

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

PROCEEDING NO. 25A-0377R

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IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR AUTHORITY TO REPLACE THE FLASHERS AND BUNGALOW, UPGRADE THE TRACK CIRCUITRY FROM MOTION DETECTION TO CONSTANT WARNING TIME, AND ADD TWO GATES FOR THE CROSSING AT COUNTY ROAD 18.3 IN THE STATUTORY TOWN OF STARKVILLE, LAS ANIMAS COUNTY, COLORADO (DOT# 003350C).

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

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Issued Date: November 13, 2025

Adopted Date: November 5, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by BNSF Railway Company (“BNSF”) on September 15, 2025, for an order authorizing it to replace flashing lights, bells and bungalow, upgrade the track circuitry from motion detection to constant warning time, and add two gates at the crossing of County Road 18.3 with the tracks owned by BNSF, at railroad milepost 641.102, National Inventory No. 003350C in the Statutory Town of Starkville, Las Animas County, 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 September 23, 2025.

3. On September 26, 2025, Staff of the Commission sent a Deficiency Letter to BNSF outlining missing information from the Application.

4. On October 7, 2025, BNSF filed a supplement to the Application that cured the identified deficiencies in the Application.

5. No interventions were filed in this matter.

6. The Commission reviewed the record in this matter and deems the Application complete by operation of law on November 7, 2025, within the meaning of § 40-6-109.5, C.R.S.

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

**B. Findings of Fact**

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

9. BNSF requests authority to replace the flashing lights, bells and bungalow, upgrade the track circuitry from motion detection to constant warning time, and add two gates at the crossing of County Road 18.3 with the tracks owned by BNSF in the Statutory Town of Starkville, Las Animas County, Colorado. The change is necessary because the bungalow and flashing lights at the crossing are of an older variety and BNSF no longer has spare equipment in the event of a failure.

10. BNSF plans to use Constant Warning Time track circuitry in order to provide a uniform warning time to motorists based on the speed of an approaching train. BNSF's proposed changes and equipment upgrades will bring the crossing into compliance with current American Railway Engineers and Maintenance of Way standards.

11. BNSF states that most recent traffic volume at the subject crossing as of 1987 is 20 vehicles per day ("VPD"). None of the traffic volume is estimated to be heavy vehicles. No school buses use the crossing. The posted speed limit at the crossing is 30 miles per hour ("MPH"). There were no five- or 20-year traffic volumes provided. There are currently two trains

per day as of 2023 that use the crossing at a maximum timetable speed of 30 MPH with no anticipated changes in train volume in the future.

12. There have been three property damage only accidents at the crossing since 1975 in 1984, 1999 and 2005.

13. BNSF estimates the cost of the project at \$397,021. BNSF will cover 14 per cent and Amtrak will pay 86 percent of the projected costs for the project.

14. BNSF proposes to start the project on January 1, 2026, and anticipates being complete with the work by June 1, 2026. BNSF 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 June 1, 2026. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

15. 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 June 1, 2026.

### **C. Conclusions**

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

17. 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.

18. 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 BNSF Railway Company (“BNSF”) on September 15, 2025, for an order authorizing it to replace flashing lights, bells and bungalow, upgrade the track circuitry from motion detection to constant warning time, and add two gates at the crossing of County Road 18.3 with the tracks owned by BNSF, at railroad milepost 641.102, National Inventory No. 003350C in the Statutory Town of Starkville, Las Animas County, State of Colorado is deemed complete by operation of law on November 7, 2025, within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. BNSF is authorized and ordered to proceed with the replacement of flashing lights, bells and bungalow, upgrade the track circuitry from motion detection to constant warning time, and add two gates at the crossing.

3. BNSF is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by June 1, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

4. 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 June 1, 2026.

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 upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 5, 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