

Decision No. R25-0811

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0332R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT FOR AUTHORITY TO INSTALL CONCRETE SURFACING MATERIAL AND CONCRETE SIDEWALK FOR A DETACHED SIDEWALK AT TRACKS OWNED BY GREAT WESTERN RAILWAY OF COLORADO, LLC CROSSING COUNTY ROAD 26, USDOT NO. 849321F, IN WELD COUNTY, STATE OF COLORADO.

**RECOMMENDED DECISION
AMENDING APPLICATION; DISMISSING
INTERVENTION; AND GRANTING AMENDED
APPLICATION**

Issued Date: November 17, 2025

I. STATEMENT

1. This matter comes before the Public Utilities Commission (“Commission”) for consideration of an application (“Application”) filed by the City of Longmont (“Longmont”) on August 6, 2025, requesting an order authorizing the installation of concrete surfacing material and concrete sidewalk to connect a proposed detached walk along the north side of the County Road 26 crossing of the tracks owned by Great Western Railway of Colorado, LLC (“GWR”), at railroad milepost 4.7 of the Central division, Longmont subdivision, National Inventory No. 849321F, in Weld County, 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 August 15, 2025.

3. In the Application, Exhibit D is comprised of three pages. On September 19, 2025, Longmont filed its Notice of Filing Revised Final Plans, including Exhibit D, Rev. 1 Sheet 1 and Exhibit D, Rev. 1 Sheet 2. These sheets revised two of the three pages in Exhibit D.

4. On September 22, 2025, Trial Staff of the Commission (“Trial Staff”) filed its Notice of Intervention as of Right by Trial Staff of the Commission, Entry of Appearance, Notice Pursuant to Rule 1007(a) and Rule 1401, and Request for Hearing (“Intervention”). In its Intervention, Trial Staff requested a hearing on this matter.

5. On October 1, 2025, this matter was referred to an Administrative Law Judge (“ALJ”) by minute entry.

6. On October 3, 2025, the Commission issued Decision No. C25-0716, which deemed Longmont’s Application complete and granted the Application. That decision provided a 20-day period, pursuant to § 40-6-114, C.R.S., within which to file an application for rehearing, reargument, or reconsideration (“RRR”).

7. On October 7, 2025, Trial Staff filed its Application for Rehearing, Reargument, or Reconsideration of Decision No. C25-0716 and Trial Staff’s Motion to Stay Decision C25-0716 (“RRR Application”).

8. By Decision No. R25-0742-I, issued on October 14, 2025, the undersigned ALJ granted Trial Staff’s RRR Application and acknowledged their intervention. Decision No. R25-0742-I also ordered the parties to confer on a procedural schedule to govern this Proceeding by October 29, 2025.

9. On October 29, 2025, Longmont filed its Unopposed Motion to Amend Application, Vacate Hearing, and Waiver of Response Time, and included Exhibit D, Rev. 2 (“Unopposed Motion” and “Exhibit D, Rev. 2”).

10. In the Unopposed Motion, Longmont stated that Longmont and Trial Staff had worked diligently to address the issues raised by Trial Staff in their Intervention. Based thereupon, Longmont proposes to effectively supersede the entirety of Exhibit D with Exhibit D, Rev. 2, to address Trial Staff's concerns regarding the installation of the sidewalk-specific passive warning devices and the responsibility for the installation and maintenance of the passive warning devices.

11. Longmont also stated that because the proposed amendments to the Application address Trial Staff's concerns, there is no need for a hearing. If the Unopposed Motion is granted, Trial Staff withdraws its Intervention. Therefore, and because the motion is unopposed, Longmont requests that the Commission vacate the requirement in Decision No. R25-0742-I that Longmont and Trial Staff file a proposed procedural schedule and waive response time to the Unopposed Motion pursuant to Rule 1400(b) of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1.

12. In accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission, the record in this proceeding along with a written Recommended Decision.

II. FINDINGS AND CONCLUSIONS

A. Amendment to Application

13. Longmont's Unopposed Motion was filed pursuant to Rule 1309 of the Rules of Practice and Procedure, 4 CCR 723-1.

14. Longmont's proposed amendment supersedes the previous version of Exhibit D to the Application with Exhibit D, Rev. 2. Page 2 of Exhibit D, Rev. 2 removes the crossbucks assembly detail. Page 3 of Exhibit D, Rev. 2 removes the yield signs.

15. All other information submitted with the Application remains unchanged.

16. Based upon good cause shown for the unopposed requests, response time to the Unopposed Motion will be waived, the Unopposed Motion will be granted.

17. Granting the Unopposed Motion has two impacts. First, the Application is amended. Second, as described in the Unopposed Motion, the intervention of Trial Staff is acknowledged as withdrawn.

B. Findings of Fact

18. The Commission gave notice to all interested parties, including the adjacent property owners. The Application, as amended, is unopposed.

19. Longmont seeks to install concrete crossing material on the geographic north side of existing County Road 26 and additional concrete sidewalk, connecting to a proposed detached walk, to provide a non-motorized connection across the tracks. Longmont will own and maintain the detached walk in accordance with Commission rules and is not proposing modifications to the roadway crossing of County Road 26 at the GWR tracks or to the existing passive warning signs.

20. Longmont states in the Application there is currently approximately one train per day using the subject crossing at a timetable speed of 10 miles per hour (“MPH”) with no anticipated changes in the future. Longmont states there are currently 680 vehicles per day (“VPD”) as of 2024 with projected growth to 800 VPD by 2030 and 1,500 by 2045. Longmont states that there are approximately five percent heavy vehicles that use the crossing.

21. No reported accidents exist for this crossing.

22. Exhibit B to the Application provides the City’s detailed itemized estimate of costs for the improvements. Longmont will fund the improvements utilizing available and unencumbered funds.

23. Longmont proposes to start construction on January 1, 2026, and it will be completed by September 30, 2026. Longmont will be required to inform the Commission in writing that the work is complete by September 30, 2026, although the Commission understands that this completion may be earlier or later based on weather and construction schedule.

24. Longmont will be required to work with GWR, as necessary, to provide the updated U.S. DOT Inventory Form for the updated crossing by the end of the project, estimated to be completed by September 30, 2026.

C. Conclusions

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

26. Because the unopposed Application, as amended, unopposed, the undersigned ALJ 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 CCR 723-1.

27. The undersigned ALJ finds that good cause exists and that the requirements of public safety are met by granting the Application, as amended, consistent with the above discussion.

III. ORDER

A. The Commission Orders That:

1. Response time to the Unopposed Motion to Amend Application and Vacate Hearing filed by City of Longmont (“Longmont”) on October 29, 2025, is waived and the request is granted.

2. The intervention filed by Trial Staff of the Commission (“Trial Staff”) is withdrawn. Trial Staff is dismissed as a party to this Proceeding.

3. The Application filed by Longmont on August 6, 2025, requesting an order authorizing the installation of concrete surfacing material and concrete sidewalk to connect a proposed detached walk along the north side of the County Road 26 crossing of the tracks owned by Great Western Railway of Colorado, LLC (“GWR”), at railroad milepost 4.7 of the Central division, Longmont subdivision, National Inventory No. 849321F, in Weld County, State of Colorado, as amended by this Decision, is granted consistent with the discussion above.

4. Longmont is authorized and ordered to install concrete crossing material on the geographic north side of existing County Road 26 and additional concrete sidewalk, connecting to a proposed detached walk to provide a non-motorized connection across the tracks.

5. Longmont shall inform the Commission in writing when the project is completed within 10 days of completion. The Commission will expect the letter by September 30, 2026.

6. Longmont will be required to work with GWR, as necessary, and to file a copy of the updated U.S. DOT Inventory form for this updated crossing by the end of the project. The Commission will expect this filing to be made on September 30, 2026.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

8. 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.

9. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director