

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-0873R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS FOR AUTHORITY TO CONSTRUCT A PEDESTRIAN AND BICYCLE UNDERPASS STRUCTURE UNDER THE BNSF RAILWAY RIGHT-OF-WAY, APPROXIMATELY HALFWAY BETWEEN THE MAJOR CROSS STREETS OF WEST TRILBY ROAD AND HARMONY ROAD, CONNECTING THE FOSSIL CREEK TRAIL, IN THE CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO.

**DECISION GRANTING MOTION FOR EXTENSION
OF TIME TO FILE CONSTRUCTION AND
MAINTENANCE AGREEMENT**

Mailed Date: August 1, 2014

Adopted Date: July 30, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On July 16, 2014, the City of Fort Collins (City) filed a motion requesting an extension of time (Motion) to file its fully-executed Construction and Maintenance Agreement (Agreement). The City requests the Commission approve an extension of time to October 1, 2014, in which to file the Agreement and all exhibits.

2. In support of its Motion, the City states that on September 18, 2013, the Commission adopted Decision No. C13-1162, granting the City's application requesting authority to construct a new pedestrian and bicycle underpass as part of the City's Fossil Creek Trail system. Ordering paragraph no. 5 of the Decision requires the City to file with the Commission a copy of the signed Agreement between the City and the BNSF Railway Company (BNSF) by July 1, 2014, prior to beginning construction on the crossing.

3. The City represents that it received a copy of the draft Agreement from BNSF on June 27, 2014, and is reviewing the Agreement. Further, the Agreement cannot be executed until BNSF has approved the City's final designs for the project, which will be an exhibit in the Agreement. The City states it hopes to have its final design set submitted to BNSF within the next two weeks, and would like to allow at least six weeks for BNSF to review and comment on the design.

4. BNSF filed its intervention in this matter on September 6, 2013, which was granted by the Commission through Decision No. C13-1162. BNSF has not filed a response or opposition to the request for additional time to file the Agreement. We find good cause exists to grant the extension of time requested in the Motion. The City shall file a copy of the signed Agreement with the Commission by October 1, 2014.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Time filed by the City of Fort Collins, requesting the Commission approve an extension of time to October 1, 2014, in which to file the signed Construction and Maintenance Agreement, is granted.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 30, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.

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