



DENVER
THE MILE HIGH CITY

CITY AND COUNTY OF DENVER

DEVELOPMENT SERVICES
Site Engineering - Transportation

Development Services
201 W Colfax Avenue, Dept. 203
Denver, Colorado 80202
Phone: (720) 865-2982
www.denvergov.org/developmentsservices

PUC (Railroad) Application Submittal Requirements

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| Authority: | Commission Rule 4, <i>Code of Colorado Regulations (CCR) 723-7</i> , Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings | |
| Purpose: | <p>These requirements refer to applications to the Colorado Public Utilities Commission (PUC) for the modification of existing railroad crossings or the creation of new public roadway crossings of existing rail lines within the City and County of Denver (CCD) made by a Developer. The PUC must approve any work at rail line crossings, as the PUC holds primary jurisdiction over public highway-rail crossings.</p> <p>This process is to be followed by the Developer who needs to improve CCD right-of-way where it crosses existing rail lines, usually as part of applications for development in the vicinity of the crossing. Examples of when a PUC application is needed include when developers or other private parties propose to alter an existing crossing in any way, propose new roadways that are to cross existing rail lines, or propose to abolish a current rail crossing.</p> <p>Please note that the PUC approval for rail crossings is <i>in addition</i> to the necessary CCD approvals for work within the public right-of-way (which will need to be completed before the PUC application can be approved).</p> | |
| Document Date: | December 16, 2008 | |
| Customer Interface: | Development Services (DS) 201 W. Colfax Avenue, Department 203 Denver, CO 80202 720-865-2982 developmentsservices@denvergov.org www.denvergov.org/developmentsservices | |
| Affiliated Departments & Agencies: | City Attorney's Office (CAO) 201 W. Colfax Avenue, Dept. 1207 Denver, CO 80202 720-913-3275 www.denvergov.org/city_attorney | Colorado Public Utilities Commission (PUC) 1560 Broadway, Suite 250 Denver, CO 80202 303-894-2000 http://www.dora.state.co.us/puc/ |
| Application Content: | <p>Applications to the PUC must be submitted for any roadway improvements that would require alteration of existing railroad crossings, create new roadway crossings of existing rail lines or abolish existing crossings. Alternations could include surface improvements, roadway widening through a crossing, grade separations, crossing signal or warning device changes, signalization at nearby intersections that would require pre-emption timing with the rail crossing, etc.. If there is a question about whether an application is necessary, contact the PUC.</p> <p>Refer to Section 7204 of the 4 CCR 723-7, or the most recent State rules regulating railroads, for required application content. See http://www.dora.state.co.us/puc/rules/723-7.pdf.</p> <p>The application must delineate improvements to be made at the rail crossing, who will be performing the work, the project funding sources and who will operate and maintain the improvements, among other items. The developer will need to coordinate closely with the railroad company and the City to work out these issues.</p> <p>** The City and developer will be co-applicants on the application to the PUC, since the developer will be doing the construction and the City owns the roadway. However, the application will be prepared by the developer and approved by the City. The developer will be the lead applicant on the application. **</p> | |

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| <p>Submittal Requirements:</p> | <p>All PUC applications are to be submitted to Development Services for CCD review.</p> <p>Electronic submittals may be made to CCD for PUC application review. This will reduce printing/courier costs and will provide a more efficient review time for each submittal. To learn more, please visit: http://www.denvergov.org/ePlanElectronicReviewService/tabid/434777/Default.aspx</p> <p>If submitted by hard copy, four review sets shall be submitted. Allow a minimum of 3 weeks for each review.</p> <p>Any applicable fees will need to be paid before CCD approval.</p> |
| <p>Review and Approval Process:</p> | <p>The application will first need to be approved and signed by CCD before submittal to the PUC for approval.</p> <p><u>CCD Review and Approval</u></p> <ol style="list-style-type: none"> 1. The developer shall prepare a draft PUC application that meets all the requirements of the PUC as given in Section 7204 of the 4 CCR 723-7, found at http://www.dora.state.co.us/puc/rules/723-7.pdf 2. The developer shall submit this draft to Development Services for review by the appropriate City agencies, particularly Site Engineering-Transportation and the City Attorney's Office, and a Site Engineering lead review engineer will be assigned. Site Engineering-Transportation will be the lead reviewers for the City. The developer shall revise the application as directed by the City. 3. The disposition of the property and/or right-of-way ownership must be identified prior to PUC application approval by CCD. An Inter-Governmental Agreement (IGA) between agencies and/or Private License Agreement or Developer's Agreement may be required prior to CCD approval of the PUC application. A maintenance agreement may be necessary, which meets the requirements in Section 7211 of the 4 CCR 723-7. Additionally, the Transportation Engineering Plans (TEP) for the project or other requirements of the typical development review process will need to be approved before CCD approval of the PUC application. 4. It is recommended that the developer submit a draft application to PUC staff, who will review the application for completeness but will not comment on the merits of the application. 5. Upon CCD approval of the draft PUC application, the developer will prepare and submit a final application, including pertinent exhibits, to the City. The City will sign the final document and return it to the developer who will deliver it to the PUC. The PUC requires eleven hard copies be submitted to them (one original and ten copies), and the City will require four copies of the approved plans for the City's files. 6. After the final application is signed by both the City and developer, the developer shall submit the application package to the PUC for review. <p><u>PUC Approval</u></p> <p>The application will follow through the approval process prescribed by the PUC.</p> <p>The application will be publicly noticed by the PUC for a 30 day period and the PUC will accept interventions from other parties on the application. Approval from the PUC may involve attendance at hearings and may take several months if the application is contested.</p> <p>No work may be performed at the rail crossing until notification from the PUC that the application has been granted. Coordination with the PUC, the City, and the railroad company will also be necessary during and after construction before the work is considered complete and acceptable.</p> |