

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 10A-842R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, AND THE CITY OF COMMERCE CITY FOR AUTHORITY TO WIDEN THE ROADWAY AND CROSSING, INSTALL PEDESTRIAN SIDEWALKS, REMOVE EXISTING FLASHERS AND GATES AND INSTALL NEW APPROACH GATES, RAISED MEDIANS AND FLASHERS, RELOCATE ONE EXISTING RAILROAD CONTROL POINT TO THE NORTH SIDE AND, RELOCATE TWO SWITCHES TO MOVE THE HAZELTINE SIDING TO THE NORTH AT THE CROSSING OF THE UNION PACIFIC RAILROAD TRACK ON STATE HIGHWAY 44 (104TH AVE.) IN CITY OF COMMERCE CITY, ADAMS COUNTY, COLORADO.

**INTERIM DECISION SCHEDULING PREHEARING
CONFERENCE**

Issued Date: February 11, 2025

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Procedural Background¹

1. By Decision No. C23-0817, issued December 8, 2023, the Commission granted the Joint Amended Application filed by the Colorado Department of Transportation (“CDOT” or “Applicants”) and the City of Commerce City (“Commerce City”) to install a queue cutter traffic signal for the crossing of 104th Avenue with the tracks of the Union Pacific Railroad Company (“UPRR”), railroad milepost 11.25 of the Greeley Subdivision, National Inventory Noc. 804433D, in Commerce City, County of Adams, State of Colorado. Applicants were ordered to inform the Commission in writing when the project is complete within ten days of completion, with the expectation that the letter would be filed by June 30, 2024.

¹ Only the procedural history necessary to understand this Decision is included.

2. On May 30, 2024, Commerce City filed its Motion for Extension of Time to Install a Queue Cutter Signal.

3. By Decision No. C24-0435, issued June 26, 2024, the Commission granted Commerce City a six-month extension of time to December 31, 2024, to install the queue cutter signal.

4. On December 27, 2024, Commerce City filed its Motion for Extension of Time to Install a Queue Cutter Signal (“Motion for Extension”). In its Motion for Extension, Commerce City requests an extension of approximately two years and six months, up to and including June 30, 2027, to file with the Commission the letter ordered in Decision No. C24-0435.

5. By Decision No. C25-0065, issued on January 30, 2025, the Commission remanded this Proceeding to an Administrative Law Judge (“ALJ”) for further proceedings. In this Decision, the Commission found that there is insufficient information in the Motion for Extension to support the additional time requested by Commerce City to complete this project given the grounds that additional changes and reviews are apparently being made to plans that have already been approved by the Commission. The Commission also found that additional information is needed from Commerce City and other parties to this proceeding as to why additional changes are being made to plans and specifications that have already been approved by the Commission and what issues may be creating the delays in completing this project. The Commission ordered that the ALJ has the discretion to reopen the evidentiary record to reconsider new plans and conduct further proceedings that may be appropriate.

6. The undersigned ALJ finds that a prehearing conference is necessary to review the status of this Proceeding, as ordered below.

II. ORDER

A. It is Ordered That:

1. A remote prehearing conference in this Proceeding is scheduled as follows:

DATE: March 3, 2025

TIME: 1:00 p.m.

PLACE: Join by videoconferencing using Zoom.

2. To minimize the potential that the remote prehearing conference may be disrupted by non-participants, the link and meeting ID, or access code to attend the hearing will be provided to the parties by email approximately one week before the hearing and the parties and witnesses will be prohibited from distributing that information to anyone not participating in the hearing.

3. All participants must comply with the requirements in Attachment A to this Decision, which is incorporated into this Decision.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director