

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

PROCEEDING NO. 23A-0353R

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IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT, COLORADO, 80501 FOR AUTHORITY TO CONSTRUCT A NEW AT-GRADE CROSSING OF THE BURLINGTON NORTHERN SANTA FE TRACKS ON THE PROPOSED BOSTON AVENUE EXTENSION AND FOR AUTHORITY TO CLOSE THE EXISTING CROSSINGS OF THE BURLINGTON NORTHERN SANTA FE TRACKS AT FIFTH AVENUE AND TERRY STREET IN LONGMONT, COLORADO.

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**RECOMMENDED DECISION GRANTING APPLICATION  
AS MODIFIED BY FINAL PLANS AND CLOSING  
PROCEEDING**

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Issued Date: August 26, 2025

**I. PROCEDURAL HISTORY<sup>1</sup>**

1. On June 27, 2023 the City of Longmont (“Longmont” or “City” or “Applicant”) filed an Application (“Application”), requesting authority to open a new highway-rail grade crossing at the extension of Boston Avenue with the tracks of the BNSF Railway Company (“BNSF”) at railroad milepost 43.4 of the Front Range Subdivision (no existing National Inventory Number), in Longmont, County of Boulder, in the State of Colorado, and to close the existing crossings of 5th Avenue at railroad milepost 44.289, National Inventory No. 245003Y and Terry Street, at railroad milepost 43.430, National Inventory No. 244846A, in Longmont, in the State of Colorado. This filing commenced Proceeding No. 23A-0353R.

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<sup>1</sup> This Proceeding has a lengthy procedural history. For purposes of this Decision, only the procedural history necessary to understand the issues decided herein is recited. The remainder of the procedural history is set forth in the interim decisions in this Proceeding.

2. By Decision No. C23-0560-I, issued August 31, 2023, the Commission referred this matter to an Administrative Law Judge (“ALJ”) for determination of the merits of the Application.

3. On October 17, 2023, Longmont waived its statutory right to a decision within 120 days after the Application was deemed complete pursuant to § 40-6-109.5(3), C.R.S.<sup>2</sup>

4. By Decision No. R24-0785-I, issued October 29, 2024, the ALJ, among other things, granted BNSF’s request to intervene out of time.<sup>3</sup>

5. By Decision No. R25-0416-I, issued June 2, 2025, the ALJ, among other things scheduled a pre-hearing conference for June 6, 2025.

6. On June 6, 2025, a pre-hearing conference in this matter was held as scheduled. During the pre-hearing conference, the parties resolved several of their outstanding issues and agreed to continue to confer with one another.

7. By Decision No. R25-0446-I, issued June 10, 2025, the undersigned ALJ ordered, among other things, that Longmont file in this Proceeding its then-most current plans and drawings, for consideration of final Commission approval, by July 18, 2025.

8. On July 18, 2025, the City of Longmont filed The City of Longmont’s Notice of Filing Revised Final Plans, together with Attachment A - Revised 100% Plans and Attachment B - Revised BNSF Preemption Request Form Boston Price 07-15-2025 (together, the “Final Plans”).

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<sup>2</sup> Second Joint Motion Requesting Continuance of the October 18, 2023 Evidentiary Hearing, or in the Alternative, a Request for a Status Conference at ¶ 6.

<sup>3</sup> The undersigned ALJ notes that, following its initial intervention on July 19, 2023, BNSF withdrew its intervention on December 6, 2023, and, on September 25, 2024, filed its Notice of Re-Intervention, which the undersigned ALJ construed as a motion to intervene out of time and granted by Decision No. R24-0785-I.

## II. ANALYSIS FINDINGS AND CONCLUSIONS

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

10. The Commission gave notice of this Application to all interested parties, including adjacent property owners.

11. Applicant is the City of Longmont, Colorado. The new crossing, signalization of the crossing, interconnection of the new railroad crossing signal to the new traffic signal, and the closure of two crossings that are the subject of this proceeding are proposed to be built and closed within the City of Longmont.

12. BNSF is the owner of the tracks at which the new crossing will be constructed and the two public crossings will be closed.

13. Longmont filed this application for the new crossing at railroad milepost 43.4 to meet the current needs of the City to reduce traffic congestion and increase connectivity in the community. Longmont is also requesting this new crossing to support future plans for transit-oriented development and for the Regional Transportation District's future use as part of a planned Bus Rapid Transit corridor and use at the First and Main Transit Center.

14. The evidence establishes that the estimated cost of construction for the new roadway, crossing, and traffic signalization is \$4,322,995—of which \$3,290,087 relates to traffic signal and civil engineering work; \$340,405 to the new crossing surface; and \$692,503 to the four-quadrant grade crossing signal.

15. In the original Application, Longmont stated it desired to start construction in 2024 and that completion of the project is expected to occur approximately 180 calendar days after construction starts. However, since this decision is being written in 2025, the construction

completion date should be extended to 180 days after the signed Construction and Maintenance Agreement has been filed with the Commission.

16. Pursuant to Rule 7204 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* ("CCR") 723-7, "[a]n application may be filed for the final approval of plans/drawings..."

17. Longmont filed the Application to open a new at-grade crossing at the extension of Boston Avenue over the tracks of the BNSF, to close the two crossings of 5th Avenue and Terry Street upon the opening of the new Boston Avenue crossing, to install flashing lights, four- quadrant gates, bells, pedestrian sidewalk chicane using a barrier on the south side of the crossing, and to interconnect the railroad crossing signal to a new traffic signal of Boston Avenue and Price Road.

18. Longmont filed its final plans for this project on July 18, 2025 for review and Commission action.

19. The Front Range subdivision of BNSF currently has freight traffic only. The current maximum design speed near the crossing is 49 miles per hour (MPH) with train speed at the new crossing estimated to be 20 MPH. At the time of the Application, there were approximately eight trains per day that would use the new crossing.

20. Longmont estimates that traffic volumes at the new crossing are 7,000 vehicles per day (VPD) in five years and estimated at 16,000 VPD in 20 years. The roadway across the crossing is anticipated to be at posted speed limit of 35 MPH.

21. As part of the Application, Longmont will be seeking to include this crossing in a quiet zone by posting W10-10P "No Train Horn" placards on the W10-1 and W10-2 advance warning signs that will be posted as part of the new crossing. Longmont will not be allowed to

post the “No Train Horn” placards until the Federal Railroad Administration allows the establishment of a quiet zone that includes the crossing.

22. The new railroad crossing signals are proposed to be interconnected with a new traffic signal for the new four-leg intersection of Boston Avenue and Price Road created by the extension of Boston Avenue across the tracks of the BNSF. The traffic signal will have near-side signals before the intersection and far-side signals. The near-side signals would be used to alert drivers to stop at the stop bar upstream from the intersection when the intersection is red for westbound traffic. This is being done to prevent vehicles from queueing on the tracks when the traffic signal shows red for westbound traffic.

23. The new traffic signal is proposed to be interconnected with the new railroad signal using advance preemption. The advance preemption time is proposed to be 19 seconds.

24. Longmont proposes closing the public at-grade crossings of 5th Avenue and Terry Street as part of this Application. Closure plans have been provided for both crossings. Longmont requests these crossings not be closed until the new Boston Avenue crossing has been completed and is operational to traffic.

25. In the Final Plans, Longmont includes a line item labeled “Pedestrian Gate (RR Swing) (Special).”<sup>4</sup> However, the Final Plans contain no other reference to pedestrian swing gates. Accordingly, Longmont shall file a clarification in this Proceeding explaining the purpose of this line item and stating whether pedestrian swing gates are included in the approved design, as ordered below. If pedestrian swing gates are not part of the design, Longmont shall also file a corrected plan sheet removing this reference, as ordered below.

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<sup>4</sup> See item 78 on Sheet 8 of 107 of the 100% Roadway Design Plans filed by Longmont on July 18, 2025.

26. Notwithstanding the foregoing clarification, the undersigned ALJ finds that the closure of the Terry Street and 5th Avenue crossings, when considered together with the new Boston Avenue crossing and associated safety measures, will improve the overall safety of the traveling public and the operational safety of the BNSF line within Longmont, and is consistent with public convenience and necessity.

### **III. ORDER**

#### **A. The Commission Orders That:**

1. Consistent with the discussion above, the application (“Application”) filed by the City of Longmont (“Longmont”) on June 27, 2023, as amended by the plans/drawings submitted on July 18, 2025 to construct a new at-grade crossing of the extension of Boston Avenue with the tracks of the BNSF Railway Company (“BNSF”) Front Range Subdivision at railroad milepost 43.4, and the closure of the Terry Street and 5th Avenue public at-grade crossings, is granted.

2. As it relates to the Application, Longmont is authorized and ordered to install a new at-grade crossing that includes flashing lights, four quadrant gates, bells, radar exit gate vehicle detection, and pedestrian sidewalk chicane using a barrier on the south side of the crossing. Longmont is also authorized and ordered to interconnect the new traffic signal at the intersection of Boston Avenue and Price Road with the new at-grade crossing railroad signal at the Boston Avenue crossing.

3. As it relates to the Application, the advance warning time for the interconnected crossing shall be 19 seconds.

4. As it relates to the Application, Longmont is authorized and ordered to close the public crossings of Terry Street and 5th Avenue once the new at-grade crossing of Boston Avenue is open and operational.

5. As it relates to the Application, Longmont shall not post the W10-10P “No Train Horn” signs with the advance warning signs being installed as part of this project until the Federal Railroad Administration has approved a quiet zone that includes the Boston Avenue crossing. These signs are to be posted on the date of establishment of the quiet zone.

6. As it relates to the Application, BNSF shall assign a crossing number to the Boston Avenue crossing.

7. As it relates to the Application, Longmont shall file a copy of the signed Construction and Maintenance Agreement for this project by December 31, 2025.

8. As it relates to the Application, Longmont is expected to file a Notice of Completion with the Commission within ten days of the start of operations at the crossing. This letter will be expected to be filed with the Commission by June 30, 2026.

9. As it relates to the Application, Longmont and BNSF shall file a copy of the new National Inventory Form for Boston Avenue by June 30, 2026.

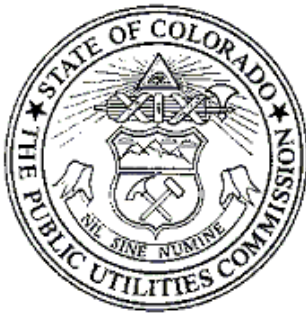
10. As it relates to the Application, BNSF shall file copies of the updated National Inventory Forms for the 5<sup>th</sup> Avenue and Terry Street crossings by June 30, 2026.

11. Within 30 days of this Recommended Decision, Longmont shall file a clarification in this Proceeding explaining the purpose of the line item labeled “Pedestrian Gate (RR Swing) (Special)” shown as item 78 on Sheet 8 of 107 of the 100% Roadway Design Plans filed by Longmont on July 18, 2025, and stating whether pedestrian swing gates are included in the approved design. If pedestrian swing gates are not part of the design, Longmont shall also file a corrected plan sheet removing this reference. No installation of pedestrian swing gates is authorized by this Recommended Decision absent further Commission order.

12. Proceeding No. 23A-0353R is closed.

13. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

AVIV SEGEV

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Administrative Law Judge

Rebecca E. White,  
Director