

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18A-0293R

IN THE MATTER OF THE JOINT APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF DENVER FOR AN ORDER AUTHORIZING THE DEMOLITION OF THE EXISTING 46TH AVENUE UNDERPASS BRIDGE WITH THE UNION PACIFIC RAILROAD COMPANY TRACKS AT MILE POST 2.77 ON THE GREELEY SUBDIVISION, DEMOLITION OF THE EXISTING INTERSTATE 70 VIADUCT OVERPASS BRIDGE WITH THE UNION PACIFIC RAILROAD COMPANY TRACKS AT MILE POST 2.76 ON THE GREELEY SUBDIVISION, CONSTRUCTION OF THE REPLACEMENT INTERSTATE 70 UNDERPASS, CONSTRUCTION OF THE REPLACEMENT 46TH AVENUE UNDERPASS, AND THE WIDENING OF YORK STREET AT THE EXISTING AT-GRADE CROSSING OF THE UNION PACIFIC RAILROAD COMPANY TRACKS AT RAILROAD MILE POST 2.98 ON THE GRELEY SUBDIVISION, INCLUDING THE REPLACEMENT OF WARNING DEVICES WITH NEW SIGNAL INTERCONNECTION WITH THE NEW TRAFFIC SIGNAL AT YORK STREET AND 47TH AVENUE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COMMISSION DECISION GRANTING
STAGE 2.2, STAGE 2.3, AND STAGE 3 PLANS**

Mailed Date: October 9, 2019

Adopted Date: October 9, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Unopposed Application Amendment (Amended Application) filed jointly by the Colorado Department of Transportation (CDOT) and the City and County of Denver (collectively Applicants), on October 7, 2019, seeking final approval for the Central 70 project Stage 2.2, Stage 2.3, and Stage 3 plans.

2. Counsel for CDOT is authorized to state that the Union Pacific Railroad Company (UPRR) is unopposed to the Amended Application.

3. CDOT requests a waiver of response time to the Amended Application since all parties to this proceeding are unopposed to the Amended Application.

4. Now being fully advised in the matter, we grant the Application for Stage 2.2, Stage 2.3, and Stage 3.

B. Findings of Fact

5. The Applicants file this Amended Application for final approval of the Stage 2.2, Stage 2.3, and Stage 3 plans included in Exhibit C to the Amended Application. Stage 2.2 of the Central 70 project consists of final plans for the construction of the west portion of the new UPRR structure over the existing 46th Avenue and future I-70 with rail traffic shifted to the newly constructed west half of the new bridge structure at the end of this stage. Stage 2.3 of the Central 70 project consists of track phases 4A, 4B, 4C, 4D, 4E, 4F, and 4G through the York Street crossing. The various track phases in this stage involve construction of permanent improvements to the existing grade crossing, relocation of existing tracks, and will involve reconfiguring of the UPRR track circuit design that was previously reviewed by the Commission.

6. Stage 3 involves the demolition and installation of the east portion of the railroad bridge and reconfiguration of the UPRR track to the final alignment based on the plans included in Exhibit D. This stage is divided into three sub stages. Stage 3.1 will involve demolition of the east portion of the existing railroad structure over 46th Avenue once rail traffic has been shifted to the new west bridge structure. Stage 3.2 involves construction of the east half of the new railroad bridge over 46th Avenue and the future I-70. Rail traffic is shifted to its final location on the new railroad bridge during this sub stage. Stage 3.3 involves changes at the York Street grade crossing including track phases 5A, 5B, and 5C, which continue to make permanent

improvements to the existing grade crossing. This sub stage will include relocation of existing tracks and construction of improvements to the grade crossing.

7. The bridge structure is shown in Exhibit O. The total structure west portion of the new bridge structure is proposed to be a four span structure with 46th Avenue South located under Span 1, the new I-70 eastbound lanes located under Span 2, the new I-70 westbound lanes located under Span 3, and 46th Avenue North located under Span 4. Span 1 is a distance of 71'-8 7/8", Span 2 is a length of 142'-0 3/8", Span 3 is a distance of 140'-2 3/8", and Span 4 is a length of 70'-8" with two 5'-5 1/2" segments to the back face of the abutment on each side of the bridge structure. The total length of the UPRR structure is 435'-6 5/8" from abutment to abutment. The minimum vertical clearance for the I-70 lanes is 17'-7" and the minimum vertical clearance for the 46th Avenue roadways is 16'-6". The bridge structure for UPRR is 116'-6" out to out and accommodates four tracks with a 12' roadway on the outer edge of the bridge, one 1'-6" Type 7 bridge rail with chain link fence by the roadway, and a handrail on the other side of the bridge structure where utilities are located. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7326 and 7327 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

8. The Joint Applicants propose to start the bridge structure construction outlined in Stage 2.2 on October 9, 2019 upon Commission approval of the Unopposed Amended Application.

C. Conclusions

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

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

11. Because the Amended 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.

12. 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 for the Joint Applicants' Stage 2.1, Stage 2.3, and Stage 3 final plans.

II. **ORDER**

A. **The Commission Orders That:**

1. The Unopposed Application Amendment (Amended Application) filed jointly by the Colorado Department of Transportation and the City and County of Denver (collectively Applicants), on October 7, 2019, seeking final approval for the Central 70 project Stage 2.2, Stage 2.3, and Stage 3 plans is granted.

2. Response time to the Amended Application is waived.

3. The Joint Applicants are authorized and ordered to proceed with construction of the west portion of the existing Union Pacific Railroad Company (UPRR) structure over the existing 46th Avenue and new I-70, demolition and construction of the new east portion of the UPRR bridge structure, and associated phased track movement as shown in the Stage 2.2, Stage 2.3, and Stage 3 plans contained in Exhibits C, D, and O to the Amended Application.

4. 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.

5. The Commission retains jurisdiction to enter further decisions as necessary.
6. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 9, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

Commissioners

COMMISSIONER FRANCES A. KONCILJA
ABSENT.