

Decision No. C24-0834

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

PROCEEDING NO. 24A-0396R

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IN THE MATTER OF THE APPLICATION OF EL PASO COUNTY FOR AUTHORITY TO MODIFY INTERCONNECTION AND PREEMPTION BY ACTIVE WARNING SIGNALS AT THE INTERSECTION OF FONTAINE BOULEVARD AND THE BURLINGTON NORTHERN SANTA FE RAILROAD AT-GRADE CROSSING, LOCATED EAST OF U.S. HIGHWAY 85-87 (US DOT 003527S) IN COLORADO SPRINGS, EL PASO COUNTY, STATE OF COLORADO.

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

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Issued Date: November 15, 2024

Adopted Date: November 6, 2024

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by El Paso County Department of Public Works (“El Paso County”) on September 17, 2024, for an order authorizing modification of interconnection and preemption of active warning signals related to installation of a new traffic signal at the intersection of Widefield Boulevard/Security Boulevard and Fontaine Boulevard with the crossing of Fontaine Boulevard with the tracks owned by the BNSF Railway Company (“BNSF”), at railroad milepost 84.017, National Inventory No. 003527S, in Colorado Springs, El Paso County, 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 25, 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. El Paso County requests authority for the modification of interconnection and preemption of active warning signals on Fontaine Boulevard related to installation of a new traffic signal at the intersection of Widefield Boulevard/Security Boulevard and Fontaine Boulevard.

8. El Paso County proposes to replace an existing, outdated traffic control signal at the intersection of Fontaine Boulevard and Widefield Boulevard/Security Boulevard east of the at-grade crossing. The new traffic signal is proposed to be interconnected and be preempted by the existing Fontaine Boulevard at-grade active warning crossing. The existing preemption signal interconnect cable needs to be reset and connected with the proposed traffic signal controller.

9. El Paso County proposes providing a total of 37.7 seconds of maximum preemption time and advanced preemption time of 19 seconds.

10. El Paso County states that most recent traffic volume at the subject crossing as of 2007 is 13,761 vehicles per day (“VPD”). Five percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. The unposted speed limit at the crossing is 30 miles per hour (“MPH”). There were no five or 20 year traffic volumes provided. There are currently 12 day thru trains and 12 night thru trains per day that use the crossing at a maximum timetable speed of 55 MPH with no anticipated changes in train volume in the future.

11. There have been 4 accidents at the crossing since 1975 including three property damage only accidents in 1977, 1985 and 2021 and one fatality at the crossing in 2005.

12. El Paso County estimates the cost of the project at \$ 187,977. El Paso County will cover the cost of this work through utilizing funds from Pike’s Peak Rural Transportation Authority Funds.

13. El Paso County proposes to start the interconnection and preemption of the proposed traffic control signals with the grade crossing warning devices on November 4, 2024, and anticipates being complete with the work by December 31, 2024. El Paso County 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 December 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.

14. El Paso County 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 El Paso County by December 31, 2024.

**C. Conclusions**

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

16. 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.

17. 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 El Paso County Department of Public Works (“El Paso County”) on September 17, 2024, for an order authorizing modification of interconnection and preemption of active warning signals related to installation of a new traffic signal at the intersection of Widefield Boulevard/Security Boulevard with the crossing of Fontaine Boulevard with the tracks owned by the BNSF Railway Company (“BNSF”), at railroad milepost 84.017, National Inventory No. 003527S, in Colorado Springs, El Paso County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. El Paso County is authorized and ordered to proceed with the interconnection and preemption of the traffic signal by the railroad active warning signals.

4. The traffic signal will be run with 19 seconds of advanced preemption time and a total of 37.7 seconds of maximum preemption time.

5. El Paso County is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by December 31, 2024. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. El Paso County 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 El Paso County by December 31, 2024.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

8. The Commission retains jurisdiction to enter further decisions as necessary.

9. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
November 6, 2024.**

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ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners

Rebecca E. White,  
Director