Decision No. C21-0043

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18A-0809R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOUISVILLE FOR AUTHORITY TO INSTALL 4-QUADRANT RAILROAD GATES WITH FLASHING LIGHTS, BELLS, CONSTANT WARNING TIME CIRCUITRY, AND NEW SIGNAL CABIN, AT TRACKS OWNED BY BNSF RAILWAY COMPANY CROSSING SOUTH BOULDER ROAD, USDOT NO. 244804N, IN BOULDER COUNTY, STATE OF COLORADO.

COMMISSION DECISION GRANTING MOTIONS FOR EXTENSION OF TIME

Mailed Date: January 27, 2021
Adopted Date: January 27, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of three separate unopposed Motions for Extension of Time to File C&M Agreement (Motions) filed by the BNSF Railway Company (BNSF) on January 7, 2021, January 14, 2021, and January 22, 2021 requesting extensions of time to January 14, 2021, January 22, 2021, and January 29, 2021, respectively, to file the signed Construction and Maintenance (C&M) Agreement.

2. As grounds for these Motions, BNSF states that due to holiday vacations and press of other business, they request extensions of time to January 14, 2021 and then to January 22, 2021, to finalize the Construction and Maintenance Agreement. BNSF states it is cognizant of the City of Louisville's timeline for construction of this project, which is part of a larger quiet zone project, and after conversations with the City of Louisville does not believe these brief extensions will delay the current timeline for construction. The parties have been working

cooperatively to finalize the agreement, and have also been working cooperatively on other aspects of the larger quiet zone project involving a total of five crossings.

3. On January 22, 2021, BNSF filed a third Motion requesting a third extension of time to and including January 29, 2021 to allow review and approval of the Agreement by the necessary BNSF personnel.

4. BNSF states in the Motions that BNSF has conferred with counsel for the City of Louisville and can state that the City of Louisville does not oppose the Motions.

5. No responses were filed to the Motions.

6. Now being fully advised in the matter, we grant the Motions.

II. ORDER

A. The Commission Orders That:

1. The three separate unopposed Motions for Extension of Time to File C&M Agreement (Motions) filed by the BNSF Railway Company (BNSF) on January 7, 2021, January 14, 2021, and January 22, 2021, requesting extensions of time to January 14, 2021, January 22, 2021, and January 29, 2021, respectively, to file the signed Construction and Maintenance Agreement are granted.

2. The Construction and Maintenance Agreement in this proceeding is to be filed with the Commission by January 29, 2021.

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

4. This Decision is effective on its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING January 27, 2021.

(S E A L)

ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners