

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0458R

IN THE MATTER OF THE APPLICATION OF CITY AND COUNTY OF DENVER FOR AUTHORITY TO ALTER THE EXISTING AT-GRADE CROSSING AND MODIFY WARNING DEVICES OF THE BURLINGTON NORTHERN SANTA FE RAILWAYS TRACKS NEAR THE INTERSECTION OF SOUTH KALAMATH STREET AND WEST BAYAUD AVENUE (US DOT #245394V) IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

**COMMISSION DECISION GRANTING
MOTION FOR EXTENSION OF TIME**

Mailed Date: March 20, 2024

Adopted Date: March 20, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Unopposed Motion for Extension of Time (Motion) filed by the City and County of Denver (Denver) on March 13, 2024, requesting an extension of time to June 30, 2024, to file a copy of the signed Construction and Maintenance (C&M) Agreement for this project with the Commission.

2. As grounds, Denver states that Denver, Camden Baker, LLC (the project developer), and BNSF are actively negotiating a C&M Agreement for the approved improvements for this project. It is unclear to Denver at this time when the C&M Agreement will be finalized, but Denver is optimistic the C&M Agreement can be completed within the next three months and requests an extension of time to June 30, 2024, to file a signed copy of the agreement.

3. Denver conferred with counsel for the BNSF Railway and BNSF does not object to the relief sought in this Motion.

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

5. Now being fully advised in the matter, we grant the Motion.

II. ORDER

A. The Commission Orders That:

1. The Unopposed Motion for Extension of Time (Motion) filed by the City and County of Denver (Denver) on March 13, 2024, requesting an extension of time to June 30, 2024, to file a copy of the signed Construction and Maintenance (C&M) Agreement for this project with the Commission.

2. Denver shall file the signed C&M Agreement for this project by June 30, 2024.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 20, 2024.**

(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