

Decision No. C20-0895-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0570R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS FOR AUTHORITY TO CONSTRUCT LEMAY AVENUE REALIGNMENT BRIDGE OVER VINE STREET AND BNSF RAILWAY RIGHT OF WAY APPROXIMATELY 1/4 OF A MILE EAST OF THE INTERSECTION IN THE CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO.

**INTERIM COMMISSION DECISION GRANTING
MOTION FOR EXTENSION OF TIME TO
FILE FINAL DESIGN PLANS**

Mailed Date: December 16, 2020
Adopted Date: December 16, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a second Motion for Extension of Time to File Final Design Plans (Motion) filed by the City of Fort Collins (Fort Collins) on November 30, 2020, seeking as extension of time to November 30, 2020 to file a copy of the final plans for Commission review and approval.

2. There were no responses filed to the Motion.

3. Fort Collins filed a first Motion for Extension of Time to the initial Application because the initial Application contained an error where Fort Collins stated it would file its final plans by November 2019 rather than November 2020, which is consistent with the City's timeline in this matter. The new crossing would be open for use by December 2021. The Commission granted the first Motion for Extension of Time by Interim Decision No. C20-0035-I mailed January 16, 2020.

4. As grounds for the second Motion, Fort Collins states that the COVID-19 Pandemic has significantly delayed finalization of the design plans and subsequent final approval of the plans by BNSF. Fort Collins anticipates being able to finalize design plans in early 2021 and hopes that BNSF can review and approve the plans shortly thereafter. Fort Collins requests additional time to July 1, 2021 to file the final design plans with the Commission for approval.

5. Now being fully advised in the matter, and given the crossing in question does not currently exist, there is no safety issue with the extension and we grant the Motion.

II. ORDER

A. The Commission Orders That:

1. The second Motion for Extension of Time to File Final Design Plans (Motion) filed by the City of Fort Collins (Fort Collins) on November 30, 2020, seeking as extension of time to July 1, 2021 to file a copy of the final plans for Commission review and approval is granted.

2. Fort Collins is granted until July 1, 2021 to file the final plans for Commission review and approval in this matter.

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

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 16, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN C. GAVAN

MEGAN GILMAN

Commissioners