

Decision No. C25-0794

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0372R

IN THE MATTER OF THE APPLICATION OF DENVER INTERNATIONAL AIRPORT FOR
AUTHORITY TO RECONSTRUCT OUTBOUND PENA BLVD BENEATH THE A LINE
BRIDGE IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

Issued Date: November 10, 2025

Adopted Date: October 29, 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, Dept. of Aviation (“Denver”), 8500 Pena Boulevard, 9th Floor, Denver, CO 80249, for an order authorizing reconstruction of pavement beneath the tracks of Regional Transportation District (“RTD”), that cross Pena Boulevard (“Blvd”) near Jeppesen Terminal at milepost 22.64 of the RTD A Line, RTDC Bridge No EC2248, 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 September 18, 2025.

3. On September 23, 2025, RTD filed an Entry of Appearance and Notice of Intervention as of right in this matter. RTD states that it does not oppose or contest the Application.

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

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.

7. Denver proposes to reconstruct the pavement beneath the tracks of the RTD A Line that crosses outbound Pena Blvd near Jeppesen Terminal in Denver with the same number of lanes and at the same elevation, and to widen the shoulders from 8 to 12 feet. The Peña Blvd Phase 1B Construction Project includes full reconstruction of concrete pavement that matches existing profile grade at the crossing of the A Line, widening of shoulders from 8 feet to 12 feet, and construction of a type 9 barrier rail at the bridge crossing. This work will also include the modification of a streetlight hanging from the bottom of the bridge deck. The proposed cross section of Peña Blvd at the crossing will consist of a type 9 guard rail, a type 2 curb and gutter, a 12' wide shoulder, four 12' wide through lanes, a varying 50:1 lane taper, a 12' wide shoulder and a type 9 guard rail. The bridge structure is proposed to continue to provide a minimum of 17' clearance from the top of the pavement surface to the bottom of the bridge structure. The proposed minimum clearances meet or exceed the minimum requirements found in Rule 7327 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* ("CCR") 723-7.

8. Denver states there are approximately 146 through trains per day that use the RTDC Bridge No EC2248 at a maximum timetable speed of 35 miles per hour ("MPH"). There are no anticipated changes in the number of trains that will use the crossings in the future. Most recent

traffic volumes at the subject crossing is 65,000 vehicles per day (“VPD”) as of 2024. 0.1 percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. Five year traffic volume projections at the crossing are 70,400 VPD and twenty year projections are 94,700 VPD. The posted speed limit at the crossing is 45 MPH.

9. Denver estimates the cost of the work to be \$50,793,225.40. Denver will cover 100 per cent of the costs for the project.

10. Denver started the Peña Blvd Phase 1B Construction Project in February 2025 and anticipates being complete with the work by April 2026. Denver will be required to provide a copy of the signed Construction and Maintenance Agreement with RTD for this widening project by December 15, 2025, prior to starting pavement reconstruction.

11. 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 April 30, 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.

12. RTD is required to obtain US DOT Crossing Inventory numbers and submit US DOT Crossing Inventory forms to the Federal Railroad Administration (“FRA”) for RTDC Bridge No EC2248, and for Denver International Airport bridges with RTD inventory numbers D-31-PB-670, D-31-PB-680 and D-31-PB-660 that are part of the application information provided for this proceeding, and is required to file a copy of the forms in this proceeding by April 30, 2026. RTD is reminded and required to obtain US DOT Crossing Inventory numbers and submit US DOT Crossing Inventory forms to the FRA for all RTD road-rail crossings that do not yet have them.

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 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.

16. 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, Dept. of Aviation (“Denver”), 8500 Pena Boulevard, 9th Floor, Denver, CO 80249, for an order authorizing reconstruction of pavement beneath the tracks of Regional Transportation District (“RTD”), that cross Pena Blvd near Jeppesen Terminal at milepost 22.64 of the RTD A Line, RTDC Bridge No EC2248, 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. Denver is authorized and ordered to proceed with reconstruction of pavement beneath the tracks of RTD that cross Pena Blvd near Jeppesen Terminal in Denver, Colorado.

4. Denver shall file a copy of the signed Construction and Maintenance Agreement with RTD for this widening project by December 15, 2025, prior to starting work at the crossing.

5. 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 April 30, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. RTD is required to obtain US DOT Crossing Inventory numbers and submit US DOT Crossing Inventory forms to the Federal Railroad Administration (“FRA”) for RTDC Bridge No EC2248, and for Denver International Airport bridges with RTD inventory numbers D-31-PB-670, D-31-PB-680 and D-31-PB-660 that are part of the application information provided for this proceeding, and is required to file a copy of the new US DOT Crossing Inventory forms in this proceeding by April 30, 2026. RTD is reminded and required to obtain US DOT Crossing Inventory numbers and submit US DOT Crossing Inventory forms to the FRA for all RTD road-rail crossings that do not yet have them.

7. 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.

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

9. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 29, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners