

Decision No. C20-0163

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0025R

IN THE MATTER OF THE PETITION OF THE REGIONAL TRANSPORTATION DISTRICT FOR WAIVER OF, OR VARIANCE FROM, 4 CCR 723-7-7325(A) CONCERNING THE SIDE CLEARANCE OF HAND RAILS AT SIX COMMUTER RAIL STATIONS IN THE CITY AND COUNTY OF DENVER; COMMERCE CITY, CITY OF THORNTON, AND CITY OF NORTHGLENN, ADAMS COUNTY, STATE OF COLORADO, AND THE SIDE CLEARANCE FROM SIGNALS AT THE COMMUTER RAIL STATION AT 104TH AVENUE, CITY OF THORNTON, ADAMS COUNTY, STATE OF COLORADO.

**COMMISSION DECISION
GRANTING VARIANCE**

Mailed Date: March 13, 2020

Adopted Date: March 11, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition (Petition) filed on January 15, 2020, by the Regional Transportation District (RTD). In this Petition, RTD requests a permanent partial waiver of, or variance from the 8'-6" minimum side clearance standard stated in the Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7-7325(a)(I) to no less than 5'-5 3/4" minimum clearance at six stations along the RTD North Metro Commuter Rail Line and a reduction to pedestrian warning signs at the pedestrian swing gates at the 104th Avenue station to 7'-4" in the City and County of Denver, the City of Commerce City, the City of Thornton, the City of Northglenn, and the County of Adams, State of Colorado.

2. The Commission noticed this Petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 17, 2020.

3. No intervention or petition in opposition has been filed. This proceeding is therefore uncontested. Pursuant to § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

4. Pursuant to Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders for good cause. In making a determination, the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

5. Rule 7325(a)(I) requires that generally, side clearances shall be at least 8'-6".

6. At the six stations along the RTD North Metro Commuter Rail Line, there are station platforms that are approximately 4'-9" above the adjacent track bed. At the locations on the platform where patrons are to board the train, there is a tactile warning strip. At the other locations along the platforms where patrons are not allowed, there is guardrail that has been installed so patrons know where they are not allowed. Because of the level platform boarding of the commuter rail vehicles, the station platform has to be close to minimize the gap between the platform and the train. Because of this need to minimize the gap, the guardrail at the edge of the allowed patron area is closer to the centerline of track than the 8'-6" to mitigate the hazard of patrons falling into the track area. The distances of these handrails vary by station between 5'-5 3/4" to 5'-8". These distances prohibit a person from being able to stand between the handrails and edges of the platforms, and because passengers or personal are prohibited from riding on the outside of the train, no one would be hitting these safety guardrails. Additionally,

because of right-of-way constraints at the 104th Avenue station, the warning devices at this station are located 7'4" at the edge of the pedestrian swing gates.

7. The location of the stations along the North Metro Commuter Rail Line are locations where the trains will be moving at low speeds as they enter and exit the stations, so operator reaction time is greater to respond to any issues on the platforms.

8. The Commission finds that RTD has shown good cause to grant a permanent variance of Rule 7325(a)(I) to allow reduced minimum side clearances of the safety guardrails and the warning signals at the track crossings at the 104th Avenue station. Because of the slower train speed and the need to create a limited gap area between the station platform and the train for boarding and alighting from the train, this variance request will enhance patron safety at the platforms to mitigate patrons from falling into the track way while shortening the gap between the platform and train to keep patrons from falling into the gap.

II. ORDER

A. The Commission Orders That:

1. The Regional Transportation District (RTD) petition requesting a permanent partial waiver of, or variance from the 8'-6" minimum side clearance standard stated in the Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* 723-7-7325(a)(I) to no less than 5'-5 3/4" minimum clearance at six stations along the RTD North Metro Commuter Rail Line and a reduction to pedestrian warning signs at the pedestrian swing gates at the 104th Avenue station to 7'-4" in the City and County of Denver, the City of Commerce City, the City of Thornton, the City of Northglenn, and the County of Adams, State of Colorado is granted. This permanent variance shall be for the life of the commuter rail line.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 11, 2020.**

(S E A L)



ATTEST: A TRUE COPY

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

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners