

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0313R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
AUTHORITY TO CLOSE THE CROSSING AT COUNTY ROAD 15 IN THE STATUTORY
TOWN OF SPRINGFIELD, BACA COUNTY, COLORADO (DOT# 003753R).

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

Issued Date: September 22, 2025

Adopted Date: September 17, 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 July 21, 2025, for an order authorizing it to close the crossing at County Road 15 (“CR 15”) at BNSF milepost 185.215, Kansas Division, Boise City Subdivision, National Inventory No. 003753R, in the Statutory Town of Springfield, Baca County, State of Colorado.

2. On July 25, 2025, Staff of the Commission sent a Deficiency Letter to Denver outlining missing information from the Application.

3. On July 28, 2025, BNSF filed a supplement to the Application that cured the identified deficiencies in the Application.

4. On July 30, 2025, BNSF filed an amended copy of the Application that modified the project start and completion dates.

5. 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 August 5, 2025.

6. On September 2, 2025, BNSF provided the affidavit of Gregory Sneller of the posting of the notice of proposed closure at the at-grade crossing.

7. There were no interventions filed in this matter.

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

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

B. Findings of Fact

10. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application. No public comments were filed regarding the Application.

11. BNSF requests authority to abolish the at-grade crossing of CR 15 with the tracks of BNSF in Baca County, Colorado. Closure of the crossing of CR 15 will involve removal of the road approaches to the crossing and adding End of Road signage. The highway design is a one-lane unpaved road with a concrete crossing surface with a crossbuck sign each side of the track.

12. Most recent traffic volumes for CR 15 at the subject crossing is 10 vehicles per day (“VPD”) as of 1987. Two percent of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. There are currently seven trains per day that use the crossing at a maximum timetable speed of 49 MPH with no anticipated changes in train volume in the future.

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

14. BNSF estimates the cost of the project to be \$50,000. BNSF will cover 100 per cent of the cost of the project including an incentive payment to Baca County of \$25,000.

15. BNSF anticipates starting work on the project on approval of the Application and anticipates being complete with the work by September 30, 2025.

16. 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 October 10, 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.

17. BNSF will be required to update the National Inventory Form to show the at-grade crossing at CR 15 as closed. The updated form for the crossing will need to be filed in this proceeding by BNSF by October 10, 2025.

C. Discussion

18. Subsections 40-4-106(1)(a),¹ 40-4-106(2)(a),² and 40-4-106(3)(a)(I),³ C.R.S., *both* provide the jurisdictional basis for the Commission to act on applications to abolish railroad crossings *and* establish the standard to be applied to such applications. *Hassler and Bates Company v. Public Utilities Commission*, 168 Colo. 183, 451 P.2d 280 (1969)

¹ As pertinent here, that subsection grants the Commission the "[power to make] special orders ... [or otherwise] to require each public utility to maintain and operate its ... tracks, and premises in such manner as to promote and [to] safeguard the health and safety of ... the public and to require the performance of any other act that the health or safety of its employees ... or the public may demand."

² As pertinent here, that subsection grants the Commission the "power ... to determine, [to] order, and [to] prescribe the terms and conditions of installation and operation, maintenance, and warning at all such crossings that may be constructed, including ... the installation and regulation of ... means or instrumentalities as may to the commission appear reasonable and necessary to the end, intent, and purpose that accidents may be prevented and the safety of the public promoted."

³ As pertinent here, that subsection grants the Commission the "power ... to order any crossing constructed at grade ... to be ... abolished, according to plans and specifications to be approved and upon just and reasonable terms and conditions to be prescribed by the commission[.]"

(interpreting predecessor statutes with substantially identical language to current statutes). Based on the statutory language and the Colorado Supreme Court's interpretation, the standard to be applied in this case is: will abolishing (that is, closing) the CR 15 crossing serve to prevent accidents and promote public safety; and, if so, are there just and reasonable conditions and terms which the Commission ought to attach to the closing?

19. Using the most recently available information, the exposure factor (number of trains per day multiplied by the number of VPD at CR 15 is 70. Most recent traffic volumes for the crossing closest to the subject crossing to the west is 20 VPD for County Road MM ("CR MM"). The exposure factor for this crossing is 140. Most recent traffic volumes for the crossing closest to the subject crossing to the east is 10 VPD for County Road 17 ("CR 17"). The exposure factor for this crossing is 70.

20. Using this data the hazard index for the existing conditions (7 trains per day), as the calculation is outlined in the 1974 Colorado State Highway Railroad Grade Crossing Data book, is 0.42 for the CR 15 crossing under the current configuration of crossbucks with yield signs, 0.42 for the CR MM crossing under the current configuration of crossbucks with yield signs, and 0.42 for the CR 17 crossing under the current configuration of crossbucks with yield signs. The hazard index is the probable number of accidents expected to occur in a five-year time period. The cumulative hazard index for the three crossings is 1.26.

21. To analyze the hazard indices if the CR 15 crossing was to be abolished, we will look at three scenarios: Scenario 1 would involve half of the traffic from the CR 15 crossing moving to the CR MM crossing and the other half moving to the CR 17 crossing. Scenario 2 would involve all traffic from the CR 15 crossing moving to the CR MM crossing and scenario 3 would involve all traffic from the CR 15 crossing moving to the CR 17 crossing.

In looking at the scenarios in this proceeding, we look at what the future cumulative hazard indices would be with the CR 15 crossing being closed. In all three scenarios the hazard index for CR 15 decreases to zero. Under Scenario 1, the hazard index for CR MM crossing increases to 0.57 and the hazard index for CR 17 remains at 0.42 if half the traffic moves to each crossing. The cumulative hazard index for scenario one is 0.99. Under Scenario 2, the hazard index for CR MM crossing increases to 0.57 and the hazard index for CR 17 remains the same at 0.42 if all the CR 15 traffic moves to CR MM. The cumulative hazard index for scenario 2 is 0.99. Under Scenario 3, the hazard index for CR MM crossing remains the same at 0.42 and the hazard index for CR 17 also remains the same at 0.42 if all the CR 15 traffic moves to CR 17. The cumulative hazard index for scenario 3 is 0.84. In all scenario calculations, the total number of accidents expected to occur in a five-year time period with the removal of the CR 15 crossing is reduced with the closure of the crossing. Therefore, the overall risk of crossing accidents at the remaining crossings decreases since the exposure occurs now at only two crossings as opposed to three crossings for this analysis.

22. It is our principal function in this proceeding to determine whether the CR 15 crossing should be abolished in order to prevent accidents and to promote public safety. Our decision is predictive out of necessity because we are dealing with prevention of accidents and promotion of public safety when the crossings are abolished in the future. While we cannot predict with absolute certainty and accuracy what may happen in the future, we have to make the best judgment possible based on the data available.

23. Based on our analysis, with the reduction in the number of crossings to which vehicles are exposed to potential train collisions and a reduction in the cumulative hazard index with the closure of the CR 15 crossing, we find that closure of the CR 15 crossing will serve to

prevent accidents and promote public safety and find that the CR 15 crossing should be abolished.

24. BNSF anticipates starting work on the project on approval of the Application and anticipates being complete with the work by September 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 October 10, 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.

25. BNSF will be required to update the National Inventory Form to show the at-grade crossing at CR 15 as closed. The updated form for the crossing will need to be filed in this proceeding by BNSF by October 10, 2025.

D. Conclusions

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

27. No interventions were filed in this matter.

28. 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.

29. Based on the Findings of Fact, we find good cause exists and that the requirements of public safety and necessity are met by granting BNSF's Application to abolish the CR 15 crossing consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (“Application”) filed by BNSF Railway Company (“BNSF”), on July 21, 2025, for an order authorizing it to close the crossing at County Road 15 (“CR 15”) at BNSF milepost 185.215, Kansas Division, Boise City Subdivision, National Inventory No. 003753R, in the Statutory Town of Springfield, Baca 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 closure of the at-grade crossing of CR 15 with the tracks owned by BNSF in Springfield, Baca County, Colorado.

3. 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 September 10, 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.

4. BNSF will be required to update the National Inventory Form to show the at-grade crossing at CR 15 as closed. The updated form for the crossing will need to be filed in this proceeding by BNSF by October 10, 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 on its Issued Date.

**A. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 17, 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