

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, 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, 40-20-305, 40-20-310, 40-29-110, and 40-32-108, C.R.S.

* * * *

[indicates omission of unaffected rules]

7201. Definitions.

The following definitions apply only in the context of rules 7200 through 7214, 7301, and 7327.

* * * *

[indicates omission of unaffected rules]

- (x) “Maintain” means actions necessary to preserve an existing crossing and to keep the crossing from a state of decline or disrepair. Maintain does not include the installation, reconstruction, or improvement and operation of an automatic or other safety appliance signal or device, as described in § 40-4-106(2)(b), C.R.S.
- (y) “Maximum highway traffic signal preemption time” means “maximum highway traffic signal preemption time” as that term is defined in Section 1A.13 of the MUTCD.

- (z) “Minimum track clearance distance” means “minimum track clearance distance” as that term is defined in Section 1A.13 of the MUTCD.
- (aa) “Minimum warning time” means the least amount of time active warning devices shall operate prior to the arrival of rail traffic at a crossing, which shall be a minimum of 20 seconds.
- (bb) “National Inventory Form” means the U.S. Department of Transportation Crossing Inventory Information form containing specific crossing information available from the Federal Railroad Administration Office of Safety Analysis.
- (cc) “National Inventory Number” means the U.S. Department of Transportation six digit and one letter crossing identification number assigned to a highway-rail or pathway crossing.
- (dd) “Passive warning” means traffic control devices including signs and/or markings that are used to inform, regulate and warn highway or pathway users of the presence of a highway-rail or pathway crossing and the requirement to take appropriate action at the crossing.
- (ee) “Pathway” means a general term denoting a public way for purposes of travel by authorized users outside the traveled way and physically separated from a highway by an open space or barrier, either within the highway right-of-way or within an independent alignment. Pathways are intended for use by non-vehicular traffic including pedestrians, bicyclists, and others and use can be shared by more than one type of authorized user. Pathways include shared-use paths, but do not include sidewalks contiguous with, or separated but adjacent to and within 25 feet of highway-rail crossings.
- (ff) “Pathway crossing” means:
 - (I) the point as which any public pathway may be constructed across the tracks or other facilities of any railroad, railroad corporation, rail fixed guideway, rail fixed guideway system, or transit agency at, above, or below grade; or
 - (II) the point at which the tracks or other facilities of any railroad, railroad corporation, railroad, rail fixed guideway, rail fixed guideway system, or transit agency may be constructed across any public pathway at, above, or below grade; or
 - (III) the point at which any public pathway may be constructed across private tracks, over which any railroad, railroad corporation, rail fixed guideway, rail fixed guideway system, or transit agency may operate, at, above, or below grade; or
 - (IV) the point at which private tracks, over which any railroad, railroad corporation, rail fixed guideway, rail fixed guideway system, or transit agency may operate, may be constructed across any public pathway at, above, or below grade.
- gg) “Pavement marking” means a retroreflectorized white marking in advance of an at-grade crossing that consists of an X, the letters RR as shown in Figure 8B-7 of the MUTCD.
- (hh) “Private crossing” means a highway-rail or pathway crossing where the highway or pathway on either side or both sides of the crossing is privately owned, and/or maintained, is intended for use

by the owner or by the owner's licenses and invitees, and is not permitted to be used by the public.

- (ii) "Public crossing" means a highway-rail or pathway crossing where the highway or pathway on both sides of the crossing is under the jurisdiction of and/or maintained by a road authority and open to public travel.
- (jj) "Reasonably adequate facility," except as may be otherwise demonstrated, means the bridge structure designed for purposes of grade separation cost allocation that is designed to include:
 - (I) for the highway facility:
 - (A) a rural collector roadway that allows for two 12-foot travel lanes with two 5-foot shoulders; or
 - (B) a rural arterial roadway that allows for two 12-foot travel lanes with two 8-foot shoulders and an 8-foot pedestrian-bikeway; or
 - (C) an urban collector roadway that allows for two 12-foot travel lanes with two 10-foot parking lanes and an 8-foot pedestrian-bikeway; or
 - (D) an urban arterial roadway that allows for four 12-foot travel lanes with an 11-foot median and an 8-foot pedestrian-bikeway on one side; and
 - (E) collector roadways shall be designed for a 35 mile per hour design speed and arterial roadways shall be designed for a 45 mile per hour design speed;
 - (II) for the railroad facility:
 - (A) a single main line track that allows for one mainline track, one passing track on 15-foot centers and a 12-foot maintenance road under bridge structures on one side, or a 4-foot walkway on bridge structures on one side; or
 - (B) a double mainline track that allows for two mainline tracks and one passing track on 15-foot centers and a 12-foot maintenance road under bridge structures on one side, or a 4-foot walkway on bridge structures on one side; or
 - (C) railroad yards or terminals that allow for currently existing tracks and service facilities.
- (kk) "Right-of-way transfer time" means "right-of-way transfer time" as that term is defined in Section 1A.13 of the MUTCD.
- (ll) "Rural" means "rural" as that term is used in Chapter 1 (Highway Functions) of the AASHTO Green Book.
- (mm) "Separation time" means "separation time" as that term is defined in Section 1A.13 of the MUTCD.

- (nn) "Sidewalk" means "sidewalk" as that term is defined in §42-1-102(90), C.R.S.
- (oo) "Simultaneous preemption" means "simultaneous preemption" as that term is defined in Section 1A.13 of the MUTCD.
- (pp) "Theoretical structure" means the structure and approaches required to transition to the reasonably adequate facility in accordance with the design standards outlined in the CDOT Bridge Design Manual and shall be designed to include the following requirements:
- (I) without consideration to the presence of other adjacent highway or waterway facilities located within the limits of the grade separation project that would also require a bridge structure;
 - (II) using the same selected structure and abutment type as the actual proposed bridge structure;
 - (III) along the same alignment as the actual proposed bridge structure;
 - (IV) to the same minimum horizontal and vertical clearances as the actual proposed bridge structure; and
 - (V) to the CDOT Bridge Design Manual preliminary plan stage (30 percent design stage including construction design and phasing costs).
- (qq) "Timed exit gate operating mode" means "timed exit gate operating mode" as that term is defined in Section 1A.13 of the MUTCD.
- (rr) "Total warning time" means the sum of the minimum time, clearance time, and buffer time.
- (ss) "Urban" means "urban" as that term is used in Chapter 1 (Highway Functions) of the AASHTO Green Book.
- (tt) "Utility crossing" means the point at which the tracks or facilities of any public utility may be constructed across the facilities of any other public utility at, above, or below grade, or at the same or different levels.

* * * *

[indicates omission of unaffected rules]

7211. Crossing Construction and Maintenance.

* * * *

[indicates omission of unaffected rules]

- (j) For all road authorities that are not local governments, the total costs to maintain an existing crossing surface, including, but not limited to, materials, labor, traffic control, railroad flagging, and any necessary permits shall be shared equally between the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track and the road authority.
- (k) For all local government road authorities, the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track is responsible for all costs to maintain the portion of the existing crossing that is between the ends of the railroad ties. The local government road authority is responsible for the costs to maintain the portion of the existing crossing that is outside of the ends of the railroad ties.
- (l) A railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track, shall remove all obstructions along the tracks that block the view of motorists, bicycles, and/or pedestrians as outlined in paragraph 7301(d). The Commission may determine what obstructions are to be removed to ensure reasonable safety at the crossing.
- (m) A railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track must coordinate with the road authority to provide public notice and traffic and/or pedestrian and/or bicycle detours and may not close the crossing or perform any construction work at any highway-rail crossing and/or public pathway crossing that will lead to temporary closure of the highway-rail crossing and/or public pathway crossing prior to coordinating with the road authority to provide the referenced notice and detours. In the event of an imminent safety hazard or emergency, the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track is not required to coordinate with the road authority before closing the crossing or performing construction but must provide notice to and coordinate with the road authority as soon as practicable, but not less than 24 hours after such crossing closure or construction commences.
- (n) A railroad, railroad corporation, rail fixed guideway, transit agency or owner of the track must provide road authorities with the project construction support necessary to construct and complete any highway-rail crossing and/or public pathway crossing project, as agreed upon by the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track and road authority pursuant to the applicable construction and maintenance agreement, and as ordered by the Commission.
- (o) Within 90 days of receiving a written notice that a crossing surface is in disrepair, a railroad, railroad corporation, rail fixed guideway, transit agency or owner of the track must provide a written reply that establishes a plan to repair the crossing surface, including a proposed timeline to repair the crossing surface that does not exceed one year from the date of the notice, except for crossing surface disrepairs that present an imminent safety hazard, which must be repaired as soon as practicable. If the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track believes repair is unnecessary, its written reply must explain why repair is unnecessary. The written notice to a railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track must comply with subparagraph 7208(e)(l).