

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0387R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO CONSTRUCT AN AT-GRADE LIGHT RAIL CROSSING ADJACENT TO THE SOUTH SABLE BOULEVARD AND EAST CENTREPOINT DRIVE INTERSECTION WITHIN THE CITY OF AURORA, ARAPAHOE COUNTY, COLORADO

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING UNOPPOSED MOTION
TO VACATE PREHEARING CONFERENCE
AND WAIVING RESPONSE TIME**

Mailed Date: July 1, 2014

I. STATEMENT

1. On April 30, 2014, the Regional Transportation District (RTD) filed an application requesting a Decision for authority to construct an at-grade light rail transit crossing on the east side of the South Sable Boulevard and East Centrepoint Drive 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 May 1, 2014.

3. On June 2, 2014, the City of Aurora (Aurora) filed its Entry of Appearance and Motion to Intervene.

4. On June 4, 2014, Railroad Staff of the Colorado Public Utilities Commission (Staff) intervened in this proceeding as a matter of right.

5. The Commission deemed the Application complete and referred the matter to an Administrative Law Judge (ALJ) for disposition on June 11, 2014. The matter was subsequently assigned to the undersigned ALJ.

6. The intervenors in this Application proceeding are Aurora and Railroad Staff.

7. By Interim Decision No. R14-0690-I, issued June 24, 2014, a prehearing conference was scheduled in this matter for Wednesday July 9, 2014.

8. On June 27, 2014, Staff filed an Unopposed Motion to Vacate Prehearing Conference (Motion to Vacate). In the Motion to Vacate, Staff requests that RTD be permitted to file a joint motion to bifurcate the Application similar to motions approved in previous RTD light rail crossing applications, in which RTD's motion to bifurcate the application to allow construction to move forward while issues regarding modeling, analysis, and bench testing of signalization timing alternatives were worked out and were granted. RTD and Aurora do not oppose the Motion to Vacate.

9. Staff represents that the parties intend to file a similar motion on or before July 18, 2014 and therefore request that the pre-hearing conference scheduled for July 9, 2014 be vacated.

10. Good cause is found to grant the Motion to Vacate. The pre-hearing conference will be vacated and the parties will be required to file no later than July 18, 2014, a motion to bifurcate the Application as discussed above. Response time to the Motion to Vacate will be waived.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion to Vacate Prehearing Conference (Motion) filed by Railroad Staff of the Commission is granted.

2. The prehearing conference scheduled for July 9, 2014 is vacated.

3. The Regional Transportation District shall file a motion to bifurcate the application consistent with the discussion above no later than July 18, 2014.

4. Response time to the Motion is waived.

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

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

Doug Dean,
Director