

Decision No. C20-0399-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0142R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY FOR
AUTHORITY TO MODIFY AND UPGRADE ACTIVE WARNING DEVICES AT THE
CROSSING AT COUNTY ROAD 88 IN DELHI, LAS ANIMAS COUNTY, COLORADO
(DOT # 003299G).

**INTERIM COMMISSION DECISION DEEMING
APPLICATION COMPLETE AND REFERRING
APPLICATION TO AN ADMINISTRATIVE LAW JUDGE**

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 March 31, 2020, requesting authority to replace the last wig-wag signal in Colorado with flashing lights and bells at the crossing of Las Animas County Road 88 with the tracks of the BNSF, railroad milepost 591.27 of the Raton Subdivision, National Inventory No. 003299G, in Delhi, County of Las Animas, State of Colorado. BNSF requests funding from the Highway-Rail Crossing Signalization Fund with BNSF paying for 50 percent of the costs and the Highway-Rail Signalization Fund paying for 50 percent of the costs.

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

6. Because funding is being requested from the Highway-Rail Crossing Signalization Fund, § 40-4-106(2)(b), C.R.S., requires a hearing on the Application and determination of the appropriate allocation of costs of the project.

7. Now being fully advised in the matter, we refer the Application to an Administrative Law Judge for determination of the merits of the Application and appropriate allocation of costs of this project.

II. ORDER

A. It Is Ordered That:

1. The application (Application) filed by the BNSF Railway Company (BNSF) on March 31, 2020, requesting authority to replace the last wig-wag signal in Colorado with flashing lights and bells at the crossing of Las Animas County Road 88 with the tracks of the BNSF, railroad milepost 591.27 of the Raton Subdivision, National Inventory No. 003299G, in Delhi, County of Las Animas, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Proceeding No. 20A-0142R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for disposition of the interventions and determination of the merits of the Application.

3. 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

JOHN GAVAN

MEGAN M. GILMAN

Commissioners