

Decision No. C25-0573

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 25R-0330R

---

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE STATE SAFETY OVERSIGHT PROGRAM STANDARD FOR RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS RULES, 4 CODE OF COLORADO REGULATIONS 723-7-7349, TO IMPLEMENT SENATE BILL (SB) 25-052.

---

**NOTICE OF PROPOSED RULEMAKING**

---

Issued Date: August 6, 2025

Adopted Date: August 6, 2025

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Public Utilities Commission (“Commission”) issues this Notice of Proposed Rulemaking (“NOPR”) to propose a revision to the State Safety Oversight Program Standard for Rail Fixed Guideway Public Transportation Systems (“Program Standard”) in the Commission’s Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (“CCR”) 723-7-7340 through 7363. Specifically, the Commission proposes to revise Rule 7349 of the Program Standard in order to implement and conform its rules to the recent statutory changes regarding confidential treatment of investigative reports enacted in Senate Bill (“SB”) 25-052, effective August 6, 2025, and codified at § 40-18-104, C.R.S.

2. The statutory authority for the proposed rule amendments is found, generally, at § 40-2-108, C.R.S. (authorizing Commission to promulgate rules necessary to administer and

enforce title 40) and, specifically, at § 40-18-104, C.R.S. (requiring Commission to establish a system safety oversight program for rail fixed guideway systems in Colorado), § 40-18-103, C.R.S. (authorizing Commission to promulgate rules to implement system safety oversight program and require that state program complies with federal requirements), and § 40-18-104, C.R.S. (authorizing Commission to adopt rules making ongoing investigations or security information confidential; provided that, such rules must not make final reports of investigations confidential and must require the timely release of information if public knowledge of the information would protect the public safety, health, or welfare).

3. The proposed rule amendments are set forth in legislative (*i.e.*, “strikeout/underline”) format in Attachment A to this Decision, and in final format in Attachment B to this Decision. The Commission encourages comments from interested persons, including rail fixed guideways, rail fixed guideway systems, and transit agencies regulated by these rules, regarding the proposed rule amendments. To the extent a participant disagrees with the proposed rule amendments, comments should include suggested rule revisions in legislative format.

4. The Commission refers this matter to an Administrative Law Judge (“ALJ”) for issuance of a recommended decision. The ALJ will hold a remote public hearing on the proposed rule amendments on September 29, 2025, at 11:30 a.m.

## **B. Proposed Rule Amendments**

### **1. Rule 7349 - Investigations and Reporting Procedures for Safety Events**

5. The Commission proposes to revise Rule 7349, 4 CCR 723-7, to reflect the statutory changes enacted in SB 25-052 regarding the prescribed confidential treatment of

investigative reports of the Commission compiled under the agency's authority in article 18 to investigate hazardous conditions and accidents on rail fixed guideway systems and require corrective action by a rail transit agency to correct or eliminate hazardous conditions. Whereas § 40-18-104, C.R.S., previously stated such investigative reports "shall be confidential and shall not be discoverable nor used as evidence in any court or administrative action," as amended by SB 25-052, this statute now provides as follows:

The commission may adopt rules making ongoing investigations, as described in section 24-72-204(2)(a)(IX), or security information, as described in section 24-72-204(2)(a)(VIII), confidential. If the commission adopts the confidentiality rules, the rules must not make final reports of investigations confidential and must require the timely release of information if public knowledge of the information would protect the public safety, health, or welfare.

6. Consistent with this change in law, the Commission proposes amendments to Rule 7349 to allow for investigative reports to remain confidential while the Commission's investigation is ongoing but require that a public version of the Commission's final report be made available, with certain redactions. Specifically, the proposed amendments incorporate new language into existing subparagraph (d)(IV) of Rule 7349 to require the following: (1) safety event investigative reports submitted by the rail transit agency to the Commission shall be afforded extraordinary protections as highly confidential information while the investigation remains ongoing and (2) for preliminary investigative reports submitted to the Commission on or after August 6, 2025, once the report is adopted as final, a public version, with the security information described in § 24-72-204(2)(a)(VIII), C.R.S., and the ongoing investigation information described in § 24-72-204(2)(a)(IX), C.R.S., redacted, shall be made available to the public, upon request.

### C. Conclusion

7. The Commission refers this matter to an ALJ for issuance of a recommended decision. The ALJ will hold a remote hearing on the proposed rule amendments at the below-stated time and place. In addition to submitting written comments, participants will have an opportunity to present comments orally at the hearing, unless the ALJ deems oral presentations unnecessary. The Commission will consider all comments submitted in this Proceeding, whether oral or written.

8. The proposed rule amendments in legislative (*i.e.*, strikeout/underline) format (Attachment A) and final format (Attachment B) are available through the Commission's E-Filings System under this Proceeding at:

[https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=25R-0330R](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=25R-0330R)

9. Initial written comments on the proposed rule changes are requested by **September 8, 2025**. Any person wishing to file comments responding to the initial comments is requested to file such comments by **September 19, 2025**. These deadlines are set so that the comments and responses may be considered at the public hearing conducted by the ALJ on September 29, 2025; nonetheless, persons may file written comments into this Proceeding at any time.

## II. ORDER

### A. The Commission Orders That:

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B) shall be filed with the Colorado Secretary of State for publication in the August 25, 2025, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge (“ALJ”) for the issuance of a recommended decision.

3. The rulemaking hearing on the proposed rule amendments shall be held before an ALJ, as follows:

DATE: September 29, 2025

TIME: 11:30 a.m.

PLACE: By video conference using Zoom at a link in the calendar of events on the Commission’s website: <https://puc.colorado.gov/>

4. Written comments may be filed at any time in this Proceeding. Initial written comments are requested to be filed no later September 8, 2025, and any comments responsive to the initial comments are requested to be filed no later than September 19, 2025, so that the initial comments and responsive comments may be considered at the hearing convened by the ALJ. The Commission prefers that participants file comment into this Proceeding using the Commission’s E-Filings System at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>

5. At the time set for hearing, interested persons may submit written comments and may present these orally, unless the ALJ deems oral comments unnecessary. The Commission will consider all comments, whether written or oral.

6. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 6, 2025.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

ERIC BLANK

\_\_\_\_\_

MEGAN M. GILMAN

\_\_\_\_\_

TOM PLANT

\_\_\_\_\_

Commissioners