

Decision No. C24-0419-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0160R

IN THE MATTER OF THE APPLICATION OF THE CITY OF ENGLEWOOD FOR AUTHORITY TO COMPLETE AN UPGRADE TO THE TRAFFIC SIGNALS FOR THE INTERSECTION/CROSSING FROM A SPAN WIRE TO A MAST MOUNTED SIGNALS WHILE KEEPING THE EXISTING RAILROAD SIGNALS (245358A) IN THE CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

**INTERIM COMMISSION DECISION ACCEPTING
WAIVER OF §40-6-109.5, C.R.S AND REQUIRING
ADDITIONAL FILINGS BY APPLICANT AND
INTERVENOR**

Mailed Date: June 14, 2024

Adopted Date: May 29, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Public Utilities Commission (Commission) for consideration of an Application (Application) filed by the City of Englewood (Englewood) on April 2, 2024, requesting preliminary authority to upgrade the current span wire traffic signal for the intersection/crossing to mast mounted signals while keeping the existing railroad signals at the intersection/crossing West Dartmouth Avenue and South Tejon Street with the tracks of the BNSF Railway Company (BNSF) Sheridan Branch, railroad milepost 7.447, National Inventory No.245358A, in Englewood, County of Arapahoe, 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 April 12, 2024.

3. Englewood waives §40-6-109.5, C.R.S. regarding the time limit for decisions in its application.

4. On May 14, 2024, BNSF filed an Entry of Appearance and Notice of Intervention on behalf of the Great Western Railway Company of Colorado.

5. On May 13, 2024, BNSF filed a Statement Regarding Erroneous Filing that the intervention has erroneously been filed under the Great Western Railway Company of Colorado and attached the correct intervention.

6. On May 14, 2024, BNSF filed the corrected Entry of Appearance and Notice of Intervention. BNSF opposes and contests the Application on the basis that the Applicant has omitted applicable items, including a railroad cost estimate and state sketch resulting in an incomplete Application.

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

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

B. Findings of Fact

9. The Commission gave notice to all interested parties, including the adjacent property owners. BNSF intervened, opposes, and contests the Application.

10. Englewood proposes to replace the existing span wire traffic signal for the intersection/crossing of West Dartmouth Avenue and South Tejon Street with the tracks of the BNSF to mast mounted signals at the intersection/crossing while keeping the existing railroad signals at the intersection/crossing. The traffic signal will continue to operate normally with green given to the movements on West Dartmouth Avenue and then changing to amber and red

before providing green to South Tejon Street and then changing to amber and red. When a train is detected by the track circuitry, the traffic signal will transfer the right-of-way from the vehicle traffic movements turning all vehicle movements to red and then providing a double green signal to the railroad to proceed into and through the crossing. When the train has moved through the crossing and off of the island circuit, the train will receive a double red signal and the intersection will proceed back to normal operations. The proposed changes are to enhance roadway and traffic signal infrastructure while incorporating safety upgrades for pedestrians and bicyclists and to install Americans with Disabilities Act requirements.

11. Englewood states there are 17,282 vehicles per day (VPD) using the crossing with approximately seven percent heavy vehicles and no school buses crossing the track per day at a posted speed limit of 35 miles per hour (MPH). Englewood estimates the traffic volume will increase to 18,164 VPD in five-years and 21,087 VPD in 20-years. There are currently one to two trains per week using the crossing at a maximum timetable speed of 10 MPH with no projections for any increases or decreases in the future.

12. There have been seven accidents at the crossing since 1975 including two injury accidents in 2001 and 2003, and five property damage only accidents in 1979, 1984, 1997, 1998, and 2008.

13. Englewood estimates the cost of the project at the West Dartmouth Avenue/South Tejon Street intersection/crossing at \$731,080 with Colorado Department of Transportation and Englewood funds paying for the project.

14. Englewood proposes starting construction of the project April 1, 2024, and be complete by October 31, 2024. Englewood proposes providing the final plans to the Commission

by the end of May and waives the statutory period for the Commission regarding the time limit for decisions.

15. BNSF notes in its Intervention that the application is missing the railroad cost estimate and state sketch.

16. We will require BNSF to file the cost estimate and state sketch for this Application by July 1, 2024 in this proceeding and to provide a copy to Englewood the same day.

C. Conclusions

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

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

19. The Commission will require Englewood to file the final plans with the Commission by July 5, 2024, which will include the cost estimate and state sketch provided by BNSF to Englewood on July 1, 2024, for Commission review and action.

20. Based on the Findings of Fact, we find good cause exists to allow Englewood to file the final set of plans with the Commission by July 5, 2024, including the cost estimate and state sketch to be provided by BNSF by July 1, 2024, for Commission review and action.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Englewood (Englewood) on April 2, 2024, requesting preliminary authority to upgrade the current span wire traffic signal for the intersection/crossing to mast mounted signals while keeping the existing railroad signals at

the intersection/crossing West Dartmouth Avenue and South Tejon Street with the tracks of the BNSF Railway Company (BNSF) Sheridan Branch, railroad milepost 7.447, National Inventory No.245358A, in Englewood, County of Arapahoe, State of Colorado completion within the meaning of § 40-6-109.5, C.R.S. is waived by Englewood.

2. The waiver of §40-6-109.5, C.R.S. regarding the time limit for decisions by Englewood, is accepted.

3. The intervention of BNSF is noted.

4. BNSF is required to file the cost estimate and state sketch for this Application by July 1, 2024.

5. Englewood is required to file the final set of plans for this project by July 5, 2024, to include the BNSF cost estimate and state sketch to be provided by July 1, 2024, for review and Commission action.

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
May 29, 2024.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners