

Decision No. C25-0065

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 10A-842R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, AND THE CITY OF COMMERCE CITY FOR AUTHORITY TO WIDEN THE ROADWAY AND CROSSING, INSTALL PEDESTRIAN SIDEWALKS, REMOVE EXISTING FLASHERS AND GATES AND INSTALL NEW APPROACH GATES, RAISED MEDIANS AND FLASHERS, RELOCATE ONE EXISTING RAILROAD CONTROL POINT TO THE NORTH SIDE AND, RELOCATE TWO SWITCHES TO MOVE THE HAZELTINE SIDING TO THE NORTH AT THE CROSSING OF THE UNION PACIFIC RAILROAD TRACK ON STATE HIGHWAY 44 (104TH AVE.) IN CITY OF COMMERCE CITY, ADAMS COUNTY, COLORADO.

**COMMISSION DECISION REMANDING PROCEEDING
TO ADMINISTRATIVE LAW JUDGE**

Issued Date: January 30, 2025

Adopted Date: January 29, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Extension of Time to Install a Queue Cutter Signal (“Motion”) filed by the City of Commerce City (“Commerce City”) on December 27, 2024, requesting an extension of time to June 30, 2027, to install the queue cutter signal and file the letter of completion with the Commission.

2. By Decision No. C24-0435, Issued June 26, 2024, the Commission previously granted Commerce City a six-month extension of time to December 31, 2024, to install the queue cutter signal.

3. As grounds, Commerce City states that due to the importance of this matter and the complexity of the improvements and design hereof requires both Commerce City and the Colorado Department of Transportation (“CDOT”) to strictly adhere to their procedures and processes to prepare and approve the required plans.

4. Commerce City states that while Commerce City and CDOT have been working diligently to meet the December 31, 2024 deadline, due to the complexity of the necessary improvements, including the railroad preemption design, railroad signal design, CDOT permitting, and railroad permitting, completion of the plans including railroad review and approval, is taking longer than is typical. For this reason, Commerce City is requesting an extension of two years and six months up to and including June 30, 2027, to complete this project.

5. No responses were filed to the Motion.

6. The Commission has already reviewed and approved the plans and design provided by Commerce City in its October 16, 2023 application amendment by Decision No. C23-0817 issued December 8, 2023, for which no responses were filed to the amended application. Commerce City is now apparently stating that an additional 2 1/2 years of time is needed for additional design and approvals for this project, which would make changes to the plans and specifications already reviewed and approved by the Commission.

7. There is insufficient information in the Motion to support the additional time requested by Commerce City to complete this project given the grounds that additional changes and reviews are apparently being made to plans that have already been approved by the Commission.

8. The Commission needs additional information from Commerce City and other parties to this proceeding as to why additional changes are being made to plans and

specifications that have already been approved by the Commission and what issues may be creating the delays in completing this project.

9. We will therefore remand this matter to the ALJ for further proceedings. We find this is appropriate because the ALJ is most familiar with this proceeding and is best able to determine why the parties continue making changes to plans and specifications that have already been approved by the Commission and what issues are causing the continued delays in this proceeding. The ALJ has the discretion to reopen the evidentiary record to consider new plans and conduct further proceedings that may be appropriate.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Time to Install a Queue Cutter Signal (“Motion”) filed by the City of Commerce City (“Commerce City”) on December 27, 2024, is remanded to the Administrative Law Judge assigned to this case for further review and disposition consistent with the discussion above.

2. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 2025.**

(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