

Decision No. C25-0768

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0358R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR AUTHORITY TO REPLACE THE FLASHERS, GATES, AND BUNGALOW AND FINAL APPROVAL OF ADVANCED PREEMPTION TIME AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO REPLACE TRAFFIC SIGNAL CONTROLLERS FOR THE CROSSING AT JAY ROAD IN THE UNINCORPORATED COMMUNITY OF VALMONT, BOULDER COUNTY, COLORADO (DOT# 244823T).

**COMMISSION DECISION GRANTING MOTION FOR
EXTENSION OF TIME AND REFERRING MATTER TO
AN ADMINISTRATIVE LAW JUDGE**

Issued Date: October 27, 2025

Adopted Date: October 22, 2025

I. STATEMENT

A. Statement

1. This matter comes before the Commission for consideration of an Unopposed Motion for Extension of Time (“Motion”) filed by the Trial Staff of the Colorado Public Utilities Commission (“Trial Staff”) filed on October 13, 2025, to extend the time for the Colorado Department of Transportation (“CDOT”) to respond to the Deficiency Letter by an additional 35 days to November 17, 2025 to file additional documentation with the Commission to complete the application and to waive response time to this motion.

B. Procedural History

2. On September 15, 2025, CDOT filed its Motion for Extension of Time to file a response to the Deficiency Letter sent by Staff of the Commission on September 5, 2025.

3. By Decision No. C25-0726, issued October 10, 2025, the Commission deemed the Application incomplete, and granted the Motion.

4. On October 13, 2025, Trial Staff intervened in the above-captioned proceeding and requested a hearing pursuant to Commission Rule 4 *Code of Colorado Regulations* (“CCR”) 723-1-1401(a).

5. In its intervention, Trial Staff states that it has numerous questions for CDOT regarding the proposed highway traffic signal operations with the inclusion of bus phasing at the subject crossing.

6. Also on October 13, 2025, Trial Staff filed a Motion to extend the time for CDOT to respond to the Deficiency Letter by an additional 35 days, requesting an extension of time to November 17, 2025 and requesting a waiver of response time to this motion.

7. In support of its Motion, Trial Staff states its counsel held an initial meeting with CDOT and its counsel to discuss issues raised in the Deficiency Letter plus additional matters identified by Trial Staff. Based upon that conferral, CDOT and BNSF support this Motion. Because no party opposes the Motion, the Trial Staff requests a waiver of response time pursuant to 4 CCR 723-1-1400(b).

8. Based on the additional time requested to respond to the Deficiency Letter to complete the application, we will grant the extension of time to November 17, 2025, and refer it to an Administrative Law Judge for determination if the application is complete and to rule on the merits of case.

C. Conclusion

9. The Motion states good cause to grant the extension of time within which to submit documentation relevant to the completeness of the Application.

10. Now being fully advised, we grant Trial Staff's Motion and refer this matter to an Administrative Law Judge for determination if the application is complete and to rule on the merits of the application.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Time ("Motion") filed by the Trial Staff of the Colorado Public Utilities Commission ("Trial Staff") filed on October 13, 2025 to extend the time for the Colorado Department of Transportation ("CDOT") to respond to the Deficiency Letter by an additional 35 days to November 17, 2025 to file additional documentation with the Commission to complete the application and to waive response time to this motion is granted.

2. CDOT is granted until November 17, 2025 to file additional documentation with the Commission.

3. The intervention of Trial Staff is noted.

4. Proceeding No. 25A-0358R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for determination of completeness of the Application and to rule on the merits of the Application.

5. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 22, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners

Rebecca E. White,
Director

COMMISSIONER MEGAN M. GILMAN
ABSENT