

Decision No. C23-0001-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0571R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
EXPEDITED REVIEW SEEKING AUTHORITY TO REPLACE GATES AND BUNGALOW
DESTROYED IN A MOTOR VEHICLE ACCIDENT AND TO UPGRADE THE TRACK
CIRCUITRY FROM MOTION DETECTION TO CONSTANT WARNING TIME AT THE
CROSSING AT MILEPOST 77.4 ON VINE STREET IN THE CITY OF FORT COLLINS,
LARIMER COUNTY, COLORADO (DOT #244648E).

**INTERIM COMMISSION DECISION
GRANTING MOTION REQUESTING
A SEVEN-DAY SHORTENED NOTICE PERIOD**

Mailed Date: January 4, 2023

Adopted Date: January 4, 2023

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of an application (Application) filed by the BNSF Railway Company (BNSF) to replace the detection circuitry at the Vine Street Crossing with the tracks of the BNSF Front Range Subdivision, U.S. DOT No. 244648E in the City of Fort Collins, County of Weld, State of Colorado and a Motion for Expedited Review and Approval of Application (Motion) filed by the BNSF Railway Company (BNSF).

2. There was an accident on December 8, 2022 that destroyed the railroad bungalow and gates located at the Vine Street crossing in the City of Fort Collins (Fort Collins). As part of the replacement of the railroad bungalow, BNSF desires to upgrade the detection circuitry from

the existing motion detection circuitry to constant warning time detection circuitry. To make the repairs as quickly as possible, BNSF requests that notice for this Application be shortened to seven days. BNSF is not aware of any potential opposition to this requested shortened notice period.

3. Rule 4 *Code of Colorado Regulations* 723-1-1401(a) of the Commission's Rules of Practice and Procedure states that "Except as provided by paragraph (d) of this rule, any person may file a notice of intervention as of right or a motion to intervene by permission within 30 days of notice of any administrative or adjudicatory proceeding, unless the Commission's notice or a specific rule or statute provides otherwise."

4. In this case, the needs of public safety are taken into consideration as repairs need to be made as quickly as possible.

5. The Commission finds that BNSF has shown good cause to shorten notice of the Application to seven days due to the safety issues at the crossing and the need for quick repair.

II. ORDER

A. It Is Ordered That:

1. The Motion for Expedited Review and Approval of Application filed by the BNSF Railway Company requesting a seven-day notice period for the Application is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 4, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners