

Decision No. C25-0712

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0415R

IN THE MATTER OF THE APPLICATION OF THE CITY OF GREELEY FOR AUTHORITY TO DESIGN AND IMPLEMENT HIGHWAY-RAIL GRADE CROSSING SAFETY IMPROVEMENTS ON THE UNION PACIFIC RAILROAD AT 8TH STREET (DOT NO. 804372P) IN THE CITY OF GREELEY, WELD COUNTY, COLORADO.

**COMMISSION DECISION AFFIRMING TIMELINE AND
ADDRESSING FILING**

Issued Date: October 3, 2025
Adopted Date: September 24, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of Applicant's Request for Approval of Updated Final Plans and for Order Detting Deadlines for Certain UPRR Actions ("Motion") filed by the City of Greeley ("Greeley") on August 8, 2025 and an Amendment to Applicants Request for Approval of Updated Final Plans and For Order Setting Deadlines for Certain UPRR Actions ("Amended Motion") filed by Greeley on August 15, 2025 requesting: 1) approval of updated final roadway plans detailing the proposed modifications at the 8th Street crossing with the tracks of the Union Pacific Railroad Company ("UPRR"); 2) a deadline be set by the Commission for UPRR to file, directly into this proceeding, the front sheet (schematic diagram) for the proposed crossing improvements; and 3) to request the Commission to set a reasonable timeline within which UPRR must provide the executed

Construction and Maintenance Agreement to include language compliant with PUC Rules and state statute for City signature.

2. Greeley conferred with counsel for UPRR and states that UPRR objects to the relief sought by Greeley.

B. Discussion

3. On January 4, 2023, the Commission issued Decision No. C23-0002 affirming the timeline and addressing a filing. In that decision, UPRR was ordered to file the cost estimate and schematic diagram for this proceeding by March 31, 2023.

4. On June 7, 2023, Greeley filed a Response to UPRR's Response to Interim Commission Decision Affirming Timeline and Addressing Filing¹.)

5. Greeley stated that the updated design was forwarded to UPRR on October 19, 2022. UPRR at that time made no mention of the need for any additional meetings but rather instructed their consultant to review the update design and provide comments as shown in UPRR's consultant's notification. As part of that notification, UPRR stated it would require Greeley to agree to pay maintenance costs for the 4-quadrant gate system. Additionally, Greeley said that UPRR was indicating that they cannot provide a schematic and estimate until a diagnostic meeting was held.

6. Greeley pointed out that the Commission did not require an additional field diagnostic to be held, the PUC is the regulatory authority for crossing safety in the State of Colorado, and that the Federal Railroad Administration ("FRA") does not require a field

¹ UPRR did not file a response to the Commission's Decision in this matter but did file a response to the Commission's Decision in Proceeding 21A-0416.

diagnostic review when a crossing is being treated with a fully compliant Supplemental Safety Measure for Quiet Zone establishment.

7. Greeley goes on to discuss that Part 8 of the Manual on Uniform Control Devices (“MUTCD”), and specifically Section 8C.06 Four-Quadrant Gate Systems, does not require a field diagnostic for a 4-quadrant gate installation. Greeley also points out that UPRR standards are neither readily available, nor binding on public agencies as they are not Federal, State or Local standards. Greeley also notes that a field diagnostic meeting was held at the crossing on July 25, 2017, with UPRR present. Greeley states that any and all crossing concerns, regardless of anticipated improvements, should have been identified by UPRR and/or their consultant at that time.

8. Greeley states that UPRR’s assertion that Greeley’s approach is ‘unilateral’ and ‘unacceptable’ is inaccurate. According to Greeley, UPRR has not in any way participated in this project in an agreeable fashion and that UPRR continues to impend this project, due to the simple fact that Greeley chooses to abide by Colorado PUC rules and not pay UPRR for maintenance of the 4-quadrant gate system.

9. Finally, Greeley states that UPRR indicates they wish to continue discussions toward an amicable, mutually agreeable solution. Greeley states that it is not obligated to find a ‘mutually agreeable solution’ with UPRR when the FRA has already defined the treatment that is acceptable for Quiet Zone establishment at a national level.

10. Greeley requested the Commission to enter an order for UPRR to provide the estimate and schematic by May 31, 2023 for the four-quadrant gate installation at the crossing and that if the estimate and schematic were not received by that date that Greeley could engage

an outside railroad signal consultant to develop an estimate and schematic to be approved by the omission and to which the UPRR would be held.

11. To date, UPRR has yet to comply with the Commission's order requiring them to file the cost estimate and front sheet in this proceeding.

C. Findings, and Conclusions

12. The Commission has reviewed the plans filed by Greeley for the 8th Street crossing and finds the plans are not compliant with the requirements of the MUTCD. Specifically, the medians in which the flashing light signals are proposed to be installed are too narrow. The medians are 5' in width from face of curb to face of curb, which will not allow the flashing light signals to be installed as per the requirements in the MUTCD.

13. With the plans filed by Greeley not in compliance with the MUTCD and UPRR's continued inability to file the cost estimate and front sheet for this project, we refer this matter to an Administrative Law Judge ("ALJ") to review this proceeding and to get a decision on this application this finished as expeditiously as possible given we are four years into this process with a questionable end in sight. Now that we have additional staff in our Rail/Transit Safety Section, we also think it would be helpful for the Staff of the Commission to intervene in this matter to assist the parties in solving any outstanding issues and to assist in providing a complete record for the ALJ to work from to issue a Recommended Decision in this matter.

II. ORDER

A. The Commission Orders That:

1. Proceeding No. 21A-0415R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for determination of the merits of the Application.

2. Should Staff of the Commission seek to intervene in this proceeding, we recommend granting intervention, even at this late stage. While this project has been ongoing for some time, recent revisions to the crossing design require review. The Commission Trial Staff has only recently gained employees with crossing expertise, and despite the projects long history, we believe Trial Staff will be able to assist the parties in solving any outstanding issues and to assist in providing a complete record for the ALJ and Commission.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 24, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners