

Decision No. C25-0034

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0486R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR AUTHORITY TO REPLACE FLASHERS, GATES, AND BUNGALOW AND UPDATE TRACK CIRCUITRY FROM MOTION DETECTION TO CONSTANT WARNING TIME FOR THE CROSSING AT COUNTY ROAD 60 IN THE UNINCORPORATED COMMUNITY OF LYNN, LAS ANIMAS COUNTY, COLORADO (DOT# 244656W).

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

Issued Date: January 16, 2025
Adopted Date: December 18, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by BNSF Railway Company (“BNSF”) on November 6, 2024, for an order authorizing the replacement of flashing lights, gates, bells, and signal bungalow and the upgrading of the track circuitry from motion detection to constant warning time for the crossing of Las Animas County Road 60 (“CR 60”) with the tracks owned by BNSF, at railroad milepost 190.56, National Inventory No. 244656W, near Lynn, Las Animas 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 November 14, 2024.

3. No interventions were filed in this matter.

4. The Application was automatically deemed complete on December 31, 2024, 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. BNSF requests authority for the replacement of flashing lights, gates, bells, and signal bungalow and the upgrading of the track circuitry from motion detection to constant warning time for the crossing of CR 60 with the tracks owned by BNSF near Lynn, Colorado. The change is necessary because the bungalow, gates, bells and flashing lights at the crossing are of an older variety and BNSF no longer has spare equipment in the event of a failure.

8. BNSF plans to update the track circuitry from Motion Detection to Constant Warning Time in order to provide a more uniform warning time to motorists based on the speed of an approaching train. BNSF's proposed changes and equipment upgrades will bring the crossing into compliance with current American Railway Engineers and Maintenance of Way standards.

9. BNSF states that most recent traffic volume at the subject crossing as of 1996 is 1,600 vehicles per day ("VPD"). Three percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. The posted speed limit was not provided in the Application. There were no five- or 20-year traffic volumes provided. There are currently ten trains per day as of 2019 that use the crossing at a maximum timetable speed of 45 MPH with no anticipated changes in train volume in the future.

10. There has been one property only accident at the crossing since 1975 in 1996.

11. BNSF estimates the cost of the project at \$427,188. BNSF will cover 100 per cent of the costs for the project.

12. BNSF proposes to start the project on March 31, 2025, and anticipates being complete with the work by November 30, 2025. BNSF 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 November 30, 2025. 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. BNSF will be required to update the US DOT Crossing Inventory Form showing the detection circuitry change for the crossing. This form will need to be filed in this proceeding by BNSF by November 30, 2025.

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 *Code of Colorado Regulations* 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 BNSF Railway Company (“BNSF”) on October 17, 2024, for an order authorizing the replacement of flashing lights, gates, bells, and signal bungalow and the upgrading of the track circuitry from motion detection to constant warning time for the crossing of Las Animas County Road 60 with the tracks owned by BNSF, at railroad

milepost 190.56, National Inventory No. 244656W, near Lynn, Las Animas County, State of Colorado was deemed complete on December 31, 2024, within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. BNSF is authorized and ordered to proceed with the replacement of flashing lights, gates, bells, and signal bungalow and the upgrading of the track circuitry from motion detection to constant warning time.

4. BNSF is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by November 30, 2025. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. 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 BNSF by November 30, 2025.

6. 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.

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

8. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 18, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director