

Decision No. C04-0310

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04R-014R

IN THE MATTER OF THE PROPOSED REPEAL AND RE-ENACTMENT OF ALL RULES REGULATING RAILROADS, TRANSPORTATION BY RAILROAD, RAIL FIXED GUIDEWAYS, RAIL CROSSINGS, AND STANDARDS FOR EMPLOYMENT OF CLASS 1 RAILROAD PEACE OFFICERS, AS FOUND IN 4 CCR 723-14, 20 AND 26.

**NOTICE OF TERMINATION
OF RULEMAKING PROCEEDINGS**

Mailed Date: March 25, 2004
Adopted Date: March 24, 2004

I. BY THE COMMISSION

A. Statement

1. The above-referenced docket concerns the Commission's proposals to repeal and reenact rules regulating rail carriers. Pursuant to the Notice of Proposed Rulemaking (NOPR) issued in Decision No. C04-0029, an Administrative Law Judge for the Commission is scheduled to conduct a hearing to take comments on the proposed rules on March 29, 2004.

2. Commission Staff has met with many of the interested parties, who have made numerous suggestions many of which have merit. Given that practice under the new rules may constitute a significant change from how the Commission operates under the current substantive and procedural rail rules, the Commission believes it sensible to terminate the current proceedings and vacate the hearing scheduled for March 29, 2004, so that we may draft rules that better meet the needs of the regulated community, Commission Staff, and the public at large.

3. In order to efficiently draft the new rail rules, Commission Staff may conduct informal meetings with interested persons prior to issuance of any new NOPRs. The Director of

the Commission will be sending a letter to interested persons setting forth the schedule for those informal meetings on the various rules. That letter will also explain the procedure Staff intends to follow in the informal meetings.

4. Interested persons should participate in the informal meetings if they want to provide input in discussion with Staff, prior to the issuance of new a new rail NOPR. After those meetings are concluded, the Commission intends to issue a new NOPR and set new hearing dates to revise the rules listed above.

II. ORDER

A. The Commission Orders That:

1. Rulemaking Docket No. 04R-014R is terminated, and the hearing scheduled for March 29, 2004 is vacated.

2. This Notice of Termination of Rulemaking Proceedings shall be filed with the Secretary of State for publication in the May 2004 edition of *The Colorado Register*.

3. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 24, 2004.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners