

Decision No. C25-0229

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0067R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS FOR AUTHORITY TO INSTALL AN AT-GRADE HIGHWAY-RAIL CROSSING AT THE PROPOSED INTERSECTION OF GREENFIELDS DRIVE AND THE GREAT WESTERN RAILWAY (USDOT NO. 256551) BLACK HOLLOW RAIL LINE IN THE CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO.

**INTERIM COMMISSION DECISION DEEMING
APPLICATION COMPLETE AND REFERRING MATTER
TO AN ADMINISTRATIVE LAW JUDGE**

Issued Date: March 26, 2025
Adopted Date: March 26, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by the City of Fort Collins (“Ft. Collins”) on February 7, 2025, requesting authority to construct a new highway-rail at-grade crossing at the proposed intersection of Greenfields Drive across the existing tracks owned by the Great Western Railway of Colorado LLC (“GWR”) between railroad milepost 77.410 and railroad milepost 78.90 on the GWR Black Hollow line, no current National Inventory Number, located in Fort Collins, Larimer 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 February 12, 2025.

3. On February 14, 2025, Staff of the Commission sent a Deficiency Letter to Ft. Collins regarding required information that was omitted from the Application that was necessary to complete the Application.

4. On February 24, 2025, Ft. Collins filed additional information to address the deficiencies of the Application.

5. On March 13, 2025, GWR filed an Intervention which opposes and contests the Application and requests a hearing. GWR states that the proposed new at-grade crossing is not in the public interest because it will not appropriately promote or safeguard the safety of the public or the safety of GWR employees at that location, that there are four at-grade crossings within one mile of the proposed Greenfields Drive extension, and that trains on the proposed at-grade crossing will likely block the proposed Greenfields Drive extension for long periods of time. GWR also states that direct testimony submitted with Fort Collins' Application acknowledges there are no at-grade crossings in the vicinity of the proposed crossing that can be closed, and while there is an indication that grade separation was prioritized at other already existing at-grade crossings almost a decade ago, GWR is unaware of any formal commitment for grade-separation at those locations at this time. GWR further states that 2016 grade-separated prioritization determinations occurred at then existing at-grade crossings and took place prior to the Applicant's City Council Resolution of the Consolidated Service Plan for the Mulberry Metropolitan District Nos. 1-6 in 2019 or the annexation of the Bloom subdivision in 2021. GWR disagrees with the representations in the Application that: 1) GWR will not, has declined to, or has failed to provide a cost estimate that was requested by the Applicant, 2) GWR has not cooperated with the Applicant to develop design plans that were requested by Fort Collins, and 3) GWR has been unwilling to communicate or cooperate with the Applicant regarding the proposed Greenfields Drive extension. GWR also

disagrees with the representations in the Applicant’s Response to Deficiency Letter that GWR has not cooperated with Fort Collins.

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

8. Now being fully advised in the matter, we refer the Application to an Administrative Law Judge for determination of the merits of the Application, and to obtain additional information regarding the missing information from the original Application.

II. ORDER

A. The Commission Orders That:

1. The Application (“Application”) filed by the City of Fort Collins (“Ft. Collins”) on February 7, 2025, requesting authority to construct a new highway-rail at-grade crossing at the proposed intersection of Greenfields Drive across the existing tracks owned by the Great Western Railway of Colorado LLC (“GWR”) between railroad milepost 77.410 and milepost 78.90 on the GWR Black Hollow line, no current National Inventory Number, located in Fort Collins, Larimer County, State of Colorado, is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Intervention of GWR is noted.

3. Proceeding No. 25A-0067R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for determination of the merits of the Application and to obtain additional information regarding the missing information from the original Application.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 26, 2025.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners