

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0321R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION ON BEHALF OF OTERO COUNTY FOR AUTHORITY TO INSTALL A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF US HIGHWAY 50 AND COUNTY ROAD 18 (SOUTH)/STATE HIGHWAY 71(NORTH), WITH INTERCONNECTION TO THE EXISTING ACTIVE WARNING DEVICES AT THE ADJACENT COUNTY ROAD 18 CROSSING OF TRACKS OWNED BY BNSF RAILWAY COMPANY, USDOT NO. 003395J, IN OTERO COUNTY, STATE OF COLORADO.

**INTERIM DECISION DEEMING APPLICATION
COMPLETE AND REFERRING APPLICATION AND
INTERVENTION TO AN ADMINISTRATIVE LAW JUDGE
FOR DISPOSITION**

Mailed Date: August 31, 2022

Adopted Date: August 31, 2022

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 behalf of the County of Otero on July 11, 2022, requesting authority to install a new traffic signal at the intersection of US Highway 50 (US 50) with Otero County Road 18 (CR 18) to the south and State Highway 71 (SH 71) to the north, and to interconnect and preempt the traffic signal with the existing active warning devices at the crossing of CR 18 with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 567.251 of the La Junta-Pueblo Branch, National Inventory No. 003395J near Rocky Ford, in the County of Otero, 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 July 18, 2022.

3. On August 10, 2022, BNSF filed a Notice of Intervention. BNSF opposes and contests the Application and requests a hearing in this matter. BNSF states that CDOT filed this Application without addressing BNSF's comments.

4. The Commission reviewed the record in this matter and deems the Application complete pursuant to § 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 a determination of the merits of the Application.

II. ORDER

A. It Is Ordered That:

1. The application (Application) filed by the Colorado Department of Transportation (CDOT) on behalf of the County of Otero on July 11, 2022, requesting authority to install a new traffic signal at the intersection of US Highway 50 (US 50) with Otero County Road 18 (CR 18) to the south and State Highway 71 (SH 71) to the north, and to interconnect and preempt the traffic signal with the existing active warning devices at the crossing of CR 18 with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 567.251 of the La Junta-Pueblo Branch, National Inventory No. 003395J near Rocky Ford, in the County of Otero, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Proceeding No. 22A-0321R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for disposition of the interventions and determination of the merits of the Application.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 31, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners