

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 AVENUE) IN CITY OF COMMERCE CITY, ADAMS COUNTY, COLORADO.

**RECOMMENDED DECISION
GRANTING APPLICATION IN PART
AND ALLOCATING COSTS**

Issued Date: October 17, 2025

I. STATEMENT

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.

6. By Decision No. R25-0094-I, issued February 11, 2025, a prehearing conference was scheduled for March 3, 2025, in this matter.

7. On April 2, 2025, Commerce City filed an unopposed Joint Status Report and Amended Motion for Extension of Time. Commerce City provided exhibits supporting its request for extension of time to February 2027 to provide the notice of completion. The exhibits include

the timeline for completion of the queue cutter signal improvements and a project schedule graphic.

8. By Decision No. R25-0269-I, issued on April 10, 2025, a prehearing conference was scheduled for April 21, 2025, to review the status of this Proceeding.

9. By Decision No. R25-0323-I, issued April 25, 2025, a prehearing conference was scheduled for May 27, 2025. The parties were asked to provide specific information for consideration in a status report regarding Task Nos. 3, 7, and 10 identified in the Joint Status Report and Amended Motion for Extension of Time.

10. On May 12, 2025, Commerce City filed a Joint Status Report in Response to Interim Decision Requiring Status Report and Scheduling Prehearing Conference with an attached exhibit. The attached exhibit provided additional information on the timeline tasks and added additional information to Task Nos. 3, 7, and 10 showing that the timeline for the project remains at project completion in February 2027.

11. By Decision No. R25-0541-I, issued July 24, 2025, the Parties were ordered to file final signal plans for approval along with the updated schedule for the remainder of the timeline on or before August 30, 2025.

12. On August 29, 2025, Commerce City filed a Joint Motion for Approval of Final Plans and Updated Schedule and Response to July 24, 2025 Interim Decision. The Joint Motion requests that the final plans filed be approved and provides an updated schedule for completing the queue cutter signal.

13. Pursuant to § 40-6-109, C.R.S., the ALJ transmits to the Commission the record of this proceeding, this recommended decision containing findings of fact and conclusions thereon, and a recommended order.

II. FINDINGS AND ANALYSIS

14. CDOT and Commerce City amended the application in Proceeding No. 10A-842R updating the plans and information for construction of the queue cutter traffic signal. This amendment and plans supersede the plans approved by the Commission in Decision No. C23-0817, issued December 8, 2023.

15. The amended plans submitted are generally the same as the approved plans with notable changes to the proposed preemption timing, changes to the loop detectors, and the signal phasing diagram. Additionally, CDOT and Commerce City updated the schedule chart to account for the change in timing from the September 2023 filing to August 2025 filing.

16. The first noted change is to the signal phasing diagram. The September 2023 filing showed the green cycle for eastbound traffic rather than westbound traffic where the August 2025 filing shows the correct signal phasing diagram.

17. The second noted change increases the advance warning time for the railroad preemption time. The advance warning time in the September 2023 filing was three seconds. This advance warning time has been increased to five seconds in the August 2025 filing.

18. The third noted change is to the loop detector chart. The September 2023 filing showed that all nine detector loops would be used to detect vehicles. The August 2025 filing shows that only the first and second loops on the right and in the middle will be used. The other loops are left available for future use.

19. The changes that are proposed by CDOT and Commerce City to the final plans are in the interest of public safety. The loop detectors will be set such that the queue cutter signal will be activated if the loops are occupied for nine seconds during normal roadway operations along westbound 104th Avenue. The extended advance warning time for preemption at the crossing,

whether the call for the queue cutter signal change comes from the loop detection or from an approaching train, gives sufficient advance warning for drivers to be able to react to the queue cutter signal changing from green, to amber, to red. If the queue cutter signal is activated from the loop detection, there is sufficient time for drivers to be able to stop at the stop bar upstream from the crossing, before entering. If a train activates the queue cutter signal, drivers will be able to stop before entering the crossing and there will be time for any vehicles that have entered the crossing to clear the crossing before the train arrives at the crossing.

III. CONCLUSIONS

20. Public safety requires the operation of the queue cutter signal at the crossing and the proposed changes from the previous Commission Decision No. R23-0817, issued December 8, 2023, enhance the safety measure of the operation of the queue cutter signal at the 104th Avenue crossing with UPRR through both detection of queues building back toward the crossing to stop additional vehicles from entering the crossing and through activation of the crossing from an approaching train that will also stop vehicles from entering into the crossing, or being able to clear the crossing before arrival of a train.

IV. ORDER

A. The Commission Orders That:

1. The above-captioned Application as amended by the Colorado Department of Transportation (“CDOT”) and the City of Commerce City (“Commerce City”) for the authority to operate a queue cutter detection signal at the crossing of State Highway 44 (“104th Avenue”) in Commerce City with the tracks of the Union Pacific Railroad Company (“UPRR”) is granted consistent with the discussion above.

2. CDOT and Commerce are authorized and ordered to install and operate a queue cutter signal at the crossing of 104th Avenue with an advance preemption time of nine seconds and the initial use of the four loop detectors as discussed above and as shown on the August 2025 plans.

3. Pursuant to the construction schedule provided by CDOT and Commerce City, the signed Construction and Maintenance Agreement for the queue cutter signal shall be filed with the Commission no later than May 4, 2026, with interconnection of the queue cutter signal and railroad signal bungalow not beginning until the agreement is signed and filed with the Commission.

4. The Commission will expect CDOT and Commerce City to provide notice to the Commission in writing that the queue cutter signal is installed and operational within 10 days of operation. Pursuant to the construction schedule provided by CDOT and Commerce City, the Commission will expect this filing to be made by May 31, 2027.

5. CDOT, Commerce City, and UPRR are required to file a copy of the updated U.S. DOT Inventory form for this crossing showing the updated information for the queue cutter signal on the form. Pursuant to the construction schedule provided by CDOT and Commerce City, the Commission will expect this filing to be made by May 31, 2027.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

7. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

8. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director