

Decision No. R23-0021-I

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

PROCEEDING NO. 22A-0334R

---

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS, FOR AUTHORITY TO RELOCATE THE RAILROAD SIGNAL BUNGALOW AND VACATE THE ASSOCIATED EASEMENT AT THE CHERRY STREET CROSSING OF TRACKS OWNED BY BNSF RAILWAY COMPANY, USDOT NO. 244-642N, IN LARIMER COUNTY, STATE OF COLORADO.

---

**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
ALENKA HAN  
VACATING EVIDENTIARY HEARING**

---

---

Mailed Date: January 9, 2023

**I. STATEMENT**

1. On July 22, 2022, the City of Fort Collins (the City) filed the above-captioned proceeding with the Colorado Public Utilities Commission (Commission).

2. On July 25, 2022, the Commission gave notice of the Application to those interested in or affected by it. As noticed, the Application sought approval of the following:

relocation of the railroad signal bungalow and vacation of the associated easement at the Cherry Street crossing of tracks under the authority of the BNSF Railway in Larimer County, State of Colorado.

3. BNSF Railway Company (BNSF) filed its Intervention on August 24, 2022.

4. On September 7, 2022, the Commission deemed the Application complete and referred the proceeding to an Administrative Law Judge (ALJ) for disposition.

5. The ALJ scheduled an evidentiary hearing for January 24, 2023.

6. The City and BNSF now advise the Commission that they have reached an agreement by which the City will amend its Application to “reflect the correct legal description and depiction of the Development Site upon which the Railroad Signal Facilities currently reside.” The parties represent that, with the agreed-upon changes to the City’s Application, BNSF will no longer oppose the City’s Application.

7. The City and BNSF further represent that because there is no longer a dispute between them, the evidentiary hearing scheduled for January 24, 2023, need not be held. Consequently, the parties jointly move that the evidentiary hearing scheduled for January 24, 2023, be vacated.

8. Based upon good cause shown, the evidentiary hearing scheduled for January 24, 2023, will be vacated.

## II. ORDER

### A. **It Is Ordered That:**

1. The **hybrid** hearing scheduled to commence on Tuesday, January 24, 2023, at 9:00 A.M. is vacated.

2. This Order is effective immediately.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



ALENKA HAN

---

Administrative Law Judge

ATTEST: A TRUE COPY

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

G. Harris Adams,  
Interim Director