

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0527R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO UPGRADE TO RAILROAD FLASHING LIGHT SIGNALS WITH GATES AND REMOVE EXISTING FLASHING LIGHT SIGNALS WITHOUT GATES, ON EACH APPROACH AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY CROSSING COUNTY ROAD 90, USDOT NO. 804-874B, IN WELD COUNTY, STATE OF COLORADO.

**COMMISSION DECISION GRANTING
AMENDED APPLICATION**

Issued Date: July 18, 2025

Adopted Date: July 9, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a First Amendment to CDOT's Application and Updated Exhibit C ("Amended Application") filed by the Colorado Department of Transportation ("CDOT") on June 18, 2025, requesting to revise the Application to update the anticipated start date and end date of construction and updates the railroad cost estimate documents for this project.

2. No responses were filed to the Amended Application.

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

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

B. Findings of Fact

5. CDOT seeks authority to remove existing flashing light signals and install active warning devices including flashing light signals, bells, constant warning time circuitry, and new signal cabinet at the crossing of WCR 90 with the UPRR in Weld County, Colorado.

6. CDOT is proposing changes at WCR 90 because there is a short storage distance on the west side of the crossing due to the parallel US 85. Emergency vehicles also use this as an alternative route when other routes are blocked by a stopped train. The flashing lights and gates will provide drivers with information about an oncoming train. Advanced warning signs are also proposed to be installed at the crossing as there are currently none posted.

7. CDOT updates the itemized estimated cost in Exhibit C to the Application from \$459,065 plus crossing maintenance costs by removing the crossing maintenance costs from the Application.

8. CDOT also updates the proposed construction start date from May 1, 2024, to January 1, 2026, and updates the estimated completion date from December 31, 2025, to December 31, 2026. All other aspects of the original Application remain the same.

C. Conclusions

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

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 Amended Application (“Amended Application”) filed by the Colorado Department of Transportation (“CDOT”) on June 18, 2025, requesting authority to amend the cost estimates in Exhibit C and estimated start and end dates for construction of the project is granted.

2. CDOT is authorized and ordered to remove the existing flashing lights and to upgrade the crossing of WCR 90 with the tracks of UPRR with flashing light signals, bells, constant warning time circuitry, and new signal cabin.

3. CDOT shall be required to file a copy of the signed master agreement task order by December 31, 2025, prior to starting construction at the crossing

4. CDOT shall inform the Commission in writing when the crossing changes are complete within ten days of completion. The Commission will expect the letter by December 31, 2026. 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. CDOT and BNSF shall be required to update the U.S. DOT National Inventory form for this crossing and file an updated copy of the form in this proceeding by December 31, 2026.

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 Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 9, 2025.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners

Rebecca E. White,
Director

COMMISSIONER MEGAN M. GILMAN
ABSENT