

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0317R

IN THE MATTER OF THE APPLICATION OF CITY AND COUNTY OF DENVER FOR AUTHORITY TO CONSTRUCT AN ABOVE-GRADE PEDESTRIAN BRIDGE CROSSING SPANNING THE TRACKS OF THE DENVER ROCK ISLAND RAILROAD, BNSF RAILWAY COMPANY, AND REGIONAL TRANSPORTATION DISTRICT, LOCATED ADJACENT AND SOUTH OF THE EXISTING 48TH AVENUE AND BRIGHTON NATIONAL WESTERN CENTER COMMUTER RAIL STATION IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

Issued Date: September 16, 2025
Adopted Date: September 10, 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 July 24, 2025, for an order authorizing Denver to construct an above-grade pedestrian bridge spanning over the tracks of the Denver Rock Island Railroad (“DRIR”), BNSF Railway Company (“BNSF”), and Regional Transportation District (“RTD”), located adjacent and south of the existing 48TH Avenue and Brighton National Western Center commuter rail station at BNSF railroad milepost 539.4, Line Segment 2, Brush Subdivision in 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 July 30, 2025.

3. On July 30, 2025, Staff of the Commission sent a Deficiency Letter to Denver outlining missing information from the Application.

4. On August 1, 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.

5. On August 6, 2025, Denver filed a supplement to the Application that cured the identified deficiencies in the Application.

6. On August 8, 2025, BNSF filed an Entry of Appearance and Notice of Intervention as matter of right. BNSF does not contest or oppose the Application.

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

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

B. Findings of Fact

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

10. Denver proposes to construct a new grade separated pedestrian pathway over the tracks of BNSF, DRIR and RTD at BNSF railroad milepost 539.4, Line Segment 2, Brush Subdivision to provide a safe crossing for citizens to access transit, schools, work, trails, parks, events and shopping.

11. The proposed pedestrian bridge has one primary span designed to clear span the railroad corridor totaling 256'-1 1/8" in length running south-east to north-west with two 28'-11" spans at each end leading to the stairs and elevators of the structure. The bridge structure is proposed to provide a minimum of 33.96' clearance from the top of the closest rail to the bottom of the bridge structure. The bridge structure will provide a minimum of 23'-11" of horizontal

clearance from the centerline of DRIR track to the nearest pier of the bridge structure and 33'-7' of horizontal clearance from the centerline of RTD track to the nearest pier of the bridge structure on the opposite side of the bridge. 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 elevators will be provided on both sides of the bridge structure to provide access to the bridge. The pathway structure will be enclosed along its entire length.

12. Denver states there are approximately 36 commuter rail trains, 10 BNSF freight trains and 6-8 DRIR trains per day that currently use the corridor at the location of the proposed grade separation. BNSF freight trains travel at a maximum timetable speed of 30 miles per hour ("MPH"), RTD light rail trains travel at a maximum timetable speed of 45 MPH and DRIR trains travel at a maximum speed of 10 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 500 to 7500 pedestrians and 100 bicycles per day using the crossing in 2030 with increases to between 1000-12500 pedestrians and 250 bicycles by the year 2040, which includes peak use estimates during public events in the area.

13. Denver estimates the cost of the work to be \$23,609,502.51. Denver will cover the cost of the work through Denver funds and a Federal grant.

14. Denver proposes to start the project in October 2025 and anticipates being complete with the work by June 2027. 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 June 30, 2027. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. Denver will be required to provide a copy of the signed Construction and Maintenance Agreements with BNSF, RTD and DRIR for this project by October 31, 2025, prior to starting work at the crossing.

15. BNSF has obtained 980766K as a U.S. DOT crossing inventory number for the crossing and will be required to file a copy of the new crossing inventory form in this proceeding by June 30, 2027.

C. Conclusions

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

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

18. 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 CCR 723-1.

19. 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 July 24, 2025, for an order authorizing Denver to construct an above-grade pedestrian bridge spanning over the tracks of the Denver Rock Island Railroad (“DRIR”), BNSF Railway Company (“BNSF”), and Regional Transportation District (“RTD”), located adjacent and

south of the existing 48TH Avenue and Brighton National Western Center commuter rail station at BNSF railroad milepost 539.4, Line Segment 2, Brush 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. Denver is authorized and ordered to proceed with the construction of an above-grade pedestrian bridge crossing at BNSF railroad milepost 539.4, Line Segment 2, Brush Subdivision in Denver, Colorado.

5. Denver shall file a copy of the signed Construction and Maintenance Agreements with BNSF, RTD and DRIR for this project by October 31, 2025, prior to starting work at the crossing.

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 June 30, 2027. 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 file a copy of the new crossing inventory form in this proceeding by June 30, 2027.

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 upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

Commissioners

COMMISSIONER TOM PLANT,
ABSENT