

Decision No. R14-0366-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0115R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING AT THE SOUTH ABILENE STREET AND EAST EXPOSITION AVENUE INTERSECTION WITHIN THE CITY OF AURORA, ARAPAHOE COUNTY, COLORADO

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING IN PART, MOTION TO
VACATE PREHEARING CONFERENCE**

Mailed Date: April 7, 2014

I. STATEMENT

1. On January 17, 2014, the Regional Transportation District (RTD) filed an application for an Order requesting authority to construct an at-grade light rail transit crossing at the South Abilene Street and East Exposition Avenue intersection, including the installation of new crossing surfaces for two tracks, roadway profiling, traffic signal reconstruction, signage, pavement markings, blank-out sign indications for the movements into the crossing, detectable warning panels, and pedestrian related signing (Application). The crossing is located within the City of Aurora, Arapahoe County, Colorado.

2. Notice of the application was provided by the Commission to all interested parties pursuant to §40-6-108(2), C.R.S. on February 7, 2014.

3. Intervenors in this proceeding include the City of Aurora (Aurora) and Railroad Staff of the Commission (Staff).

4. By Interim Decision No. R14-0356-I, a pre-hearing conference was scheduled for April 16, 2014 in order to establish a procedural schedule in this contested Application.

5. On April 4, 2014, Staff filed its Unopposed Motion to Vacate Pre-hearing Conference (Motion). Staff states that RTD and Aurora are in agreement with Staff in requesting to vacate the pre-hearing conference and instead file a “short joint status report” by April 28, 2014. Staff indicates that the parties intend to meet on April 24, 2014 in order to discuss whether the issues raised in the intervention pleadings can be resolved and in what timeframe, or whether an evidentiary hearing is necessary. Staff represents that the Motion is unopposed and therefore requests that response time be waived.

6. Good cause is found to vacate the April 16, 2014 pre-hearing conference. However, the parties will be required to file a status report on the results of the April 24, 2014 meeting by the close of business on April 25, 2014. If it appears that the issues raised by Staff and Aurora cannot be resolved, the matter will proceed forthwith and a pre-hearing conference will be immediately be scheduled. Should the parties reach consensus on a procedural schedule that takes into account the Commission’s statutory obligations under § 40-6-109.5(2), C.R.S. it is expected that such a proposed procedural schedule will be submitted with the status report.¹

7. Response time to the Motion will be waived.

¹ The statutory deadline to issue a final Commission Decision in this proceeding is October 15, 2014; therefore, the deadline to file Closing Statements of Position, or if no Closing Statements of Position are proposed, then the last day of an evidentiary hearing shall be no later than July 11, 2014.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate Pre-hearing Conference filed by Railroad Staff of the Commission is granted.
2. The pre-hearing conference scheduled for April 16, 2014 is vacated.
3. The Parties to this proceeding shall file a detailed status report of the results of their April 24, 2014 conference by the close of business on April 25, 2014.
4. Any proposed procedural schedule filed in this proceeding shall conform with the requirements set out in this Decision.
5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director