

Decision No. R20-0072-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0552R

IN THE MATTER OF THE APPLICATION OF THE CITY OF WESTMINSTER FOR AUTHORITY TO UPGRADE APPROACH RAILROAD GATES WITH FLASHING LIGHTS, BELLS, CONSTANT WARNING TIME CIRCUITRY, NEW SIGNAL CABIN, UPGRADE OVERHEAD CANTILEVER FLASHERS, AND INSTALL RAISED MEDIANS, AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING LOWELL BOULEVARD, USDOT NO. 244778B, IN ADAMS COUNTY, STATE OF COLORADO.

PROCEEDING NO. 19A-0553R

IN THE MATTER OF THE APPLICATION OF THE CITY OF WESTMINSTER FOR AUTHORITY TO INSTALL RAISED MEDIANS, MODIFY OUTER CURBLINES AND CLOSE AN ADJACENT TURN BAY ON APPROACH TO TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING WEST 72ND AVENUE, USDOT NO. 244779H, IN ADAMS COUNTY, STATE OF COLORADO.

PROCEEDING NO. 19A-0554R

IN THE MATTER OF THE APPLICATION OF THE CITY OF WESTMINSTER FOR AUTHORITY TO UPGRADE APPROACH RAILROAD GATES WITH FLASHING LIGHTS AND BELLS, INSTALL EXIT RAILROAD GATES TO COMPLETE A 4-QUADRANT GATE INSTALLATION, UPGRADE CIRCUITRY TO CONSTANT WARNING TIME CIRCUITRY, AND INSTALL NEW RAILROAD SIGNAL CABIN, AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING BRADBURN BOULEVARD, USDOT NO. 244780C, IN ADAMS COUNTY, STATE OF COLORADO

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
GRANTING MOTION, MODIFYING
PROCEDURAL SCHEDULE,
AND RESCHEDULING HEARING**

Mailed Date: January 30, 2020

I. STATEMENT

1. On October 15, 2019 in Proceeding No. 19A-0552R, City of Westminster (Applicant or the City) filed its application for authority to upgrade approach railroad gates with flashing lights, bells, constant warning time circuitry, and new signal cabin; installation of upgraded overhead cantilever flashers; and installation of raised medians, at tracks owned by BNSF Railway Company (BNSF) crossing Lowell Boulevard, USDOT No. 244778B, in Adams County, State of Colorado. The application was amended on November 14, 2019.

2. On October 15, 2019 in Proceeding No. 19A-0553R, Applicant filed its application for authority to install raised medians, modify outer curblines, and close an adjacent turn bay on approach to tracks owned by BNSF crossing West 72nd Avenue, USDOT No. 244779H, in Adams County, State of Colorado.

3. On October 15, 2019 in Proceeding No. 19A-0554R, Applicant filed its application for authority to upgrade approach railroad gates with flashing lights and bells, install exit railroad gates to complete a 4-quadrant gate installation, upgrade circuitry to constant warning time circuitry, and install new railroad signal cabin, at tracks owned by BNSF crossing Bradburn Boulevard, USDOT No. 244780C, in Adams County, State of Colorado. The application was amended on November 14, 2019.

4. The Commission gave notice of all three applications on October 16, 2019.

5. On November 15, 2019, BNSF timely intervened of right, opposed the applications, and requested a hearing. The City and BNSF are the only parties to three above-captioned proceedings.

6. These matters were referred to an Administrative Law Judge for resolution by minute entry during the Commission's Weekly Meeting held December 4, 2019.

7. By Decision No. R19-1014-I, issued December 17, 2019, the above-captioned proceedings were consolidated, a procedural schedule was established to govern the proceeding, and a hearing was scheduled for February 18, 2020.

8. On January 29, 2020, a Joint Motion for Continuance of Hearing Proceedings was filed by the City and BNSF. They jointly report extraordinarily productive discussions and substantial progress toward resolving their differences. Tentative solutions have already been reached as to two of the three crossings that are the subject of the scheduled hearing.

9. In order to conserve the resources of all concerned, the City and BNSF request that the hearing be rescheduled to allow sufficient time for the parties to gather the necessary information to reach the anticipated agreements that would avoid the need for a hearing. Specifically, they jointly request a 60-day continuance of the hearing date, and all other related deadlines.

10. Based upon good cause shown for the unopposed request, the motion will be granted with slight modification, as ordered below.

II. ORDER

A. It Is Ordered That:

1. The Joint Motion for Continuance of Hearing Proceedings filed by City of Westminster (City) and BNSF Railway Company (BNSF) on January 29, 2020, is granted as modified by this Decision.

2. The hearing scheduled to commence in this matter on February 18, 2020, is vacated.

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

DATE: April 21, 2020
TIME: 10:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

4. The City must file its list of witnesses and copies of its exhibits that it will present at hearing no later than April 7, 2020.

5. BNSF must file its list of witnesses and copies of its exhibits to be presented at hearing no later than April 14, 2020.

6. The parties shall comply with the requirements established in this Decision and shall make the filings as required by the modified procedural schedule.

7. 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