

Decision No. C24-0430

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0468R

IN THE MATTER OF THE APPLICATION OF BNSF RAILWAY COMPANY TO UPGRADE THE TRACK CIRCUITRY FROM MOTION DETECTION TO CONSTANT WARNING TIME AND UPGRADE ALL EQUIPMENT, INCLUDING SIGNALS, LIGHTS, GATES, AND BUNGALOW AT THE CROSSING AT MILEPOST 58.090 ON FACTORY STREET IN THE CITY OF STERLING, LOGAN COUNTY, COLORADO (DOT #805323W).

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: June 18, 2024

Adopted Date: June 12, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an amendment to an application (Amended Application) filed by the BNSF Railway Company (BNSF) on May 24, 2024, requesting to amend the original application to change the originally requested and approved “Stop and Wait” operation of the siding to adding motion detection train detection circuitry to the siding at the crossing of Factory Street with the tracks of the BNSF Brush Subdivision, railroad milepost 58.090, National Inventory No. 805323W in the City of Sterling, County of Logan, State of Colorado.

2. No responses were filed in this matter.

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

B. Findings of Fact

4. By Decision No. C23-0776, mailed November 21, 2023, the Commission approved the original application in this matter that included continuing the “Stop and Wait” operations for the siding at the subject crossing.

5. Since the approval of the original application in this matter, BNSF has determined that train detection circuitry should be added to the siding at this crossing as opposed to continuing the “Stop and Wait” operations at the crossing. BNSF requests authority to install motion detection train detection circuitry for the siding track at this crossing.

6. The installation of the motion detection circuitry would occur at the same time as the installation of the constant warning time detection circuitry occurs on the main line track at this crossing. BNSF anticipates the entire detection circuitry replacement project will be completed by September 2024.

C. Conclusions

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

8. No responses were filed in this matter.

9. Because the Amended 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 *Code of Colorado Regulations* 723-1 of the Rules of Practice and Procedure.

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

II. ORDER

A. The Commission Orders That:

1. The amendment to an application (Amended Application) filed by the BNSF Railway Company (BNSF) on May 24, 2024, requesting to amend the original application to change the originally requested and approved “Stop and Wait” operation of the siding to adding motion detection train detection circuitry to the siding at the crossing of Factory Street with the tracks of the BNSF Brush Subdivision, railroad milepost 58.090, National Inventory No. 805323W in the City of Sterling, County of Logan, State of Colorado, is granted.

2. BNSF is authorized and ordered to install motion detection train detection circuitry at the crossing of Factory Street in Sterling, Colorado in Merino, Colorado.

3. The original compliance requirements outlined in Decision No. C23-0776, mailed November 21, 2023, remain in effect with the completion and National Inventory Form filing requirements updated to September 30, 2024.

4. 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.

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

6. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 12, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners