

Decision No. C25-0113

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

PROCEEDING NO. 24A-0571R

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IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY FOR AUTHORITY TO UPGRADE CROSSING CIRCUITRY AT THE CROSSING OF UNION PACIFIC RAILROAD COMPANY'S TRACKS ON THE LIMON SUBDIVISION LOCATED AT M.P. 609.65, U.S. DOT #805517C, LOCATED IN THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO.

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

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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 Union Pacific Railroad Company (“UPRR”) on December 23, 2024, for an order authorizing the replacement of the existing motion detection circuit with a constant warning time circuit for the crossing of Palmer Avenue with the tracks owned by UPRR, at railroad milepost 609.65, National Inventory No. 805517C, in the Town of Bennett, Adams 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 January 3, 2025.

3. On December 23, 2024, Staff of the Commission sent a Deficiency Letter to UPRR outlining missing information from the Application.

4. On January 10, 2024, and January 17, 2024, UPRR filed two supplements to the Application that cured the identified deficiencies in the Application.

5. No interventions were filed in this matter.

6. The Commission reviewed the record in this matter and deems the Application complete within the meaning of § 40-6-109.5, C.R.S.

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

**B. Findings of Fact**

8. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received contesting or opposing the Application.

9. UPRR requests authority for the replacement of the existing motion detection circuit with a constant warning time circuit for the crossing of Palmer Avenue with the tracks owned by UPRR, in the Town of Bennett, Colorado. The change will modernize crossing circuitry in the signal bungalow and maintain crossing safety

10. UPRR states that most recent traffic volume at the subject crossing as of 1985 is 150 vehicles per day (“VPD”). Five 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 25 miles per hour (“MPH”). There were no five- or 20-year traffic volumes provided. There is currently one through train and two switching trains per day as of 2022 that use the crossing at a maximum timetable speed of 10 MPH with no anticipated changes in train volume in the future.

11. There have been no accidents at the crossing since 1975.

12. UPRR requests a waiver to the requirement to provide detailed itemized estimated costs for the project and will bear all costs associated with the work.

13. UPRR proposes to start the project on approval of the Application and anticipates being complete with the work by March 31, 2025. UPRR 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 March 31, 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.

14. UPRR 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 UPRR by March 31, 2025.

### **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 *Code of Colorado Regulations* 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 Union Pacific Railroad Company (“UPRR”) on December 23, 2024, for an order authorizing the replacement of the existing motion detection circuit with a constant warning time circuit for the crossing of Palmer Avenue with the tracks owned by UPRR, at railroad milepost 609.65, National Inventory No. 805517C, in the Town

of Bennett, Adams County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. UPRR is authorized and ordered to proceed with replacement of the motion detection circuit with a constant warning time circuit.

3. UPRR is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by March 31, 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. UPRR 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 UPRR by March 31, 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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Commissioners