

Decision No. R19-0809-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0440R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
AUTHORITY TO MODIFY AND UPGRADE ACTIVE WARNING DEVICES AT THE
CROSSING AT U.S. HIGHWAY 34 IN BRUSH, COLORADO (DOT # 057578C).

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
SCHEDULING HEARING**

Mailed Date: October 1, 2019

I. STATEMENT

1. On August 8, 2019, BNSF Railway Company (BNSF) filed the above-captioned application requesting authority to modify the active warning devices at the crossing of U.S. 34 across the tracks of the BNSF to remove the inner second entrance gate, employ “stop and wait” signs for the industry track, and install constant warning time detection at railroad milepost 149.06 of the Brush Subdivision, National Inventory No. 057578C, in the City of Brush, County of Morgan, State of Colorado. BNSF requests funding from the Highway-Rail Signalization Fund with BNSF paying for 20 percent of the costs, the Colorado Department of Transportation paying for 10 percent of the costs, and the Highway-Rail Signalization Fund paying for 70 percent of the costs.

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 on August 9, 2019.

3. No interventions were filed in this matter. BNSF is the only party to the proceeding.

4. Because funding is being requested from the Highway-Rail Signalization Fund, § 40-4-106(2)(b), C.R.S., requires a hearing on the Application and determination of the appropriate allocation of costs of the project.

II. ORDER

A. It Is Ordered That:

1. A hearing in this matter shall be conducted at the following date, time, and place:

DATE: November 4, 2019

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. At the above date, time, and place you will be given the opportunity to be heard if you so desire.

3. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director