

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0480R

IN THE MATTER OF THE APPLICATION OF CITY AND COUNTY OF BROOMFIELD FOR AUTHORITY TO INSTALL APPROACH RAILROAD GATES WITH FLASHING LIGHTS AND BELLS, INSTALL EXIT RAILROAD GATES TO COMPLETE A 4-QUADRANT GATE INSTALLATION, WITH CONSTANT WARNING TIME CIRCUITRY AND NEW RAILROAD SIGNAL CABIN, AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING BRAINARD DRIVE, USDOT NO. 929085A, IN CITY AND COUNTY OF BROOMFIELD, STATE OF COLORADO.

**COMMISSION DECISION REQUIRING
ADDITIONAL JOINT PARTY FILING**

Mailed Date: June 10, 2020

Adopted Date: June 10, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion to Amend Application (Motion) filed by the City and County of Broomfield on May 27, 2020 filing the remaining information needed and requesting approval of the changes at the Brainard Drive crossing.

B. Findings and Conclusion

2. Broomfield originally proposed to start construction on March 1, 2020, and be complete by July 31, 2021 based on a BNSF estimate and schematic diagram being received by December 1, 2019. The originally proposed construction time has passed, and Broomfield did not provide updates in the Motion. This information is needed for the Commission be able to ensure that projects are timely started, which occurs after the filing of the signed Construction

and Maintenance Agreement, and that project gets completed, which Broomfield is required to provide us with the completion information within 10 days of completion of the project.

3. We will require the Parties to discuss the new dates for these two project benchmarks and to make a joint filing providing the Commission with the date by which the signed Construction and Maintenance Agreement will be filed with the Commission and the date by which the joint parties anticipate the project being completed. We will require this filing to be made by June 30, 2020.

II. ORDER

A. The Commission Orders That:

1. The City and County of Broomfield and the BNSF Railway Company are required to discuss new project benchmark dates and make a joint filing providing the Commission with the date by which the signed Construction and Maintenance Agreement will be filed with the Commission and the date by which the joint parties anticipate the project being completed. We will require this joint filing to be made by June 30, 2020.

2. The Commission retains jurisdiction to enter further decisions as necessary.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 10, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners