

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18A-0636R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOUISVILLE FOR
AUTHORITY TO INSTALL APPROACH RAILROAD GATES WITH FLASHING LIGHTS,
BELLS, CONSTANT WARNING TIME CIRCUITRY, NEW SIGNAL CABIN, AND
UPGRADED MEDIAN POST-MOUNTED FLASHERS AT TRACKS OWNED BY
BNSF RAILWAY COMPANY CROSSING DILLON ROAD, USDOT NO. 244798M, IN
BOULDER COUNTY, STATE OF COLORADO.

**INTERIM COMMISSION DECISION
SCHEDULING STATUS CONFERENCE**

Mailed Date: May 7, 2019
Adopted Date: April 24, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion to Request Commission Relief with Regard to BNSF's Provision of Signal Estimate and Schematic Diagram with Modified Advance Preemption Calculation (Motion) filed by the City of Louisville (Louisville) on April 1, 2019, and the BNSF Railway Company's Response to the City of Louisville's Motion for Commission Relief (Response) filed by the BNSF Railway Company (BNSF) on April 22, 2019. In both the Motion and the Response, Louisville and BNSF request a status conference in this matter.

2. In its Motion, Louisville states that BNSF provided Louisville with a draft estimate and schematic diagram on March 20, 2019, containing a contingency stating that the estimate was provided without an approved traffic study from the agency and that the estimate was contingent on only 20 seconds of preemption request from the traffic study. The estimate provided to

Louisville was only valid for 20 seconds of advance preemption as opposed to the 25 seconds of advance preemption time that Louisville had requested and that the Commission had provided a preliminary review and approval for as part of Decision No. C18-0974-I, issued November 5, 2018.

3. A review of the schematic diagram provided by Louisville as part of the Motion shows the specific information required by the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7-7204(a)(X)(D), which requires the schematic diagram identify the equipment response time, advance preemption time, minimum warning time, clearance time, buffer time, and, total warning time.

4. Louisville's Motion attaches relevant portions of the American Railway Engineering and Maintenance of Way (AREMA) communications and signal (C&S) manual that are discussed by Louisville and BNSF. Louisville's Motion states that the BNSF March 20, 2019 Notice of Provided Signal Estimate and Schematic and Need for Revised Preemption Time filing states that "AREMA recommends the advance preemption shall not exceed 50 seconds of total time: 20 seconds minimum warning time, 10 seconds buffer time, and 20 seconds for preemption. By extending the advance preemption time beyond 50 seconds, the interconnected railroad constant warning time (CWT) equipment begins to perform as a motion sensor rather than a CWT device, which can cause warning time to become excessive and lead to accidents" (emphasis added by BNSF).

5. Louisville's Motion argues that while AREMA does require advance preemption shall not exceed 50 seconds of total time, AREMA does not support the necessity of 20 seconds of advance preemption time. Louisville requests the Commission's assistance in obtaining from

BNSF the railroad estimate and schematic diagram based upon the advance preemption calculations set forth in Louisville's application with 25 seconds of preemption time or, in the alternative, that the matter be set for a status conference for resolution of the parties' disagreement over the advance preemption calculations, or other relief as the Commission may deem appropriate.

6. BNSF's Response argues that the only basis Louisville has for exceeding the 50 seconds required under AREMA is that it would be "unfair to the City to require the City to spend additional time and incur additional expense to conduct an additional traffic evaluation."

7. BNSF's Response also states that Louisville argues that AREMA does not specifically require 20 seconds of advance preemption time or 10 seconds of buffer time, and that the only reason the advance preemption time calculation exceeds 50 seconds is based upon the addition of 10 seconds of buffer time. However, BNSF argues that ten seconds of buffer time is instrumental and crucial to advance preemption calculations and it will not cut into the ten seconds. BNSF requests that Louisville amend its application to recalculate the advance preemption time to be in line with AREMA or, in the alternative, set this matter for a status conference to determine steps necessary for resolution of the parties' disagreement.

8. In reviewing the AREMA C&S manual excerpts provided by Louisville with their Motion, the AREMA manual states that the total system design time minus equipment response time shall not exceed 50 seconds, not the total advance preemption time. The AREMA manual also states that the advance preemption should be closely evaluated by the highway agency or authority with jurisdiction and the regulatory agency with statutory authority if applicable.

9. Now being fully advised in the matter, we will schedule a status conference in this matter to discuss if resolution of the parties' disagreement is possible or determine the next steps in this matter.

II. ORDER

A. It Is Ordered That:

1. A status conference in this matter is scheduled as follows:

DATE: May 24, 2019

TIME: 1:00 p.m.

PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING** **April 24, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners