

Decision No. C25-0417

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0556R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF KEENESBURG FOR AUTHORITY TO CONSTRUCT PEDESTRIAN SIDEWALK ALONG THE EAST SIDE OF COUNTY ROAD 59 BETWEEN COUNTY ROAD 398 AND HOFF ELEMENTARY SCHOOL. THE SIDEWALK WILL CROSS BNSF RAILWAY COMPANY RIGHT-OF-WAY IN THE TOWN OF KEENESBURG, COLORADO.

**COMMISSION DECISION
GRANTING APPLICATION**

Issued Date: June 3, 2025
Adopted Date: May 21, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the final engineering drawings (“Final Application”) filed by the Town of Keenesburg (“Keenesburg”) on January 24, 2022, requesting final approval of its application to install a sidewalk on the east side of Weld County Road 59 (“CR 59”) crossing with the tracks of the BNSF Railway Company (“BNSF”) at railroad milepost 504.64 of the Brush Subdivision, National Inventory No. 057216K, in Keenesburg, County of Weld, State of Colorado.

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

B. Findings of Fact

3. Keenesburg proposes to construct the new sidewalk on the east side of CR 59. This sidewalk will cross the tracks of the BNSF and will continue east side of CR 59 between

CR 398 and Hoff Elementary School in Keenesburg. Keenesburg states that pedestrian traffic at this location has increased tremendously with the addition of 350 homes north of this crossing. With the elementary school located one block south of the crossing, there are more children using this crossing to get to school. The proposed sidewalk will be constructed as a 6', detached sidewalk that will be located behind the existing flashing light and gate mechanism and will cross two tracks at the crossing. No additional changes are planned at the crossing other than the addition of the sidewalk. Additional crossing panels will be needed to allow the sidewalk extension through the crossing.

4. Keenesburg states there are currently approximately 1,668 vehicles per day ("VPD") using CR 59 Road with school buses since construction of the elementary school and approximately 7 percent being heavy vehicles using the crossing at a posted speed limit of 25 miles per hour ("MPH"). Traffic projections for the next five and 20 years are difficult with the current growth in the area. Currently, there are about 22 through trains using the crossing each day, operating at a maximum scheduled speed of 79 MPH. At this time, there are no estimates available for future changes in train volumes.

5. Keenesburg provided the final signed and stamped engineering plans along with the railroad cost estimate. Keenesburg will fund the installation of the sidewalk crossing from its General Fund.

C. Conclusions

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

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

8. 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, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (“CCR”) 723-1.

9. Based on the findings of fact, we find that good cause exists, and the requirements of public safety are met by approval of Keenesburg’s Application in this matter.

II. ORDER

A. The Commission Orders That:

1. The Application filed by the Town of Keenesburg (“Keenesburg”) on November 18, 2021, as amended on January 24, 2022, requesting authority to install a sidewalk on the east side of Weld County Road 59 crossing with the tracks of the BNSF Railway Company at railroad milepost 504.64 of the Brush Subdivision, National Inventory No. 057216K, in Keenesburg, County of Weld, State of Colorado, is granted

2. Keenesburg will be required to inform the Commission in writing when the project is complete. The Commission will expect this by June 30, 2025.

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration, begins on the first day following the effective date of this Decision.

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

5. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 21, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners