

Decision No. C25-0764

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0379R

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

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

Issued Date: October 24, 2025

Adopted Date: October 22, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (“Application”) filed by the City of Westminster (“Westminster”) on September 15, 2025, requesting to replace the active warning crossing signals including flashing lights, gates, bells, cantilever signal, constant warning time detection circuitry and install raised medians, modification of outer curblines, and closure of an adjacent turn bay on the approaches to the West 72nd Avenue crossing with the BNSF Railway Company (“BNSF”) Front Range Subdivision, railroad milepost 6.289, National Inventory No. 244779H in the City of Westminster, County of Adams, State of Colorado.

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 September 16, 2025.

3. On September 16, 2025, BNSF filed an Entry of Appearance and Notice of Intervention. BNSF does not contest or oppose the Application.

4. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

5. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

7. Westminster replace the active warning crossing signals including flashing lights, gates, bells, cantilever signal, constant warning time detection circuitry and install raised medians, modification of outer curblines, and closure of an adjacent turn bay on the approaches to the West 72nd Avenue crossing with the BNSF tracks. The total warning time at the crossing is proposed to be 33 seconds.

8. Westminster desires to make the proposed changes at the crossing to bring the crossing into compliance with the requirements for establishing the crossing as part of a quiet zone in Westminster.

9. Westminster states in its Application there are currently approximately six trains per day using the subject crossing at a timetable speed of 25 miles per hour (“MPH”) with no anticipated changes in the future. Normal fluctuation on this track is between four and 12 trains

per day based on a review of 10 years of data. Westminster states there are currently 21,202 vehicles per day (“VPD”) as of 2024 with projected growth to 22,527 VPD by 2029 and 26,870 by 2024. Westminster states that there are approximately eight percent heavy vehicles that use the crossing and that school buses do use the crossing.

10. There have been three accidents including one injury accident in 1990 and two property damage only accidents in 1983, and 1987 at the crossing since 1975.

11. Westminster states that the railroad signal costs of the project are estimated at \$574,467 with BNSF paying for \$449,468 and Westminster paying for \$124,999 of the signal cost. Westminster estimates the civil engineering work for the project at \$224,315 with the costs being paid by a combination of CDOT-Administered Federalized Funds and local general capital improvement funds by Westminster.

12. Westminster provided a copy of the signed Construction and Maintenance Agreement for this project.

13. Westminster proposes to start construction on October 1, 2025, and be complete by November 20, 2025. Westminster will be required to inform the Commission in writing that the work is complete by November 20, 2025, although we understand this completion may be earlier or later based on weather and construction schedule.

14. BNSF and Westminster will be required to work together to provide the updated U.S. DOT Inventory Form for the updated crossing by the end of the project estimated to be on November 20, 2025.

C. Conclusions

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

16. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

17. Because the Application is unopposed, the Commission finds that it will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, 4 *Code of Colorado Regulations* 723-1 of the Rules of Practice and Procedure.

18. We find that good cause exists and that the requirements of public safety are met by granting the Application, consistent with the above discussion.

II. ORDER**A. The Commission Orders That:**

1. The Application (“Application”) filed by the City of Westminster (“Westminster”) on September 15, 2025, requesting to replace the active warning crossing signals including flashing lights, gates, bells, cantilever signal, constant warning time detection circuitry and install raised medians, modification of outer curblines, and closure of an adjacent turn bay on the approaches to the West 72nd Avenue crossing with the BNSF Railway Company (“BNSF”) Front Range Subdivision, railroad milepost 6.289, National Inventory No. 244779H in the City of Westminster, County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. Westminster is authorized and ordered to replace the active warning crossing signals including flashing lights, gates, bells, cantilever signal, constant warning time detection

circuitry with a total warning time of 33 seconds and install raised medians, modification of outer curblines, and closure of an adjacent turn bay on the approaches to the West 72nd Avenue crossing in the City of Westminster.

3. Westminster shall inform the Commission in writing when the project is completed within 10 days of completion. The Commission will expect the letter by November 20, 2025. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

4. BNSF and Westminster shall update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by November 20, 2025.

5. 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.

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

7. This Decision is effective immediately upon its Issued Date.

(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

COMMISSIONER MEGAN M. GILMAN
ABSENT