

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0288R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
AUTHORITY TO MODIFY AND UPGRADE SIGNALS, LIGHTS, GATES AND
BUNGALOW AT THE 2ND STREET CROSSING IN MONUMENT, EL PASO COUNTY,
COLORADO (DOT # 253076E).

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Mailed Date: August 25, 2020

Adopted Date: August 19, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the BNSF Railway Company (BNSF) on July 1, 2020, requesting authority to modify the active warning equipment by removal of the center median flashing lights and gates, and replacement of the existing flashing lights, gates, bells, signal bungalow, and constant warning time detection circuitry at the crossing of the Union Pacific Railroad Company's Colorado Springs subdivision, for which BNSF operates over and has responsibility for maintenance and proposed modifications and upgrades located at railroad milepost 55.820 with 2nd Street, National Inventory No. 253076E in the Town of Monument, County of El Paso, State of Colorado.

2. The Commission gave notice of this Application (Notice) to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S. The Notice was mailed July 6, 2020.

3. No interventions were filed in this matter.

4. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

5. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

7. BNSF seeks authority to modify the active warning equipment by removal of the center median flashing lights and gates, and replacement of the existing flashing lights, gates, bells, signal bungalow, and constant warning time detection circuitry at the crossing of 2nd Street in Monument, Colorado.

8. As grounds, BNSF states that the proposed changes will bring the crossing into compliance with American Railway Engineers and Maintenance of Way standards.

9. BNSF states there are currently 20 freight trains per day using the subject crossing at a timetable speed of 25 miles per hour (MPH) on the mainline. The current National Inventory Form shows there are 500 vehicles per day using the crossing at a speed of 25 MPH.

10. There was one injury accident at the crossing in 1985.

11. BNSF estimates the cost of this project at \$118,594 with BNSF responsible for all costs of this project.

12. BNSF proposes starting the project upon Commission approval and completing the project by December 2020. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

C. Conclusions

13. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), C.R.S.

14. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

15. Because the Application is unopposed, the Commission finds that it will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, 4 *Code of Colorado Regulations* 723-1 of the Rules of Practice and Procedure.

16. We find that good cause exists and that the requirements of public safety are met by granting the Application consistent with the above discussion.

17. We will require BNSF to inform us in writing that construction is complete within ten days of project completion. We shall expect this letter by December 31, 2020.

18. We will require BNSF to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by December 31, 2020.

II. ORDER**A. The Commission Orders That:**

1. The application (Application) filed by the BNSF Railway Company (BNSF) on July 1, 2020, requesting authority to modify the active warning equipment by removal of the center median flashing lights and gates, and replacement of the existing flashing lights, gates, bells, signal bungalow, and constant warning time detection circuitry at the crossing of the Union Pacific Railroad Company's Colorado Springs subdivision, for which BNSF operates over and has responsibility for maintenance and proposed modifications and upgrades located at railroad milepost 55.820 with 2nd Street, National Inventory No. 253076E in the Town of Monument,

County of El Paso, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. BNSF is authorized and ordered to replace the active warning devices, and remove the center median flashing lights and gates, and new bungalow at the crossing of 2nd Street in the Town of Monument.

4. BNSF shall inform the Commission in writing when the crossing changes are complete within ten days of completion. The Commission will expect the letter by December 31, 2020. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. BNSF is required to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by December 31, 2020.

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

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

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 19, 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