

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-7

PART 7

RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over railroads, railroad corporations, rail fixed guideways, rail fixed guideway systems, transit agencies, persons holding a certificate of public convenience and necessity to operate by rail, any other person operating by rail, governmental or quasi-governmental entities that own and/or maintain public highways at rail crossings, railroad peace officers, and to Commission proceedings concerning such entities. These rules address a wide variety of subject areas including, but not limited to, applications, petitions, annual reporting, civil penalties, formal and informal complaints, operating authority, transfers of operating authority, mergers, tariffs, crossings and warning devices, cost allocation for grade separations, crossing construction and maintenance, railroad clearances, system safety program standard for rail fixed guideway systems, and employment of railroad peace officers.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-119, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101(1), 40-4-101(2), 40-4-106, 40-5-105, 40-6-108(2), 40-6-111(3), 40-9-108(2), 40-18-101, 40-18-102, 40-18-103, 40-18-104, 40-20-302, 40-20-303, 40-29-110, and 40-32-108, C.R.S.

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[indicates omission of unaffected rules]

7329. [Reserved].

Railroad and Hazardous Materials Safety

7330. Applicability.

Rules 7330 through 7332 apply to all railroads and passenger railroads.

7331. Definitions.

The following definitions apply only in the context of rules 7330 through 7332.

- (a) “Defect” means a deficiency in a part of a train or rail including, but not limited to, hot wheel bearings, hot wheels, deficient bearings detected through acoustic means, dragging of equipment, excessive height, excessive weight, a shifted load, a loose hose, improper rail temperature, or a deficient wheel condition.

- (b) “Dragging equipment detector” means an electronic device or other technology that monitors a passing train to actively detect and alert operators of the train of the existence of any objects dragging from the train.
- (c) “Hot bearings detector” means an infrared detector located along railroad tracks to detect and alert the operators of a passing train to any overheating of a train’s bearings, axles, or wheels.
- (d) “Main line” means a segment or route of railroad tracks of any railroad over which five million or more gross tons of railroad traffic is transported annually as documented in timetables filed with the Federal Railroad Administration, pursuant to 49 C.F.R. Part 217.7. Main line does not include tourist, scenic, historic, or excursion operations as defined in 49 C.F.R. Part 238.5.
- (e) “Railroad” means a person providing railroad transportation.
- (f) “Train” means a locomotive unit or locomotive units, with or without cars, that require an air brake test pursuant to 49 C.F.R. Part 232 and Part 238.
- (g) “Wayside detector system” means an electronic device or a series of connected devices that monitors a passing train to determine whether the train has a defect, including, but not limited to, a hot bearings detector and a dragging equipment detection.

7332. Wayside Detector Systems and Reports.

- (a) Starting January 1, 2025, and on or before January 1 of each year thereafter, all railroads operating any main line in the state of Colorado shall submit to the Commission a report, available for public inspection, that discloses the following information regarding wayside detector systems:
 - (I) type of wayside detector system;
 - (II) general location of wayside detector system;
 - (III) spacing of wayside detectors by each type of wayside detector system;
 - (IV) a general description of how each wayside detector system used by the railroad promotes safety;
 - (V) a general description of the process by which defects or other detections are managed in order to provide notice to train operators and others for each wayside detector system used by the railroad;
 - (VI) the percentage of time that each type of wayside detector was operational for the previous year; and
 - (VII) plans to adjust or improve the wayside detector system or review wayside detector technology.

7333. – 7339. [Reserved].