

Decision No. C25-0110

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0565R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY TO REPLACE FLASHERS, GATES, AND BUNGALOW AND UPDATE TRACK CIRCUITRY FROM MOTION DETECTION TO CONSTANT WARNING TIME FOR THE CROSSING AT DADE ST. IN THE TOWN OF OTIS, WASHINGTON COUNTY, COLORADO (DOT #057298A).

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

Issued Date: February 18, 2025

Adopted Date: February 12, 2025

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 December 19, 2024, for an order authorizing the replacement of flashing lights, gates, bells, signal bungalow, and the upgrading of the track circuitry from motion detection to constant warning time for the crossing of Dade St. with the tracks owned by BNSF, at railroad milepost 417.558, National Inventory No. 057298A, in the Town of Otis, Washington County, State of Colorado.

2. The 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 January 3, 2025.

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. BNSF requests authority for the replacement of flashing lights, gates, bells, signal bungalow, and the upgrading of the track circuitry from motion detection to constant warning time for the crossing of Dade St. with the tracks owned by BNSF in the Town of Otis, 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 1986 is 400 vehicles per day ("VPD"). Nine percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. The posted speed limit at the crossing is 35 miles per hour ("MPH"). There were no five- or 20-year traffic volumes provided. There are currently 10 trains per day as of 2019 that use the crossing at a maximum timetable speed of 79 MPH with no anticipated changes in train volume in the future.

10. There have been two accidents at the crossing since 1975 including one property damage only accident in 1978, and one injury accident at the crossing in 1998.

11. BNSF estimates the cost of the project at \$660,718. BNSF will cover 100 per cent of the costs for the project.

12. BNSF proposes to start the project on March 1, 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 December 19, 2024, for an order authorizing the replacement of flashing lights, gates, bells, signal bungalow, and the upgrading of the track circuitry from motion detection to constant warning time for the crossing of Dade St. with the tracks owned by BNSF, at railroad milepost

417.558, National Inventory No. 057298A, in the Town of Otis, Washington County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

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

3. 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.

4. 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.

5. 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.

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
February 12, 2025.**

(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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MEGAN M. GILMAN

TOM PLANT

Commissioners