

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 REQUIRING STATUS REPORT AND
SCHEDULING PREHEARING CONFERENCE**

Issued Date: April 25, 2025

I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Procedural Background¹

1. By Decision No. R25-0094-I, issued February 11, 2025, a prehearing conference was scheduled to review the status of this Proceeding. At the scheduled time and place, the prehearing conference was convened. All parties appeared and participated through counsel.

2. During the discussion at the conference, the parties were requested to confer and file a timeline within 30 days identifying the milestones necessary to bring this proceeding to a close.

3. No filing having been made for consideration, a prehearing conference was scheduled for April 21, 2025. At the scheduled time and place, the prehearing conference was

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

convened. The City of Commerce City and Colorado Department of Transportation appeared and participated through counsel. Union Pacific Railroad failed to appear.

4. In order to provide specific information for consideration, the parties will be ordered to file a status report regarding Task Nos. 3, 7, and 10 identified in the Joint Status Report and Amended Motion for Extension of Time.

5. For Task No. 3, the parties shall identify those plans and specifications that differ from the amended application as approved by Decision No. C23-0817 issued December 8, 2023, file modified plans and specifications (if available) and provide a status and timeline of each party's respective approval thereof.

6. For Task No. 7, identify whether Union Pacific Railroad has begun design and describe any portion of improvements already installed and those portions which must yet be designed and installed.

7. For Task No. 10, describe any portion of improvements already constructed and whether a Special Use Permit has been approved.

II. ORDER

A. It is Ordered That:

1. The City of Commerce City ("City"), Union Pacific Railroad Company ("UPRR") and the Colorado Department of Transportation ("CDOT") shall file a status report consistent with the discussion above, on or before May 12, 2025.

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

DATE: May 27, 2025

TIME: 10:00 a.m.

PLACE: Join by videoconferencing using Zoom.

3. 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.

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

9. 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