

Decision No. C23-0463-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0267R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF BROOMFIELD FOR AUTHORITY TO ADD CONCRETE CROSSING MATERIAL FOR ROADWAY WIDENING AND DETACHED WALKS, RELOCATE AN EXISTING APPROACH RAILROAD GATE WITH FLASHING LIGHTS AND BELL, AND INSTALL NEW RAISED MEDIANS TO ACCOMMODATE ROADWAY WIDENING ON APPROACH TO TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING 112TH AVENUE, USDOT NO. 244790H, IN BROOMFIELD COUNTY, STATE OF COLORADO.

**INTERIM COMMISSION DECISION DEEMING
APPLICATION COMPLETE AND REFERRING MATTER
TO AN ADMINISTRATIVE LAW JUDGE**

Mailed Date: July 27, 2023

Adopted Date: July 12, 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 May 26 2023, requesting authority add concrete crossing material on each side of the existing roadway, relocation of the existing north railroad approach gate, and installation of new raised medians to accommodate roadway widening and detached walks on approach of the West 112th Avenue crossing with the BNSF Railway Company (BNSF) at railroad milepost 12.95 of the Front Range Subdivision, National Inventory No. 244790H, 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 June 1, 2023.

3. BNSF filed an Intervention which opposes and contests the Application. BNSF states that the design plans submitted are incomplete but does not state specifically what is missing from the plans. BNSF wants to preserve BNSF's right to comment on specific aspects of the proposed design and request appropriate revisions prior to providing a sketch and cost estimate (which has yet to be provided) and to raise appropriate objections before final approval by the Commission to the extent that any proposed design issues cannot be resolved during the review and comment process.

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

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 refer the Application to an Administrative Law Judge for disposition of the intervention and determination of the merits of the Application.

II. ORDER

A. It Is Ordered That:

1. The application (Application) filed by the City and County of Broomfield (Broomfield) on May 26 2023, requesting authority add concrete crossing material on each side of the existing roadway, relocation of the existing north railroad approach gate, and installation

of new raised medians to accommodate roadway widening and detached walks on approach of the West 112th Avenue crossing with the BNSF Railway Company (BNSF) at railroad milepost 12.95 of the Front Range Subdivision, National Inventory No. 244790H, in Broomfield, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Proceeding No. 23A-0267R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for disposition of the intervention and determination of the merits of the Application.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 12, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners