

Decision No. C23-0836

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0511R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY TO REPLACE THE BRIDGE CROSSING OVER TEJON STREET AT MILEPOST 76.12 IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO (DOT 253099L).

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

Mailed Date: December 15, 2023

Adopted Date: December 13, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (Application) filed by the BNSF Railway Company (BNSF) on October 13, 2023, seeking authority to replace the Tejon Street bridge structure at the grade-separated highway-rail crossing spanning over Tejon Street at approximate railroad milepost 76.12 of the BNSF Colorado Springs Subdivision, National Inventory No. 253099L in the City of Colorado Springs, County of El Paso, in the 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 October 17, 2023.

3. There were no interventions filed in this matter.

4. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

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

B. Findings of Fact

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

7. BNSF proposes to replace the bridge over Tejon Street in Colorado Springs. The replacement bridge structure is proposed to be a three-span structure over the existing Tejon Street. Because the bridge structure is not tangent through the entire structure, the lengths of the structure vary from one side of the bridge to the other. The length of the structure at the centerline of the bridge is 111'-0" from the face to face of the parapets along the chord lines. The structure has a minimum vertical clearance of 14'-10 ½" vertical clearance and a minimum horizontal clearance of 17'-1¼" from the centerline of the existing roadway to the face of a pier. The structure is 35'-1" out to out and accommodates two tracks. The proposed minimum clearances meet or exceed the clearances required by Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-7-7327 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

8. BNSF estimates the cost of the project at \$3,944,248 with BNSF paying for 100 percent of the cost of the project.

9. BNSF proposes to start construction in April 2024 and be complete by October 2024. BNSF will be required to inform the Commission in writing that construction of the bridge replacement is complete and operational within ten days of completion. The Commission will expect this letter by October 31, 2024. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

C. Conclusions

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

11. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

12. Because the Application is unopposed, the Commission 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 of the Commission’s Rules of Practice and Procedure.

13. We find that good cause exists to grant the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The Application (Application) filed by the BNSF Railway Company (BNSF) on October 13, 2023, seeking authority to replace the Tejon Street bridge structure at the grade-separated highway-rail crossing spanning over Tejon Street at approximate railroad milepost 76.12 of the BNSF Colorado Springs Subdivision, National Inventory No. 253099L in the City of Colorado Springs, County of El Paso, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. BNSF is authorized and ordered to proceed with the replacement of the Tejon Street bridge structure in Colorado Springs, Colorado.

4. BNSF shall inform the Commission in writing when the bridge replacement is complete and operational within ten days of completion. The Commission will expect this letter by October 31, 2024. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications 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 on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 13, 2023.**

(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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MEGAN M. GILMAN

TOM PLANT

Commissioners