

Decision No. C23-0120-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0569R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, ON BEHALF OF MORGAN COUNTY, FOR AUTHORITY TO RELOCATE AN EXISTING AT-GRADE HIGHWAY RAIL CROSSING (COUNTY ROAD U-DOT# 057-570X) AND ADD FLASHING LIGHT SIGNALS, GATES, BELLS, CONSTANT WARNING TIME CIRCUITRY, AND NEW SIGNAL CABINET, AND REMOVE ONE (1) ADJACENT EXISTING AT-GRADE HIGHWAY RAIL CROSSING AT COUNTY ROAD 31 (DOT# 0575-69D), BOTH CROSSING TRACKS ARE OWNED BY BNSF RAILWAY, IN MORGAN COUNTY, STATE OF COLORADO.

**COMMISSION INTERIM DECISION REQUIRING
FILING OF NOTICE OF CROSSING CLOSURE,
AND EXTENDING NOTICE PERIOD**

Mailed Date: February 24, 2023

Adopted Date: February 22, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) on behalf of the County of Morgan (Morgan County) on December 20, 2022, seeking preliminary authority to relocate the existing highway-rail grade crossing of County Road (CR U), adding flashing light signals with gates and bells, constant warning time circuitry, and new signal cabin, and closing the adjacent existing at-grade rail crossing with CR 31 by realigning the existing CR 31 roadway into a T-intersection with CR 31 using Federal Section 130 Funds, at the crossings of the BNSF Railway Company (BNSF) Brush Subdivision at CR U, existing National Inventory No.

057570X, and CR 31, National Inventory No. 057569D w BNSF Railway (BNSF) at railroad mile post 215.846 of the Twin Peaks Subdivision, National Inventory No. 245153G near the Town of Hillrose, Morgan 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 on January 4, 2023.

3. Notice of the closure of CR 31 at the crossing has not yet been provided to the Commission.

4. Thus far, no interventions have been filed in this proceeding.

5. The Commission has reviewed the record in this matter and requires CDOT to file the information required to be posted and filed with the Commission pursuant to 4 Code of Colorado Regulations, 723-7-7208(c). The notice period will be extended an additional 30 days after the notice of closure is posted at the crossing.

I. ORDER

A. The Commission Orders That:

1. The Colorado Department of Transportation (CDOT) is required to file notice of closure at the crossing of Morgan County Road 31. The date by which interventions must be filed will be 30 days from the date that CDOT posts notice of closure. Intervention in this matter will be extended 30 days from the date on which CDOT posts notice of closure of the Morgan County Road 31.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 22, 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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MEGAN M. GILMAN

TOM PLANT

Commissioners