

Decision No. C24-0769

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0385R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, ON BEHALF OF CITY AND COUNTY OF DENVER, FOR AUTHORITY TO INSTALL OVERHEAD CANTILEVER FLASHING LIGHT SIGNALS AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING SANTA FE DRIVE, USDOT NO. 245-392G, IN DENVER COUNTY, STATE OF COLORADO.

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

Issued Date: October 24, 2024

Adopted Date: October 23, 2024

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 September 11, 2024, on behalf of the City and County of Denver (“Denver”), for an order authorizing installation of cantilever flashing lights, back flashing lights and replacement of gates at the crossing of Santa Fe Drive with the tracks owned by BNSF Railway Company (“BNSF”), at railroad milepost 3.653, National Inventory No. 245392G, in Denver, 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 September 13, 2024.

3. No interventions were filed in this matter.

4. The Commission reviewed the record in this matter and deems the Application 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 contesting or opposing the Application.

7. CDOT requests authority for the installation of cantilever flashing lights, back flashing lights, and gate replacement at the Santa Fe Drive crossing of tracks owned by BNSF.

8. Santa Fe Drive crosses two tracks of the BNSF Railway at a skew. Santa Fe Drive is a one-way street, with three lanes on a horizontal curve at the tracks. The approach is on an uphill grade which may contribute to visibility issues for approaching motorists. The existing crossing currently has active warning railroad flashing light signals with gates. CDOT proposes to add cantilever flashing light signals, add back flashing lights to the existing signals, and replace the gates. The height of the overhead flashing light signal will be more visible to motorists approaching from the south. There are no adjacent signalized intersections and no interconnection or preemption as part of this application. Warning times currently in use at the crossing will remain the same.

9. CDOT states that existing traffic volume at the subject crossing as of 2021 is 28,000 vehicles per day (“VPD”). Ten percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. Projected five-year traffic volume is 34,000 VPD and 20-year projected traffic volume is 43,000 VPD. The posted speed limit at the crossing is 30 miles per hour (“MPH”). There are currently 12 day thru trains and 12 night thru trains per day that use the crossing at a maximum timetable speed of 30 MPH.

10. There have been 11 accidents at the crossing since 1975 including nine property damage only accidents in 1975, 1976, three in 1978, 1986, 2003, 2004, 2005, and two injury accidents at the crossing in 2018, and 2020

11. CDOT estimates the cost of the project at \$286,877. CDOT will cover the cost of this work through appropriation of Federal Section 130 Funds.

12. CDOT proposes to start the installation of cantilever flashing lights, back flashing lights, and gate replacement on July 5, 2025, and anticipates being complete with the work by October 31, 2026. CDOT will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than October 31, 2026. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

13. CDOT and BNSF will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by CDOT by October 31, 2026.

C. Conclusions

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

15. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 CCR 723-1.

16. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER

A. The Commission Orders That:

1. The Application (“Application”) filed by the Colorado Department of Transportation (“CDOT”) on September 11, 2024, for an Order authorizing installation of cantilever flashing lights, back flashing lights and replacement of gates at the crossing of Santa Fe Drive with the tracks owned by BNSF Railway Company (“BNSF”), at railroad milepost 3.653, National Inventory No. 245392G, in the City and County of Denver, Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. CDOT is authorized and ordered to proceed with the installation of cantilever flashing lights, back flashing lights and replacement of gates.

3. CDOT is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by October 31, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

4. CDOT and BNSF will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by CDOT by October 31, 2026.

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 upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 23, 2024.**

(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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Commissioners