

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0415R

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 8TH STREET (DOT NO. 804372P) IN THE CITY OF GREELEY, WELD COUNTY, COLORADO.

**INTERIM DECISION
VACATING PREHEARING CONFERENCE,
SCHEDULING HEARING, AND
ESTABLISHING PROCEDURES AND DEADLINES**

Issued Date: December 9, 2025

I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY

1. This Decision grants the relief sought in the “Joint Notice of Conferral and Motion Proposing Consensus Procedural Schedule and Request to Vacate Prehearing Conference of the City of Greeley [*sic*], Union Pacific Railroad, and Commission Trial Staff” filed December 8, 2025 (“Joint Motion”); schedules a fully remote evidentiary hearing for April 23, 2026; establishes procedures for the evidentiary hearing; establishes procedural deadlines; and vacates the Prehearing Conference scheduled for December 11, 2025.

A. Procedural History¹

2. This matter concerns the City of Greeley’s (“Greeley”) above-captioned Application filed September 8, 2021 (“Application”). The Application seeks preliminary approval to make changes at a railroad crossing with tracks belonging to Union Pacific at 8th Street in Greeley, Colorado, railroad milepost 51.82, National Inventory No. 804372P.²

¹ Only the procedural history necessary to understand this Decision is included.

² See Application at 1 and 8-10.

3. On October 3, 2025, the Commission referred this matter to an administrative law judge (“ALJ”) to issue a decision on the Application.³

4. In addition to Greeley, Union Pacific Railroad Company (“Union Pacific”) and the Colorado Public Utilities Commission (“Commission”) Trial Staff (“Staff”) are parties to this Proceeding.⁴

5. On November 19, 2025, the ALJ scheduled a remote Prehearing Conference for December 11, 2025 at 1:00 p.m. to schedule an evidentiary hearing with the parties’ input and establish numerous other relevant deadlines.⁵ The ALJ advised the parties that if they file an acceptable proposed consensus procedural schedule by December 8, 2025, the Prehearing Conference would be vacated.⁶

6. On December 8, 2025, the Joint Motion was filed.

II. FINDINGS AND CONCLUSIONS

7. All parties support the Joint Motion, rendering it unopposed.⁷ Given that, and the closely approaching Prehearing Conference, the ALJ finds good cause to waive the remaining response time to the Joint Motion and does so.⁸

³ Decision No. C25-0712 at 4-5 (issued October 3, 2025).

⁴ See Decision No. R25-0824-I at 6 (issued November 19, 2025)

⁵ Decision No. R25-0824-I at 4 and 6.

⁶ *Id.* at 5.

⁷ Joint Motion at 1.

⁸ See Rule 1400(b), 4 *Code of Colorado Regulations* (“CCR”) 723-1 of the Commission’s Rules of Practice and Procedure

8. The Joint Motion proposes the following schedule:

Event or Item	Obligated Party	Deadline
Amended Application and Updated Plans that Comply with the Manual on Uniform Traffic Control Devices	Greeley	December 19, 2025
Cost Estimate and Schematic Design	Union Pacific	March 9, 2026
Settlement Agreements and Final Amended Application	All parties	March 23, 2026
Prehearing Motions	All parties	March 30, 2026
Responses to Prehearing Motions	All parties	April 6, 2026
Hearing Exhibits, Hearing Exhibit and Witness Lists, and Joint Cross Examination Matrix	All parties	April 16, 2026
Evidentiary Hearing	All parties	April 23, 2026
Statements of Position	All parties	May 7, 2026. ⁹

9. The ALJ finds that the proposed schedule is reasonable and appropriate, and as such, approves it.

10. The Commission's offices are undergoing construction and it is unclear when that construction will progress to the point where the Commission's hearing rooms can be used for hybrid or in person hearings. As such, the hearing will be fully remote, with parties and witnesses appearing from remote locations through the web hosted service, Zoom.

11. Attachment A hereto includes important technical information and requirements to facilitate accommodating remote hearing participation. Those wishing to observe but not participate in the hearing are encouraged to observe the hearing via the Commission's webcast, rather than join the Zoom hearing. This will help minimize background noise and avoid issues that may arise should the ALJ need to hold confidential or highly confidential hearing sessions.

⁹ Joint Motion at 2.

12. Attachment B includes information and requirements to facilitate electronic evidentiary presentations at the hearing. Many requirements in Attachment B apply to formatting, marking, and filing exhibits, and are critical to ensure a smooth evidentiary presentation. **Attachment B has been modified as compared to past proceedings to clarify numerous requirements that parties in other proceedings failed to comply with or struggled to understand. As such, parties must carefully review Attachment B to ensure their compliance.**¹⁰

13. To minimize the potential that the hearing may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided to the parties' counsel by email before the hearing, and the parties will be prohibited from distributing that information to anyone not participating in the hearing.¹¹ Counsel and the parties are responsible for ensuring that their witnesses receive the Zoom information needed to join the hearing.

14. *The parties are on notice* that consistent with Commission practice, friendly cross-examination will not be permitted during the evidentiary hearing.

15. *All parties are on notice* that failure to appear at the hearing may result in decisions adverse to their interests, including granting the complete relief opposing parties seek. The ALJ will deem any party's failure to appear at the hearing to be a waiver of that party's objection to the rulings made during the hearing.

¹⁰ Any party who is uncertain as to whether they have correctly followed the required procedures may contact Casey Federico at casey.federico@state.co.us, Stephanie Kunkel at stephanie.kunkel@state.co.us or April Crain at april.crain@state.co.us to confirm that they have correctly followed the procedural requirements.

¹¹ Approximately one week before the hearing, counsel will receive an email with information needed to join the hearing at the email addresses on file with the Commission for this proceeding. Counsel must ensure that the Commission has their most current email address.

16. Because the ALJ approves the schedule proposed in the Joint Motion, this Decision resolves all matters the Prehearing Conference was intended to address. For this reason, and consistent with Decision No. R25-0824-I, the Prehearing Conference is vacated.¹²

III. ORDER

A. It Is Ordered That:

1. The remaining response time to the “Joint Notice of Conferral and Motion Proposing Consensus Procedural Schedule and Request to Vacate Prehearing Conference of the City of Greely [*sic*], Union Pacific Railroad, and Commission Trial Staff” filed December 8, 2025 (“Joint Motion”) is waived and the Joint Motion is granted, consistent with the below ordering paragraphs.

2. The fully remote Prehearing Conference scheduled for December 11, 2025 at 1:00 p.m. is vacated, consistent with the above discussion.

3. A fully remote evidentiary hearing on the above-captioned Application, as it will be amended, is scheduled as follows:

DATE: April 23, 2026

TIME: 9:00 a.m.

PLACE: By videoconference using Zoom.

4. The parties are responsible for sharing the link, meeting ID code, and passcode with witnesses and others participating in the hearing. Participants in the hearing may not distribute the link, meeting ID code, and passcode to anyone not participating in the hearing.

¹² See Decision No. R25-0824-I at 5 (advising that if the parties file an acceptable proposed consensus procedural schedule by December 8, 2025, the Prehearing Conference will be vacated).

5. All parties must comply with the requirements in Attachments A and B to this Decision, which are incorporated into this Decision as if fully set forth herein.

6. Non-participants in the evidentiary hearing may observe the hearing live through the Commission’s webcast for the Hearing Room assigned for each of the above hearing dates, which may be accessed at this link: <https://puc.colorado.gov/webcasts>.

7. **Deadline to File Amended Application and Updated Plans.** The City of Greeley (“Greeley”) must file and serve its Amended Application and updated plans that comply with the Manual on Uniform Traffic Control Devices by December 19, 2025.

8. **Deadline to File Cost Estimate and Schematic Design.** On or by March 9, 2026, Union Pacific Railroad Company (“Union Pacific”) must file and serve a cost estimate and schematic design for Greeley’s updated plans that meet the requirements of Rule 7204(a)(X)(C) and (D) of the Commission’s Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* 723-7.

9. **Deadline for Stipulations, Settlement Agreements, and Final Amended Application.** On or by March 23, 2026, the parties must file and serve any stipulations and settlement agreements and Greeley must file a final amended Application (if any).

10. **Deadlines for Prehearing Motions and Responses Thereto.** The parties must file and serve any prehearing motions unrelated to settlement agreements by March 30, 2026. Responses to the same must be filed by April 6, 2026.

11. **Deadline for Hearing Exhibits, Hearing Exhibit and Witness Lists, and Joint Cross-Examination Matrix.** On or by April 16, 2026, the parties must file and serve any hearing exhibits that they plan to offer into evidence; complete exhibit and witness lists; and a joint witness examination matrix listing all the witnesses the parties anticipate will testify at the hearing and the

anticipated amount of time each party will use to examine the witnesses. The parties are not required to pre-file and serve hearing exhibits which may be used solely for impeachment, to refresh recollection, or for rebuttal. *The parties are on notice* that if they do not prefile an exhibit for any of these reasons, they must establish at hearing that the exhibit is being used for impeachment or to refresh recollection consistent with the requirements of Rules 612 and 613 of the Colorado Rules of Evidence, or for rebuttal. Any party may use any other party's hearing exhibits during the hearing and should not file them separately. Witness lists must include a brief description of the witnesses' anticipated testimony and the witnesses' contact information. Exhibit lists must identify the hearing exhibit number the full title of each hearing exhibit and include a brief description of each hearing exhibit that the party intends to offer into evidence during the evidentiary hearing. Describing an exhibit solely by identifying the exhibit number **does not meet** this requirement. To the extent practicable, the parties' joint witness examination matrix should list witnesses listed in the order in which they will be called. The parties' joint witness examination matrix should assume that the Administrative Law Judge will use some time to examine witnesses.

12. **Deadline for Statements of Position.** By May 7, 2026, the parties must file and serve Statements of Position.

13. **Hearing Exhibit Number Block Assignments.** To efficiently organize exhibits that will be presented during the evidentiary hearing, all parties must use a unified numbering system for all hearing exhibits, consistent with the directions in Attachment B, using hearing exhibits within their assigned exhibit number blocks. Greeley is assigned hearing exhibit numbers 100-199; Union Pacific is assigned hearing exhibit numbers 200-299; and Public Utilities Commission Trial Staff ("Staff") is assigned hearing exhibit numbers 300-399. Any party requiring more exhibit numbers than assigned may use the same numerical sequence of exhibit numbers

assigned to them, but in the 1000 range (*e.g.*, Greeley will use hearing exhibit numbers 1100-1199 and Union Pacific will use hearing exhibit numbers 1200-1299, *etc.*).

17. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director