

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 25A-0304R

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IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF DENVER FOR AUTHORITY TO INSTALL SOUTHBOUND QUEUE CUTTER SIGNAL, REPLACE CONCRETE PANELS, RECONSTRUCT AND RESURFACE ROADWAY, REPLACE AND RELOCATE RAILROAD SIGNAL HOUSE, RELOCATE POWERLINE UNDERGROUND INCLUDING A NEW RAILROAD POWER DROP, INSTALL SIDEWALKS ON ALL QUADRANTS OF THE RAILROAD CROSSING INCLUDING ADVANCE WARNING SIGNAGES AND STRIPING, AND REPLACE GATES AND FLASHERS WITH THE ADDITION OF SIDELIGHTS FOR DRIVES ON BOTH SIDES OF THE RAILROAD CROSSING AT TRACKS OWNED BY BNSF RAILWAY CROSSING WASHINGTON STREET IN THE CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

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Issued Date: September 2, 2025  
Adopted Date: August 27, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by the City and County of Denver (“Denver”) on July 8, 2025, for an order authorizing installation of a southbound queue cutter signal, replacement of concrete panels, reconstruction and resurfacing of the roadway, replacement and relocation of railroad signal house, relocation of powerline underground including a new railroad power drop, installation of sidewalks on all quadrants of the railroad crossing including advance warning signages and striping, and replacement of gates and flashers with the addition of sidelights for drives on both sides of the railroad crossing of the tracks owned by BNSF Railway Company (“BNSF”), at railroad

milepost 0.691, National Inventory No. 245283D, Powder River Division, Jersey Cutoff Denver Subdivision and Branch, Denver, 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 10, 2025.

3. On July 11, 2025, BNSF intervened as matter of right. BNSF does not oppose or contest the Application.

4. On July 17, 2025, Denver filed amendments to the Application to include a request for temporary safety measures at the crossing.

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. by operation of rule.

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 contesting or opposing the Application.

8. Denver requests authority for the installation of a southbound queue cutter signal, replacement of concrete panels, reconstruction and resurfacing of the roadway, replacement and relocation of railroad signal house, relocation of powerline underground including a new railroad power drop, installation of sidewalks on all quadrants of the railroad crossing including advance warning signages and striping, and replacement of gates and flashers with the addition of sidelights for drives on both sides of the railroad crossing of the tracks owned by BNSF, at the junction of 48th Avenue and Washington Street in Denver. The changes are necessary because Washington Street has moderate vehicle use and a moderately deficient roadway profile over the crossing, which has contributed to hazardous crossing activity.

9. Denver states that most recent traffic volume at the subject crossing as of 2022 is 14,923 vehicles per day (“VPD”). 15 percent of this traffic volume is estimated to be heavy vehicles. One school bus uses the crossing. The posted speed limit at the crossing will reduce from 35 to 25 miles per hour (“MPH”) as a result of the project. Five-year traffic volumes are projected to be 15,669 VPD and 20-year traffic volumes are projected to be 28,342 VPD. There are currently one to five trains per week as of 2022 that use the crossing at a maximum timetable speed of 10 MPH with no anticipated changes in train volume in the future.

10. There have been no accidents at the crossing since 1975.

11. Denver requests to install temporary safety measures at the crossing due to a nearby separate project on the Globeville Levee. These measures are for a temporary trail relocation which utilizes the crossing. Temporary striping and signage will be added to the existing crossing including 18R1-1 Stop signs, 18R15-8 Look signs and 18R5-6 Dismount Bicycles Across Tracks signs. These measures will be removed upon commencement of project construction at the crossing.

12. The project includes replacement of concrete panel crossing surface material at the BNSF tracks. A concrete sidewalk 10 feet wide and 6 inches thick will be constructed on both sides of the roadway. W10-1 grade crossing Advance Warning signs will be installed along with grade crossing symbol pavement marking on each approach to the crossing.

13. The existing flashing lights, gates, bells and crossbucks will be replaced and include side flashing lights. The new gates will be 18 feet in length. The existing signal bungalow will be replaced and moved from the north-east to the south-west side of the crossing. Constant Warning Time track circuitry will be used in order to provide a uniform warning time to motorists based on

the speed of an approaching train. A proposed new southbound queue cutter signal will utilize advance preemption.

14. Denver estimates the costs of the project at \$766,065. The cost for improvements will be funded through appropriation of 30percent FHWA RAISE Grant funds and 70 percent CCD bond funds.

15. Denver proposes to start the project on approval of the application and anticipates being complete with the work by January 30, 2027. Denver will be required to provide a copy of the signed Construction and Maintenance Agreement with BNSF for this project by September 17, 2025, prior to starting construction on this project.

16. Denver 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 January 30, 2027. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

17. BNSF will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by BNSF by January 30, 2027.

### **C. Conclusions**

18. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), C.R.S.

19. 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.

20. 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 the City and County of Denver (“Denver”) on July 8, 2025, for an order authorizing installation of a southbound queue cutter signal, replacement of concrete panels, reconstruction and resurfacing of the roadway, replacement and relocation of railroad signal house, relocation of powerline underground including a new railroad power drop, installation of sidewalks on all quadrants of the railroad crossing including advance warning signages and striping, and replacement of gates and flashers with the addition of sidelights for drives on both sides of the railroad crossing of the tracks owned by BNSF Railway Company (“BNSF”), at railroad milepost 0.691, National Inventory No. 245283D, Powder River Division, Jersey Cutoff Denver Subdivision and Branch, Denver, State of Colorado was deemed complete within the meaning of § 40-6-109.5, C.R.S., on August 26, 2025, and is granted.

2. Denver is authorized and ordered to proceed with the proposed changes at the crossing.

3. Denver shall file a copy of the signed Construction and Maintenance Agreement with BNSF for this project by September 17, 2025, prior to starting work at the crossing.

4. Denver is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by January 30, 2027. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. BNSF will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by BNSF by January 30, 2027.

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

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

8. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 27, 2025.**

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ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners