

Decision No. C22-0521-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0334R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS, FOR AUTHORITY TO RELOCATE THE RAILROAD SIGNAL BUNGALOW AND VACATE THE ASSOCIATED EASEMENT AT THE CHERRY STREET CROSSING OF TRACKS OWNED BY BNSF RAILWAY COMPANY, USDOT NO. 244-642N, IN LARIMER COUNTY, STATE OF COLORADO.

**INTERIM DECISION DEEMING
APPLICATION COMPLETE AND REFERRING
APPLICATION AND INTERVENTION TO AN
ADMINISTRATIVE LAW JUDGE FOR DISPOSITION**

Mailed Date: September 7, 2022

Adopted Date: September 7, 2022

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Fort Collins (Fort Collins) on July 22, 2022, requesting authority to relocate a railroad signal bungalow and vacation of the associated easement at the Cherry Street crossing of the BNSF Railway Company (BNSF) at railroad milepost 74.52 of the Front Range Subdivision, National Inventory No. 244642N in Fort Collins, County of Larimer, 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 25, 2022.

3. On August 24, 2022, BNSF filed a Notice of Intervention. BNSF opposes and contests the Application and requested a hearing in this matter. BNSF states that the Application makes a request that exceeds Commission jurisdiction.

4. The Commission reviewed the record in this matter and deems the Application complete pursuant to § 40-6-109.5, C.R.S.

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

6. Now being fully advised in the matter, we refer the Application to an Administrative Law Judge for disposition of the intervention and a determination of the merits of the Application.

II. ORDER

A. It Is Ordered That:

1. The application (Application) filed by the City of Fort Collins (Fort Collins) on July 22, 2022, requesting authority to relocate a railroad signal bungalow and vacation of the associated easement at the Cherry Street crossing of the BNSF Railway Company (BNSF) at railroad milepost 74.52 of the Front Range Subdivision, National Inventory No. 244642N in Fort Collins, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Proceeding No. 22A-0334R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for disposition of the interventions and determination of the merits of the Application.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 7, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners