

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0814R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION TO DEMOLISH THE EXISTING STRUCTURE, AND CONSTRUCT A NEW BRIDGE STRUCTURE OVER THE TRACKS OF THE BNSF RAILWAY COMPANY, AND THE FUTURE TRACKS OF THE REGIONAL TRANSPORTATION DISTRICT ON UNITED STATES HIGHWAY 287 AT 69TH AVENUE IN THE CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO.

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

Mailed Date: September 12, 2014
Adopted Date: September 10, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) on July 31, 2014, seeking authority to replace the bridge structure of the existing grade separated crossing of United States Highway 287 (Federal Boulevard) with the existing tracks of the BNSF Railway Company (BNSF) and the future commuter rail tracks of the Regional Transportation District (RTD), National Inventory No. 244776M, in the City of Westminster, County of Adams, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on August 5, 2014.

3. On September 3, 2014, BNSF filed an Entry of Appearance and Notice of Intervention. BNSF does not contest or oppose the Application.

4. 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.

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

B. Findings of Fact

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

7. CDOT proposes to replace the existing bridge structure of the grade separated crossing of Federal Boulevard with the existing tracks of the BNSF and the future commuter rail tracks of RTD. The Commission has recently approved changes to the existing grade separated crossing by addition of new commuter rail tracks under the structure approved by Decision No. C13-0419 in Proceeding No. 12A-864R issued April 11, 2013 and movement of the BNSF track by Decision No. C13-0381 in Proceeding No. 13A-0099R issued April 3, 2013. The Commission also granted RTD a permanent clearance variance under the grade separation by Decision No. C12-1063 in Proceeding 12V-863R. The proposed bridge design by CDOT shows the BNSF and RTD tracks in the locations as approved by the Commission and meets or exceeds the clearance variance as approved by the Commission.

8. The replacement Federal Boulevard bridge structure is proposed to be a two-span structure with the RTD and BNSF tracks located under Span 2. The total length of the bridge structure from back face of abutment to back face of abutment is 162'-1 1/4" with the length of Span 1 at 45'-6 1/2" from abutment to pier and the length of Span 2 at 113'-7 1/2" from abutment to pier. The minimum vertical clearance from the top of rail to the bottom of the

replacement structure is 23'-7" at the BNSF track. The minimum horizontal distance from the RTD track to the bridge pier is 25'-0 1/8" and from the BNSF track to the bridge abutment is 34'-1 1/2". The distance between the RTD track and the BNSF track is 30'-10 1/2" from centerline of track to centerline of track. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7324, 7325, and 7326 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

9. The proposed Federal Boulevard replacement bridge structure is proposed to be 118'-0" out to out and will accommodate six 12'-0" traffic lanes, a raised median of varying width between the northbound and southbound travel lanes, two 2'-0" shoulders, two 1'-6" Type 10M bridge rails, one 8'-0" sidewalk, one 12'-0" sidewalk, and two 1'-6" special pedestrian railing that is 10'-0" in height.

10. CDOT states that the projected vehicle traffic on the bridge structure is currently 31,000 vehicles per day (VPD) with traffic volumes projected at 32,395 VPD by 2030. CDOT states that there are currently 16 freight train movements per day that use the existing crossing at a maximum timetable speed of 25 miles per hour with no estimates of growth for freight trains provided at this time.

11. CDOT proposes to start construction in the winter of 2014 and be complete by December 2016. CDOT will be required to inform the Commission in writing that construction of the new grade separated structure is complete and operational within ten days of completion. The Commission will expect this letter by December 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. CDOT shall also be required to file a signed copy of the

Construction and Maintenance Agreement for the new bridge structure prior to the start of construction. We will expect this agreement to be filed by December 31, 2014 and expect that construction at the crossing will not begin until the agreement has been filed.

12. CDOT estimates the cost of the entire project at \$18 million, for which federal and state funds will pay for all project costs.

C. Conclusions

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

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

15. 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, 4 CCR 723-1 of the Commission's Rules of Practice and Procedure.

16. Based on the Findings of Fact, we find that 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 Colorado Department of Transportation (CDOT) on July 31, 2014, seeking authority to replace the bridge structure of the existing grade separated crossing of United States Highway 287 (Federal Boulevard) with the existing tracks of the BNSF Railway Company (BNSF) and the future commuter rail tracks of the Regional Transportation District (RTD), National Inventory No. 244776M, in the City of Westminster,

County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Intervention by BNSF is granted.
3. The Application is granted.
4. CDOT is authorized and ordered to proceed with replacement of the Federal Boulevard bridge structure over the new BNSF and RTD tracks in Westminster, Colorado.
5. CDOT shall inform the Commission in writing when the replacement structure is complete and operational within ten days of completion. The Commission will expect this letter by December 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.
6. CDOT shall file a copy of the signed Construction and Maintenance Agreements by December 31, 2014 prior to the start of any crossing construction.
7. 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.
8. The Commission retains jurisdiction to enter further decisions as necessary.
9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 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