

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0358R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR AUTHORITY TO REPLACE THE FLASHERS, GATES, AND BUNGALOW AND FINAL APPROVAL OF ADVANCED PREEMPTION TIME AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO REPLACE TRAFFIC SIGNAL CONTROLLERS FOR THE CROSSING AT JAY ROAD IN THE UNINCORPORATED COMMUNITY OF VALMONT, BOULDER COUNTY, COLORADO (DOT# 244823T).

**INTERIM DECISION GRANTING CDOT'S MOTION FOR
EXTENSION OF TIME AND WAIVING RESPONSE TIME**

Issued Date: December 1, 2025

I. PROCEDURAL HISTORY

1. On August 28, 2025, BNSF Railway Company and the Colorado Department of Transportation (“CDOT”) jointly filed their Application (“Application”) for an order authorizing BNSF to replace the flashers, gates, and bungalow and for final approval of advanced preemption time and for CDOT to replace traffic signal controllers for the crossing at Jay Road in the Unincorporated Community of Valmont, Boulder County, Colorado.

2. On September 5, 2025, the Colorado Public Utilities Commission (“Commission”) issued the Notice of Application Filed, giving interested parties notice of the Application.

3. Also on September 5, 2025, Staff of the Commission sent a Deficiency Letter to CDOT identifying missing information required by Rules 7204(a)(XII)(B)(i), (vi), (vii), and (viii), 4 *Code of Colorado Regulations* (“CCR”) 723-7.

4. On September 15, 2025, CDOT filed its Motion for Extension of Time to File a Response to Deficiency Letter, requesting additional time to address the missing information.

5. By Decision No. C25-0726, issued October 10, 2025, the Commission deemed the Application incomplete and, among other things, granted CDOT's Motion for Extension of Time.

6. On October 13, 2025, Trial Staff of the Commission ("Staff") filed its Notice of Intervention as of Right, Entry of Appearance, Notice Pursuant to Rules 1007(a) and 1401, and Request for Hearing.

7. Also on October 13, 2025, Staff filed its Unopposed Motion for Extension of Time requesting an extension for CDOT to respond to the Deficiency Letter.

8. By Decision No. C25-0768, issued October 27, 2025, the Commission, among other things, granted Staff's motion, extended CDOT's response deadline to November 17, 2025, and referred this matter to an Administrative Law Judge ("ALJ").

9. On November 17, 2025, CDOT filed its Unopposed Motion for Extension of Time to File a Response to the Deficiency Letter and for Waiver of Response Time ("CDOT's Second Motion for Extension of Time"), requesting a 16-day extension of the response deadline to December 3, 2025.

II. FINDINGS AND CONCLUSIONS

10. CDOT's Second Motion for Extension of Time includes a request that the Commission waive response time. Because the filing is expressly unopposed, all parties received notice of it, and no prejudice will result from resolving the motion without awaiting responses, the undersigned ALJ finds good cause to waive response time to CDOT's Second Motion for Extension of Time.

11. CDOT requests a 16-day extension of time to file its response to the Deficiency Letter, citing press of business, ongoing technical work by its engineers, the unavailability of its primary contact, the upcoming Thanksgiving holiday, and the need to continue productive discussions with Staff. The motion is unopposed.

12. The undersigned ALJ finds good cause to grant CDOT's requested extension.

III. ORDER

A. It Is Ordered That:

1. CDOT's Unopposed Motion for Extension of Time to File a Response to Deficiency Letter and for Waiver of Response Time ("CDOT's Second Motion for Extension of Time"), filed by the Colorado Department of Transportation ("CDOT") on November 17, 2025, is granted.

2. Response time to CDOT's Second Motion for Extension of Time is waived.

3. The deadline for CDOT to file its response to the Deficiency Letter is extended through December 3, 2025.

4. The Application remains incomplete pending CDOT's submission of the required information.

5. This Decision is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge