

Decision No. C24-0623

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0286R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
AUTHORITY TO REMOVE TRACK FROM A CLOSED, UNUSED CROSSING ON LINDEN
AVENUE (DOT # 245186U) IN THE CITY OF TRINIDAD, LAS ANIMAS COUNTY, STATE
OF COLORADO.

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

Issued Date: August 30, 2024

Adopted Date: August 28, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by BNSF Railway Company (“BNSF”) on June 20, 2024, as amended on July 9, 2024 (“Amended Application”), requesting authority to close the crossing of Linden Avenue in Trinidad by removal of the tracks and active warning equipment, National Inventory No. 245186U, in Trinidad, County of Las Animas, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on July 15, 2024.

3. On July 18, 2024, BNSF provided the Affidavit of Corbin Payne of the posting of the notices at the crossing and pictures showing the notices posted at the crossing.

4. No interventions were filed in this matter.

5. The Commission reviewed the record in this matter and deems the Application complete within the meaning of § 40-6-109.5, 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 or the Amended Application.

8. BNSF requests authority to abolish the crossing of Linden Avenue with the tracks of BNSF in Trinidad, Colorado. Closure will involve removal of track, and active warning signals. The subject crossing is no longer being used by BNSF and will no longer be in use by BNSF with the proposed changes being made. By removal of the track, the need for school buses and hazardous materials vehicles to stop will no longer be required, helping to eliminate the possibility of rear-end collisions.

9. BNSF will bear all costs associated with the removal of the crossing.

10. BNSF proposes to start the track removal on approval of the application and anticipates being complete with the work by end of 2024. BNSF will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than 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.

11. The National Inventory Forms will need to be updated to show the crossing as closed. The updated form for this crossing in this proceeding will need to be filed in this proceeding by BNSF by December 31, 2024.

12. With the removal of the tracks and active warning equipment through the subject crossing, any potential highway-rail grade crossing safety issues at the crossing will be eliminated thereby preventing accidents and promoting public safety. Because the roadway will remain, no motor vehicle drivers will be inconvenienced by closure of the roadway.

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 removal of the track.

15. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

16. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER

A. The Commission Orders That:

1. The Application (“Application”) filed by BNSF Railway Company (“BNSF”) on June 20, 2024, as amended on July 9, 2024, requesting authority to close the crossing of BNSF at the crossing with Linden Avenue by removal of the tracks and active warning equipment,

National Inventory No. 245186U, in Trinidad, County of Las Animas, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. BNSF is authorized and ordered to proceed with the track and crossing equipment removal at Linden Avenue, National Inventory No. 245186U.

3. BNSF is required to inform the Commission in writing that the track removal is complete within ten days after 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.

4. The National Inventory Form for the subject crossing needs to be updated to show the crossing as closed and BNSF is required to file the updated National Inventory Form in this proceeding by December 31, 2024.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Applications for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

6. The Commission retains jurisdiction to enter further decisions as necessary.

7. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 28, 2024.**

(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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MEGAN M. GILMAN

TOM PLANT

Commissioners