

Decision No. C25-0723

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0567R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
AUTHORITY TO REPLACE THE FLASHERS, GATES, AND BUNGALOW FOR THE
CROSSING AT NIWOT ROAD IN THE UNINCORPORATED TOWN OF NIWOT, BOULDER
COUNTY, COLORADO (DOT# 244833Y).

**COMMISSION DECISION DENYING MOTION FOR
LEAVE TO FILE AMENDED APPLICATION**

Issued Date: October 10, 2025

Adopted Date: October 1, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Unopposed Joint Motion for Leave to File Amended Application (“Joint Motion”) filed by the BNSF Railway Company (“BNSF”) and the Colorado Department of Transportation (“CDOT”) on September 5, 2025, requesting to amend the application to include CDOT as a Joint Applicant and to change the advance preemption time of the CDOT traffic signal that is interconnected with the Niwot Road railroad crossing signals.

2. By Decision No. C25-0112, the Commission deemed the Application to replace the flashing lights, gates, bells and railroad signal bungalow at the crossing of Niwot Road complete and granted the Application.

3. In support of the Joint Motion, BNSF states that the amendment is necessary due to the discovery that the preemption timing needs to be updated and due to CDOT seeking authority to replace the traffic signal controllers.

4. The Joint Motion is beyond the scope of the original application which was to replace the existing equipment at the crossing with new equipment. There was no consideration in the original application about making changes to the traffic signal controller that is interconnected to the replaced railroad equipment and changes to the advanced warning time at the crossing. Because this request expands the scope of the original application, the Joint Motion creates notice issues for the proposed changes. Additionally, since CDOT did not intervene in the original application, they are not a party to the Application and therefore cannot participate as a Joint Applicant to the Joint Motion.

5. The scope of the changes proposed by the Joint Motion need to be filed with the Commission in a separate, new application.

B. Conclusion

6. The scope of the changes proposed by the Joint Motion need to be filed with the Commission in a separate application so that proper notice can be provided and so noticed parties are given the ability to intervene in this new matter coming before the Commission.

7. Now being fully advised, we deny BNSF's and CDOT's Joint Motion.

II. ORDER

A. The Commission Orders That:

1. The Motion for Leave to File Amended Application filed by the BNSF Railway Company, and the Colorado Department of Transportation, is denied.

2. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 1, 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