

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0131R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, ON BEHALF OF BACA COUNTY, FOR AUTHORITY TO INSTALL FLASHING LIGHT SIGNALS WITH BELLS, CONSTANT WARNING TIME CIRCUITRY, AND NEW SIGNAL CABINET AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING COUNTY ROAD R, USDOT NO. 003737G, IN BACA COUNTY, STATE OF COLORADO.

**COMMISSION DECISION
GRANTING APPLICATION**

Mailed Date: May 12, 2023
Adopted Date: May 10, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (Application) filed by the Colorado Department of Transportation (CDOT) on March 15, 2023, requesting authority to install flashing light signals with bells, constant warning time circuitry, and a new signal cabinet at the crossing of Baca County Road R (BCR R) with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 159.237 of the Boise City subdivision, National Inventory No. 003737G near the Town of Campo, Count of Baca, State of Colorado.

2. The Commission gave notice of this Application (Notice) to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S. The Notice was mailed on March 20, 2023.

3. There were no interventions filed in this matter.

4. The Commission has reviewed the record in this matter and the Application was deemed complete within the meaning of § 40-6-109.5, C.R.S. by operation of rule on May 4, 2023.

5. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), 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. No intervention was received opposing the Application.

8. CDOT seeks authority to install active warning devices including flashing light signals, bells, constant warning time circuitry, and new signal cabinet at the crossing of BCR R with the BNSF near Campo, Colorado.

9. CDOT is proposing changes at BCR R because sight distance in the westbound vehicle direction due to higher terrain adjacent to the crossing, making it difficult for vehicles to see trains approaching the crossing. The active warning will provide drivers with information about an oncoming train. Advanced warning signs are also proposed to be installed at the crossing as there are currently none posted.

10. There are currently ten trains per day that use the crossing at a maximum timetable speed of 49 MPH with no anticipated increases or decreases in the number or character of trains at this time. There are currently 20 VPD with approximately 4 percent heavy vehicles and school buses that use the crossing at an unposted, statutory speed limit of 55 MPH. Vehicle volume is projected to increase to 25 VPD in 5-years and 35 VPD in 20-years.

11. There was one property damage only accident at the crossing in 1979.

12. CDOT states that the cost of the active warning equipment is estimated at \$233,942 and the cost to install the warning signs is estimated at \$25,000 (signs themselves are not expensive, but it will take clearing and grubbing, trash removal and sediment removal before the signs can be posted.) Section 130 funds will pay for the costs of this project.

13. CDOT proposes to start construction on September 1, 2023, and complete construction of the project by December 31, 2024. We will require CDOT to inform us in writing that construction is complete within ten days of project completion. We shall expect this letter by December 31, 2024. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. We will also require CDOT to file a copy of the signed master agreement task order by August 31, 2023, prior to starting construction at the crossing.

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 finds that it will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, 4 CCR 723-1 of the Rules of Practice and Procedure.

17. We find that good cause exists and that the requirements of public safety are met by granting the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The Application (Application) filed by the Colorado Department of Transportation (CDOT) on March 15, 2023, requesting authority to install flashing light signals with bells, constant warning time circuitry, and a new signal cabinet at the crossing of Baca County Road R (BCR R) with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 159.237 of the Boise City subdivision, National Inventory No. 003737G near the Town of Campo, Count of Baca, State of Colorado was deemed complete by operation of rule on May 4, 2023.

2. The Application is granted.

3. CDOT is authorized and ordered to upgrade the crossing of BCR R with the tracks of BNSF with flashing light signals, bells, constant warning time circuitry, and new signal cabin.

4. CDOT shall be required to file a copy of the signed master agreement task order by August 31, 2023, prior to starting construction at the crossing.

5. CDOT shall inform the Commission in writing when the crossing changes are complete within ten days of completion. The Commission will expect the letter by December 31, 2024. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. CDOT and BNSF shall be required to update the U.S. DOT National Inventory form for this crossing and file an updated copy of the form in this proceeding by December 31, 2024.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications 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 on its Mailed Date,

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 10, 2023.**

(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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Commissioners