

Decision No. C19-0574

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0267R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AN ORDER AUTHORIZING THE DEMOLITION OF THE EXISTING INTERSTATE 70 OVERPASS, AND THE CONSTRUCTION OF THE REPLACEMENT INTERSTATE 70 OVERPASS INCLUDING THE QUEBEC STREET OFF RAMP AND NORTH STAPLETON DRIVE GRADE SEPARATION CROSSING STRUCTURES OF THE DENVER ROCK ISLAND RAILROAD TRACKS NEAR RAILROAD MILE POST 0.69 ON THE DENVER BELT (SILVER YARD) IN THE CITY AND COUNTY OF DENVER.

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

Mailed Date: July 15, 2019

Adopted Date: July 10, 2019

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 May 17, 2019, seeking authority to demolish the existing Interstate 70 (I-70) overpass and construct a replacement I-70 overpass including the Quebec Street off-ramp and North Stapleton Drive grade separation structures crossing over the tracks of the Denver Rock Island Railroad (DRIR) Denver Belt (Silver Yard), railroad mile post (MP) 0.69, existing National Inventory No. 594877N, National Inventory No. 976559J for the future WB I-70 structure at railroad MP 0.71, National Inventory No. 976560D for the future EB I-70 structure at railroad MP 0.69, and National Inventory No. 976561K for the future EB ramp to Quebec Street at railroad MP 0.67, in the City and County of Denver, 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 May 23, 2019.

3. No interventions were filed in this matter.

4. The Application was deemed complete within the meaning of § 40-6-109.5, C.R.S., on July 9, 2019.

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 is starting the Central 70 Project, which is a public-private partnership to design, build, finance, operate, and maintain planned improvements on the I-70 corridor. The Central 70 Project will reconstruct ten miles of I-70 between Brighton Boulevard and Chambers Road including the addition of one new Express Lane in each direction, removal of the aging 54-year old viaduct, lowering I-70 between Brighton and Colorado Boulevards, and construction of a four-acre park over a portion of the lowered I-70. This design is based on a 14-year study that includes many public meetings, final approval of the study by the Federal Highway Administration, a Record of Decision for the project, and a completed environmental study process. CDOT selected a contractor to complete the improvements identified in the Final Project Agreement.

8. The instant application involves the demolition of the existing I-70 structures and replacement of I-70 structures including the Quebec Street off-ramp and North Stapleton Drive grade separation over the tracks of the DRIR Silver Yard. The Central 70 project at this location will be constructed in three stages: Stage 1 will involve demolition of a portion of the existing

bridge structure and construction of the North Stapleton Drive ramp, I-70 WB outside lanes and Quebec Street off-ramp; Stage 2 will involve demolition of a portion of the existing bridge structure and construction the I-70 EB outside lanes; and Stage 3 will involve demolition of the remaining portions of the existing bridge structure and construction of the I-70 EB/WB inside lanes. CDOT filed final design and construction plans for the project with this application.

9. CDOT states there are currently approximately 20 switching train movements per day using the grade separated crossings-grade crossing at a maximum timetable speed of ten miles per hour (MPH) with no known anticipated increases or decreases in train traffic projected. There are currently 155,800 vehicles per day (VPD) using I-70 based on a 2015 count (ongoing I-70 construction prohibits CDOT from obtaining an accurate updated count within three years) including approximately 11 percent heavy vehicles and school buses at a posted speed limit of 55 MPH with projections to 174,300 VPD in 5-years and 212,200 VPD in 20-years.

10. CDOT estimates the cost of the work for the subject crossings at \$3,200,000 with all costs for these crossing projects being borne by CDOT. Necessary funds are available through private activity bonds, loan agreements, a TIFIA loan, private equity funding, and CDOT funds.

11. The I-70 bridge structure is proposed to be a single span structure with room for the existing DRIR track and a future track. The total length of the vehicle bridge structures from abutment to abutment is 150'-8 3/4". The width of the EB structure is 90'-7 1/2" out to out and accommodates an 11' 7 1/2" shoulder, a 12'-0" tall lane, a buffer lane that varies, three 12'-0" lanes, a shoulder that varies in width, and two bridge rails. The width of the WB structure which includes the Quebec ramps and the Stapleton N. Drive is 136'-7 1/2" out to out and accommodates an 11' 7 1/2" shoulder, two 12'-0" tall lanes, a 4' buffer, five 12'-0" lanes including

the Quebec ramp entrance lanes, a 1'-11" guardrail Type 7, a 4'-0 1/2" shoulder, a 12' lane, and an 8' shoulder which are part of the Stapleton N. Drive, and two bridge rails. The minimum vertical clearance from the top of rail to the bottom of the girders for the existing track is 23'-8". The minimum horizontal distance from the centerline of the existing track is 25' and a proposed future track is 27', which would accommodate a 10' future access road. The pedestrian bridge structure is proposed to be a single span structure at 140'-10" with a minimum vertical clearance distance of 23'-8" above the existing track and 23'-4" above a proposed future track. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7324 and 7325 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

12. CDOT proposes to start construction in July 2019 and anticipates completion by January 2021. 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 January 31, 2021. 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 provided a copy of the signed Construction and Maintenance Agreement with the DRIR for this project as part of the Application.

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. 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 Colorado Department of Transportation (CDOT) on May 17, 2019, seeking authority to demolish the existing Interstate 70 (I-70) and construct a replacement I-70 overpass including the Quebec Street off-ramp and North Stapleton Drive grade separation structures crossing over the tracks of the Denver Rock Island Railroad (DRIR) Denver Belt, railroad mile post (MP) 0.69, existing National Inventory No. 594877N, National Inventory No. 976559J for the future WB I-70 structure at railroad MP 0.71, National Inventory No. 976560D for the future EB I-70 structure at railroad MP 0.69, and National Inventory No. 976561K for the future EB ramp to Quebec Street at railroad MP 0.67, in the City and County of Denver, State of Colorado was deemed complete within the meaning of § 40-6-109.5, C.R.S., by operation of rule on July 9, 2019.

2. The Application is granted.

3. CDOT is authorized and ordered to proceed with the demolition of the existing I-70 bridge structures and replacement of I-70 overpasses including the Quebec Street off-ramp and North Stapleton Drive grade separation structures crossing over the tracks of the DRIR in the City and County of Denver, Colorado.

4. CDOT shall inform the Commission in writing when the new grade separated structures are complete and operational within ten days of completion. The Commission will expect this letter by January 31, 2021. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. 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.

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

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 10, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners