

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0081R

IN THE MATTER OF THE APPLICATION OF CITY AND COUNTY OF DENVER FOR AUTHORITY TO CONSTRUCT AN ABOVE-GRADE PEDESTRIAN BRIDGE CROSSING THE CONSOLIDATED MAIN LINE RAIL CORRIDOR AND SPANNING OVER THE TRACKS OF THE BNSF RAILWAY COMPANY, UNION PACIFIC RAILROAD COMPANY, AND REGIONAL TRANSPORTATION DISTRICT AT JEWELL AVENUE (NO US DOT NO. EXISTS) IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

Issued Date: April 11, 2025
Adopted Date: April 9, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by the City and County of Denver (“Denver”) on February 21, 2025, for an order authorizing construction of one above-grade pedestrian bridge crossing the consolidated main line (“CML”) rail corridor and spanning the tracks of the BNSF Railway Company (“BNSF”), Union Pacific Railroad Company (“UPRR”), and Regional Transportation District (“RTD”) at BNSF railroad milepost 5.63, Pike’s Peak Subdivision in Denver, State of Colorado. 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 February 27, 2025.

2. On March 3, 2025, RTD filed an Entry of Appearance and Notice of Intervention as of right in this matter. RTD states that it does not contest or oppose the Application.

3. On March 17, 2025, BNSF filed an Entry of Appearance and Notice of Intervention as matter of right. BNSF does not contest or oppose the Application.

4. On March 31, 2025, UPRR filed an Entry of Appearance and Notice of Intervention as matter of right. UPRR does not contest or oppose the Application.

5. The Commission reviewed the record in this matter and deems the Application complete within the meaning of § 40-6-109.5, C.R.S.

6. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

7. The Commission gave notice to all interested parties, including the adjacent property owners.

8. Denver proposes to construct a new grade separated pedestrian pathway over the tracks of BNSF, UPRR and RTD at BNSF railroad milepost 5.63, Pike's Peak Subdivision to provide a safe crossing for citizens to access transit, schools, trails, parks, and shopping.

9. The proposed pedestrian bridge has 2 spans totaling 363'-3.5" in length running east to west with a western span over Santa Fe Drive and an eastern span designed to clear span the railroad corridor with a span of 178' -0 5/8". The bridge structure is proposed to provide a minimum of 23'-9 1/4" clearance from the top of rail to the bottom of the bridge structure and will provide a minimum of 15'-1" of horizontal clearance from the centerline of track to the nearest pier of the bridge structure. The proposed minimum clearances meet or exceed the minimum requirements found in Rules 7324 and 7325 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* ("CCR") 723-7. The pedestrian pathway will provide 12' of walkway width with a covering over the bridge structure limiting height. Stairs and approach ramps will be provided on

both sides of the bridge structure to provide access to the bridge. The pathway structure will be enclosed above the railroad corridor.

10. Denver states there are approximately 117 commuter rail trains and 27 freight trains per day between BNSF, UPRR and RTD that currently use the corridor at the location of the proposed grade separation. Freight trains travel at a maximum timetable speed of 30 miles per hour (“MPH”) while RTD light rail trains travel at a maximum timetable speed of 55 MPH. There are no anticipated changes in the number of trains that will use the crossing in the future. Denver estimates that there will be 700 to 1200 pedestrians and 250 bicycles per day using the crossing when it opens with increases to between 1000-1800 pedestrians and 420 bicycles by the year 2040.

11. Denver estimates the cost of the work to be \$14,600,307.33. Denver will cover the cost of the work through City Bond funds and a Federal Transportation Improvement Program grant.

12. Denver proposes to start the project in May 2025 and anticipates being complete with the work by December 2026. Denver will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than December 31, 2026. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

13. BNSF will be required to obtain a U.S. DOT crossing inventory number for the crossing and file a copy of the new crossing inventory form in this proceeding by December 31, 2026.

C. Conclusions

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

15. No intervenor that filed a Petition to Intervene or other pleading contests or opposes the Application.

16. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”)723-1.

17. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER**A. The Commission Orders That:**

1. The Application (“Application”) filed by the City and County of Denver (“Denver”) on February 21, 2025, for an order authorizing construction of one above-grade pedestrian bridge crossing the consolidated main line (“CML”) rail corridor and spanning the tracks of the BNSF Railway Company (“BNSF”), Union Pacific Railroad Company (“UPRR”), and Regional Transportation District (“RTD”) at BNSF railroad milepost 5.63, Pike’s Peak Subdivision in Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. The intervention of RTD is noted.

3. The intervention of BNSF is noted.

4. The intervention of UPRR is noted.

5. Denver is authorized and ordered to proceed with the construction of one above-grade pedestrian bridge crossing at BNSF railroad milepost 5.63, Pike's Peak Subdivision in Denver, Colorado.

6. Denver is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by December 31, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

7. BNSF shall obtain a U.S. DOT crossing inventory number for the crossing and file a copy of the new crossing inventory form in this proceeding by December 31, 2026.

8. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

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

10. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 9, 2025.**

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ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners