

Decision No. C25-0312

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0091R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR AUTHORITY TO REPLACE SIGNAL EQUIPMENT AND BUNGALOW AND THE CITY AND COUNTY OF DENVER TO REPLACE THE ROADWAY TRAFFIC SIGNAL AND UPGRADE THE CABINET FOR THE CROSSING AT MISSISSIPPI AVENUE IN THE CITY AND COUNTY OF DENVER, COLORADO (DOT# 245353R).

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

Issued Date: April 23, 2025
Adopted Date: April 16, 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”) and the City and County of Denver (“Denver”) (collectively “Applicants”) on March 3, 2025, for an order authorizing BNSF to replace the signal equipment and bungalow and Denver to replace the roadway traffic signal and upgrade the traffic signal cabinet for the crossing of Mississippi Avenue with the tracks owned by BNSF, east of South Lipan Street, at railroad milepost 4.62 of the BNSF Sheridan Branch, National Inventory No. 245353R, in the City and County of Denver, 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 March 6, 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. The Applicants request authority to replace the crossing signal equipment and bungalow for the crossing of Mississippi Avenue in Denver, Colorado. The change is necessary because the signal equipment and bungalow at the crossing are of an older variety and BNSF no longer has spare equipment in the event of a failure. The Application also requests authority for Denver to replace the roadway traffic signals, poles, mast arms and luminaires and to upgrade the traffic signal cabinet at the crossing.

8. BNSF plans to use Motion Detection track circuitry at the crossing. BNSF's proposed changes and equipment upgrades will bring the crossing into compliance with current American Railway Engineers and Maintenance of Way standards.

9. The Applicants state that most recent traffic volume at the subject crossing as of 1988 is 13,500 vehicles per day ("VPD"). Eight percent of this traffic volume is estimated to be heavy vehicles. School buses do not use the crossing. The posted speed limit at the crossing is 30 miles per hour ("MPH"). There were no 5- or 20-year traffic volumes provided. There is currently one train per week as of 2023 that use the crossing at a maximum timetable speed of 10 MPH with no anticipated changes in train volume in the future.

10. There have been seven accidents at the crossing since 1975 including six property damage only accidents in 1977 (two), 1980 (two), 1995, and 2020, and one injury accident at the crossing in 1975.

11. BNSF estimates the costs of its portion of the project at \$ 276,761 and states that Denver estimates its portion of the costs at \$64,912. BNSF will cover 100 per cent of the railroad related costs for the project and Denver will pay 100 per cent of the road related costs of the project.

12. BNSF proposes to start the project on approval of the application and anticipates being complete with its portion of the work by November 30, 2025. Denver estimates that it will complete its portion of the work by July 31, 2025. The Applicants 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 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* (“CCR”)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”) and the City and County of Denver (“Denver”) (collectively “Applicants”) on March 3, 2024, for an order authorizing BNSF to replace the signal equipment and bungalow and for Denver to replace the roadway traffic signal and upgrade the traffic signal cabinet for the crossing of Mississippi Avenue with the tracks owned by BNSF, east of South Lipan Street, at railroad milepost 4.62 of the BNSF Sheridan Branch, National Inventory No. 245353R, in the City and County of Denver, 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 the railroad crossing signal equipment and bungalow and Denver is authorized and ordered to replace the roadway traffic signal and upgrade the traffic signal cabinet.

3. The Applicants are required to inform the Commission in writing that the work is complete within 10 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
April 16, 2025.**

(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