

Decision No. C25-0713

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 21A-0416R

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IN THE MATTER OF THE APPLICATION OF THE CITY OF GREELEY FOR AUTHORITY TO DESIGN AND IMPLEMENT HIGHWAY-RAIL GRADE CROSSING SAFETY IMPROVEMENTS ON THE UNION PACIFIC RAILROAD AT 13TH STREET (DOT NO. 804367T) IN THE CITY OF GREELEY, WELD COUNTY, COLORADO.

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**COMMISSION DECISION AFFIRMING TIMELINE AND  
ADDRESSING FILING**

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Issued Date: October 3, 2025  
Adopted Date: September 24, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of Applicant's Request for Approval of Updated Final Plans and for Order Detting Deadlines for Certain UPRR Actions ("Motion") filed by the City of Greeley ("Greeley") on August 8, 2025 and an Amendment to Applicants Request for Approval of Updated Final Plans and For Order Setting Deadlines for Certain UPRR Actions ("Amended Motion") filed by Greeley on August 15, 2025 requesting: 1) approval of updated final roadway plans detailing the proposed modifications at the 13th Street crossing with the tracks of the Union Pacific Railroad Company ("UPRR"); 2) a deadline be set by the Commission for UPRR to file, directly into this proceeding, the front sheet (schematic diagram) for the proposed crossing improvements; and 3) to request the Commission to set a reasonable timeline within which UPRR must provide the executed

Construction and Maintenance Agreement to include language compliant with PUC Rules and state statute for City signature.

2. Greeley conferred with counsel for UPRR and states that UPRR objects to the relief sought by Greeley.

**B. Discussion**

3. On January 4, 2023, the Commission issued Decision No. C23-0003 affirming the timeline and addressing a filing. In that decision, UPRR was ordered to file the cost estimate and schematic diagram for this proceeding by March 31, 2023.

4. On February 2, 2023, UPRR filed an Objection/Protest objecting to Greeley's final plan and status of receipt of railroad estimate and front sheet outlining numerous reasons why UPRR was unable to provide a cost estimate and front sheet by the required March 31, 2023.

5. On March 8, 2023, the Commission issued Decision No. C23-0170-I affirming the timeline and addressed the filing made by UPRR.

6. On June 7, 2023, Greeley filed a Response to UPRR's Response to Interim Commission Decision Affirming Timeline and Addressing Filing.

7. Greeley stated that the updated design was forwarded to UPRR on October 19, 2022. UPRR at that time made no mention of the need for any additional meetings but rather instructed their consultant to review the update design and provide comments as shown in UPRR's consultant's notification. As part of that notification, UPRR stated it would require Greeley to agree to pay maintenance costs for the 4-quadrant gate system. Additionally, Greeley said that UPRR was indicating that they cannot provide a schematic and estimate until a diagnostic meeting was held.

8. Greeley pointed out that the Commission did not require an additional field diagnostic to be held, that the PUC is the regulatory authority for crossing safety in Colorado, and that the Federal Railroad Administration (“FRA”) does not require a field diagnostic review when a crossing is being treated with a fully compliant Supplemental Safety Measure for Quiet Zone establishment.

9. Greeley goes on to discuss that Part 8 of the Manual on Uniform Control Devices (“MUTCD”), and specifically Section 8C.06 Four-Quadrant Gate Systems, does not require a field diagnostic for a 4-quadrant gate installation. Greeley also points out that UPRR standards are neither readily available, nor binding on public agencies as they are not Federal, State or Local standards. Greeley also notes that a field diagnostic meeting was held at the crossing on July 25, 2017, with UPRR present. Greeley states that any and all crossing concerns, regardless of anticipated improvements, should have been identified by UPRR and/or their consultant at that time.

10. Greeley states that UPRR’s assertion that Greeley’s approach is ‘unilateral’ and ‘unacceptable’ is inaccurate. According to Greeley, UPRR has not in any way participated in this project in an agreeable fashion and that UPRR continues to impede this project, due to the simple fact that Greeley chooses to abide by Colorado PUC rules and not pay UPRR for maintenance of the 4-quadrant gate system.

11. Finally, Greeley states that UPRR indicates they wish to continue discussions toward an amicable, mutually agreeable solution. Greeley states that it is not obligated to find a ‘mutually agreeable solution’ with UPRR when the FRA has already defined the treatments that are acceptable for Quiet Zone establishment at a national level.

12. Greeley requested the Commission to enter an order for UPRR to provide the estimate and schematic by May 31, 2023 for the four-quadrant gate installation at the crossing and that if the estimate and schematic were not received by that date that Greeley could engage an outside railroad signal consultant to develop an estimate and schematic to be approved by the Commission and to which the UPRR would be held.

13. On September 11, 2023, UPRR filed a Reply to Greeley's response to UPRR's response to the interim Commission Decision Affirming Time and Addressing Filing.

14. UPRR notes that Greeley would own the 4-quad system traffic control device and in the event that the crossing closes, UPRR would return the equipment to Greeley.

15. UPRR attaches a copy of an August 22, 1984 agreement stating that Greeley, at its own expense, was required to operate, maintain, repair and keep the grade crossing warning devices in proper working condition provided that Greeley received any contribution towards the cost of such maintenance and may now or hereafter be made available by any reason of law, ordinance, regulations, order, grant, or by other lawful means or sources.

16. UPRR states that Greeley is implying that because the Commission and the FRA did not require an additional field diagnostic review for the crossing, UPRR has no authority to do so. UPRR states this is incorrect and misleading because the landowner whose property and operations are impacted by Greeley's proposed project, UPRR is well within its rights to require an additional diagnostic following Greeley's design changes.

17. UPRR discusses that Greeley's assertion that UPRR's standards are neither readily available nor binding on public agencies since they are not Federal, State, or Local standards which UPRR claims is incorrect and misleading. UPRR states that its public project manual is readily available on UPRR's website. UPRR reasserts it is within its rights to require a

road authority proposing a project that will impact UPRR property and operations and to adhere to UPRR standards that are based on industry standards including the Association of American Railroads, Federal Highway Administration, and American Railway Engineering and Maintenance-of-way Association which are compliant with all applicable federal laws and regulations.

18. UPRR argues that Greeley's assertion that any and all crossing concerns should have been identified by UPRR and their consultant at that time regardless of anticipated improvements is incorrect and impractical. UPRR claims that a railroad cannot identify any and all concerns without a road authority's substantial design completion and that it is important to note that a diagnostic is not necessarily the final decision on warning devices and crossing modifications. UPRR argues that a diagnostic team may later reconvene virtually or in the field to further review a proposed project.

19. UPRR discusses that Greeley implies that because the FRA, Commission, or other agencies do not require that the accesses outside of the gates at a 4-quadrant gate installation cannot remain in place, UPRR cannot require Greeley to address the safety issues associated with the nearby commercial driveways. UPRR contends it is within its rights as the property owner to require that Greeley address potential issues associated with the commercial driveways in the crossings southeast and southwest quadrants.

20. UPRR states that Greeley implies that because the FRA has already defined the treatments that are acceptable for Quiet Zone establishment and thus UPRR is obligated to accept Greeley's current design and proposed treatments. UPRR states that because it is the property owner, UPRR is within its rights to require Greeley adhere to UPRR's public project manual standards and that UPRR is not obligated to proceed with a project simply because a road

authority proposes using a treatment that the FRA has deemed acceptable for Quiet Zone establishment. UPRR states that the configuration of each crossing is unique and there is not a one size fits all approach for quiet zone crossings.

21. UPRR states that there are safety concerns with the driveways in the northeast and southeast quadrants and that in both quadrants on the west side of the crossings. UPRR opines that rather than working with the appropriate property owners to address the concerns to install the SSM's Greeley originally proposed, Greeley opted to revise its plans proposing four quadrant gates.

22. Finally, UPRR reiterates that until a diagnostic is held and agreement is reached on mutually acceptable plans, UPRR cannot provide a cost estimate and a schematic diagram.

23. To date, UPRR has yet to comply with the Commission's order requiring them to file the cost estimate and front sheet in this proceeding.

### **C. Findings and Conclusions**

24. The Commission has reviewed the plans filed by Greeley for the 13th Street crossing and finds the plans are not compliant with the requirements of the MUTCD. Specifically, the advance warning signs on 6th Avenue and 5th Avenue show W10-2 advance warning signs for four-leg intersections when there are three-leg intersections that should be signed with the appropriate W10-4 signs.

25. With the plans filed by Greeley not in compliance with the MUTCD and UPRR's continued inability to file the cost estimate and front sheet for this project, we refer this matter to an Administrative Law Judge to review this proceeding and to get a decision on this application this finished as expeditiously as possible given we are four years into this process with a questionable end in sight. Now that we have additional staff in our Rail/Transit Safety Section,

we also think it would be helpful for the Staff of the Commission to intervene in this matter to assist the parties on solving any outstanding issues and to assist in providing a complete record for the ALJ to work from to issue a Recommended Decision in this matter.

## **II. ORDER**

### **A. The Commission Orders That:**

1. Proceeding No. 21A-0416R is referred to an Administrative Law Judge (“ALJ”) of the Colorado Public Utilities Commission for determination of the merits of the Application.

2. Should Staff of the Commission seek to intervene in this proceeding, we recommend granting intervention, even at this late stage. While this project has been ongoing for some time, recent revisions to the crossing design require review. The Commission Trial Staff has only recently gained employees with crossing expertise, and despite the projects long history, we believe Trial Staff will be able to assist the parties in solving any outstanding issues and to assist in providing a complete record for the ALJ and Commission.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 24, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners