

Decision No. C25-0726

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0358R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR AUTHORITY TO REPLACE THE FLASHERS, GATES, AND BUNGALOW AND FINAL APPROVAL OF ADVANCED PREEMPTION TIME AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO REPLACE TRAFFIC SIGNAL CONTROLLERS FOR THE CROSSING AT JAY ROAD IN THE UNINCORPORATED COMMUNITY OF VALMONT, BOULDER COUNTY, COLORADO (DOT# 244823T).

**COMMISSION DECISION DEEMING APPLICATION
INCOMPLETE AND GRANTING MOTION FOR
EXTENSION OF TIME**

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 Application (“Application”) filed by the BNSF RAILWAY COMPANY (“BNSF”), 2600 Lou Menk Drive Fort Worth, TX 76131-2828 and Colorado Department of Transportation (“CDOT”), 2829 West Howard Place Denver, CO 80204, on August 28, 2025, for an order authorizing BNSF to replace the flashing lights, gates, and bungalow and for final approval of advanced preemption time and for CDOT to replace traffic signal controllers for the crossing at Jay Road with the tracks owned by BNSF, at railroad milepost 33.25, Powder River division, Front Range subdivision, National Inventory No. 244823T, in the Unincorporated Community of Valmont, Boulder 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 September 5, 2025.

3. On September 5, 2025, Staff of the Commission sent a Deficiency Letter to CDOT outlining missing information from the Application.

4. On September 5, 2025, CDOT filed its Motion for Extension of Time to File a Response to Deficiency letter. CDOT's motion states that CDOT's engineers are working on that information, however, it is not currently ready, and that CDOT's counsel has a trial scheduled for September 29 through October 3, 2025 in Jefferson County District Court. CDOT requests a 28-day extension of time, up to and including, Monday, October 13, 2025, to complete and file its Response to the Deficiency Letter.

5. No interventions were filed in this matter.

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

7. Now being fully advised in the matter, we grant CDOT's Motion.

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. BNSF requests authority to replace the flashing lights, gates, and bungalow and for final approval of advanced preemption time and for CDOT to replace traffic signal controllers for the crossing at Jay Road with the tracks owned by BNSF in Boulder County.

10. CDOT's motion requests an extension of time of 28 days up to and including October 13, 2025, to file a response to the Deficiency Letter sent by the Staff of the Commission. CDOT's engineers are working on the information, however, it is not currently ready, and CDOT's

counsel has a trial scheduled for September 29 through October 3, 2025 in Jefferson County District Court.

C. Conclusions

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

12. 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.

13. Based on the Findings of Fact, the Application is deemed incomplete consistent with the discussion above.

14. CDOT's Motion states good cause to grant the extension of time within which to submit documentation relevant to the missing information from the Application.

15. Now being fully advised, we grant CDOT's Motion.

II. ORDER

A. The Commission Orders That:

1. The Application ("Application") filed by the BNSF RAILWAY COMPANY ("BNSF"), 2600 Lou Menk Drive Fort Worth, TX 76131-2828 and Colorado Department of Transportation ("CDOT"), 2829 West Howard Place Denver, CO 80204, on August 28, 2025, for an order authorizing BNSF to replace the flashing lights, gates, and bungalow and for final approval of advanced preemption time and for CDOT to replace traffic signal controllers for the crossing at Jay Road with the tracks owned by BNSF, at railroad milepost 33.25, Powder River division, Front Range subdivision, National Inventory No. 244823T, in the Unincorporated

Community of Valmont, Boulder County, State of Colorado is deemed incomplete within the meaning of § 40-6-109.5, C.R.S.

2. The Motion for Extension of Time to File a Response to Deficiency Letter is granted.

3. CDOT is granted up to and including, Monday, October 13, 2025, to complete and file its Response to the Deficiency Letter and to file its documentation with the Commission..

4. The Commission retains jurisdiction to enter further decisions as necessary.

5. 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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director