

Decision No. C20-0398

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

PROCEEDING NO. 20A-0149R

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IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR  
AUTHORITY TO UPGRADE ACTIVE WARNING DEVICES AT THE CROSSING AT  
CR 32.2 (FORMERLY KNOWN AS CERES ROAD) IN STERLING, COLORADO  
(DOT # 057548K).

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**COMMISSION DECISION DEEMING APPLICATION  
COMPLETE AND GRANTING APPLICATION**

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Mailed Date: May 28, 2020  
Adopted Date: May 27, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an application (Application) filed by the BNSF Railway Company (BNSF) on April 2, 2020, requesting authority to replace the existing active warning equipment of flashing lights, gates, and bells, and to upgrade the train detection circuitry from motion detection to constant warning time at the crossing of the BNSF Angora Subdivision, railroad milepost 112.413 with Logan County Road 32.2 (CR 32.2), National Inventory No. 057548K in the City of Sterling, County of Logan, State of Colorado.

2. The Commission gave notice of this Application (Notice) to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S. The Notice was mailed on April 17, 2020.

3. No interventions were filed in this matter.

4. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

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

**B. Findings of Fact**

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

7. BNSF seeks authority to replace the existing active warning equipment of flashing lights, gates, and bells, and upgrade the train detection circuitry from motion detection to constant warning time at the crossing of CR 32.2 in Sterling, Colorado.

8. As grounds, BNSF states that the proposed changes will enhance public safety and efficiency, and will bring the crossing into compliance with American Railway Engineers and Maintenance of Way standards.

9. BNSF states there are currently 14 freight trains per day using the subject crossing at a timetable speed of 50 miles per hour (MPH) on the mainline. The current National Inventory Form shows there are 250 vehicles per day using the crossing at a speed of 20 MPH.

10. BNSF estimates the cost of this project at \$487,535 with BNSF responsible for all costs of this project.

11. BNSF omits much of the information required by Rule 7204, Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7 including plan and profile drawings, and current traffic volumes.

12. BNSF proposes starting the project by August 2020 and completing the project by October 2020. We will require BNSF to inform us in writing that construction is complete

within ten days of project completion. We shall expect this letter by October 31, 2020. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. We will also require BNSF to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by October 31, 2020.

### **C. Conclusions**

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

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

15. 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, 4 CCR 723-1 of the Rules of Practice and Procedure.

16. We find that good cause exists and that the requirements of public safety are met by granting the Application consistent with the above discussion.

## **II. ORDER**

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

1. The application (Application) filed by the BNSF Railway Company (BNSF) on April 2, 2020, requesting authority to replace the existing active warning equipment of flashing lights, gates, and bells, and to upgrade the train detection circuitry from motion detection to constant warning time at the crossing of the BNSF Angora Subdivision, railroad milepost 112.413 with Logan County Road 32.2 (CR 32.2), National Inventory No. 057548K in the City

of Sterling, County of Logan, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. BNSF is authorized and ordered to replace the active warning devices and upgrade the motion detection circuitry to constant warning time detection circuitry at the crossing of CR 32.2 in the City of Sterling.

4. BNSF shall inform the Commission in writing when the crossing changes are complete within ten days of completion. The Commission will expect the letter by October 31, 2020. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. BNSF is required to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by October 31, 2020.

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

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

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
May 27, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners