

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23A-0353R

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IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT, COLORADO, 80501 FOR AUTHORITY TO CONSTRUCT A NEW AT-GRADE CROSSING OF THE BURLINGTON NORTHERN SANTA FE TRACKS ON THE PROPOSED BOSTON AVENUE EXTENSION AND FOR AUTHORITY TO CLOSE THE EXISTING CROSSINGS OF THE BURLINGTON NORTHERN SANTA FE TRACKS AT FIFTH AVENUE AND TERRY STREET IN LONGMONT, COLORADO.

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**INTERIM DECISION SETTING DEADLINES  
REGARDING PLANS AND DRAWINGS**

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Issued Date: June 10, 2025

**I. PROCEDURAL HISTORY<sup>1</sup>**

1. On June 27, 2023, the City of Longmont (“Longmont” or “City”) filed an Application (“Application”), requesting authority to open a new highway-rail grade crossing at the extension of Boston Avenue with the tracks of the BNSF Railway Company (“BNSF”) at railroad milepost 43.4 of the Front Range Subdivision (no existing National Inventory Number), in Longmont, County of Boulder, in the State of Colorado, and to close the existing crossings of 5th Avenue at railroad milepost 44.289, National Inventory No. 245003Y and Terry Street, at railroad milepost 43.430, National Inventory No. 244846A, in Longmont, in the State of Colorado. This filing commenced Proceeding No. 23A-0353R.

2. By Decision No. C23-0560-I, issued August 31, 2023, the Commission referred this matter to an Administrative Law Judge (“ALJ”) for determination of the merits of the Application.

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<sup>1</sup> Only the procedural history necessary to understand this Decision is included.

3. On October 17, 2023, Longmont waived its statutory right to a decision within 120 days after the Application was deemed complete pursuant to § 40-6-109.5(3), C.R.S.<sup>2</sup>

4. By Decision No. R24-0785-I, issued October 29, 2024, the ALJ, among other things, granted BNSF's request to intervene out of time.<sup>3</sup>

5. By Decision No. R25-0416-I, issued June 2, 2025, the undersigned ALJ, among other things, scheduled a pre-hearing conference in this Proceeding for June 6, 2025 to discuss any remaining impasse between the parties in this Proceeding.

## II. PRE-HEARING CONFERENCE AND DEADLINES

6. On June 6, 2025, the undersigned ALJ convened a pre-hearing conference in this Proceeding, as scheduled by Decision No. R25-0416-I. During the June 6, 2025, pre-hearing conference, the parties discussed several unresolved issues, reached consensus on certain matters, and agreed to continue discussions on others. The parties further agreed that, following a meeting between their respective subject matter experts, no later than June 27, 2025, Longmont would provide BNSF with its then-most current plans/drawings. The parties also agreed that Longmont would file its then-most current plans/drawings in this Proceeding by July 18, 2025. The undersigned ALJ advised the parties that, should an impasse remain, the Proceeding would be resolved through an evidentiary hearing on all disputed issues, and that in such event, the undersigned ALJ would consider any appropriate and reasonable procedural schedule proposed by the parties.

7. Pursuant to Rule 7204 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1, and consistent with the parties' agreement at the June 6,

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<sup>2</sup> Second Joint Motion Requesting Continuance of the October 18, 2023 Evidentiary Hearing, or in the Alternative, a Request for a Status Conference at ¶ 6.

<sup>3</sup> See the Notice of Re-Intervention, filed by BNSF on September 25, 2024.

2025, pre-hearing conference, Longmont will be instructed to, following at least one meeting between the parties' subject matter experts, provide BNSF with its then-most current plans/drawings related to the Application no later than June 27, 2025, as ordered below. Longmont will further be instructed to file its then-most current plans/drawings in this Proceeding by July 18, 2025, for consideration of final Commission approval, as ordered below.

8. The undersigned ALJ continues to encourage the parties to maintain open communication in an effort to resolve or narrow any remaining areas of disagreement.

**III. ORDER**

**A. It Is Ordered That:**

1. The parties shall continue to confer in good faith in an effort to resolve all disputed issues in this Proceeding.

2. No later than June 27, 2025, and following at least one meeting between the appropriate subject matter experts for each party, the City of Longmont ("Longmont") shall provide BNSF Railway Company with its then-most current plans/drawings related to the above-captioned Application.

3. No later than July 18, 2025, Longmont shall file in this Proceeding its then-most current plans/drawings related to the above-captioned Application for consideration of final Commission approval.

4. This Decision is effective immediately.



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

AVIV SEGEV

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Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,  
Director