

Decision No. C23-0383

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0203R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF BROOMFIELD FOR AUTHORITY TO INSTALL CONCRETE CROSSING MATERIAL FOR DETACHED WALK AND UPDATE TRAFFIC SIGNAL INTERCONNECT TO EXISTINGRAILROAD SIGNAL BUNGALOW AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING NICKEL STREET, USDOT NO. 089385S, IN BROOMFIELD COUNTY, STATE OF COLORADO.

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

Mailed Date: June 13, 2023
Adopted Date: June 7, 2023

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 Broomfield (Broomfield) on April 21, 2023, requesting authority to install concrete crossings surface for a detached sidewalk and updates to the existing traffic signal interconnect to the existing railroad signal bungalow at the Nickel Street crossing of BNSF Railway Company (BNSF) railroad milepost 14.449 of the Powder River Division, National Inventory No. 245254T, in Broomfield, 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 May 3, 2023.

3. No interventions were filed in this matter.

4. The Commission has reviewed the record in this matter deems the Application is 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. No intervention was received opposing the Application.

7. Broomfield seeks authority to install concrete crossing material for a detached walk west of the existing roadway crossing and updating of the existing interconnection between the existing traffic signal at Nickel Street and US 287 and the existing railroad signal. Additionally, the project will install a second traffic signal at the intersection of Industrial Lane, south of the BNSF track crossing, which will be connected to the existing signal at Nickel Street/US 287, such that both traffic signals are interconnected to the existing railroad signal bungalow. No roadway or active warning railroad equipment modifications are proposed as part of this project.

8. As grounds, Broomfield states that it is adding a 16-foot concrete crossing to the west of the vehicular roadway to provide a detached walk to provide non-motorized connection across the tracks. Additionally, Broomfield is updating the existing interconnection between the existing traffic signal at Nickel Street and US 287 to accommodate the new traffic signal that will be connected to the Nickel Street and US 287 from Nickel Street/ Industrial Lane/Commerce Street intersection. Broomfield proposes using 20 seconds of advanced preemption time for the interconnected traffic signal.

9. Broomfield states there are currently six freight trains per day using the subject crossing at a timetable speed of 30 miles per hour (MPH) on the mainline. Broomfield states that there 18,360 vehicles per day (VPD) using the crossing in 2021 with five percent heavy vehicles and school buses not using the crossing at a posted roadway speed limit of 25 MPH with vehicles projected to increase to 19,840 VPD by 2026 and 24,940 VPD in 20-years.

10. There has been one property damage only accident at the crossing that occurred in 2001.

11. Broomfield estimates the cost of this project at \$2,209,710 with 10,521 with costs for the project being paid for through CDOT administrated federal funds and local funds.

12. Broomfield proposes starting the construction on March 1, 2024, and completing the project by June 30, 2025.

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 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.

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

17. We will require Broomfield to file a copy of the signed Construction and Maintenance Agreement with the Commission by March 1, 2024, prior to start of construction at the tracks of the crossing.

18. We will require Broomfield to inform us in writing that construction is complete within ten days of project completion. We shall expect this letter by June 30, 2025.

19. We will require Broomfield to work with CDOT to update the state side of the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by June 30, 2025.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City and County of Broomfield (Broomfield) on April 21, 2023, requesting authority to install concrete crossings surface for a detached sidewalk and updates to the existing traffic signal interconnect to the existing railroad signal bungalow at the Nickel Street crossing of BNSF Railway Company (BNSF) railroad milepost 14.449 of the Powder River Division, National Inventory No. 245254T, in Broomfield, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S. on February 18, 2023.

2. The Application is granted.

3. Broomfield is authorized and ordered to install concrete crossing material for a detached walk west of the existing roadway crossing and updating of the existing interconnection between the existing traffic signal at Nickel Street and US 287 and the existing railroad signal. Additionally, Broomfield is authorized to install a second traffic signal at the intersection of

Industrial Lane, south of the BNSF track crossing, which will be connected to the existing signal at Nickel Street/US 287, such that both traffic signals are interconnected to the existing railroad signal bungalow in Broomfield, Colorado.

4. Broomfield is authorized to use 20 seconds of advanced preemption time at the interconnected crossing.

5. Broomfield will be required to file a copy of the signed Construction and Maintenance Agreement with the Commission by March 1, 2024, prior to start of construction at the tracks of the crossing.

6. Broomfield shall be required to inform the Commission in writing that construction is complete within ten days of project completion. The Commission shall expect this letter by June 30, 2025. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

7. Broomfield will be required to work with CDOT to update the state side of the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by June 30, 2025.

8. 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.

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

10. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 7, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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TOM PLANT

Commissioners

COMMISSIONER MEGAN M. GILMAN
ABSENT