

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25R-0408R

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS, 4 CODE OF COLORADO REGULATIONS 723-7, TO IMPLEMENT HOUSE BILL 24-1030 WAYSIDE DETECTOR SYSTEMS AND OBSTRUCTIONS AT PUBLIC CROSSINGS REPORTS.

**INTERIM DECISION SCHEDULING CONTINUED
PUBLIC COMMENT HEARING, IDENTIFYING ISSUES
FOR PUBLIC COMMENT, AND ESTABLISHING
DEADLINES**

Issued Date: November 19, 2025

I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY

A. Statement and Summary

1. This Decision memorializes the continuation of the November 6, 2025 public comment hearing to January 8, 2026, at 11:30 a.m.; identifies items for additional public comment; establishes deadlines for public comment; and provides information on how to provide public comment and participate in the continued public comment hearing.

B. Procedural History¹

2. On September 30, 2025, the Colorado Public Utilities Commission (“Commission”) initiated this matter by issuing a Notice of Proposed Rulemaking (“NOPR”) to adopt rules implementing wayside detector system and obstructions at public crossings and reporting requirements based upon House Bill (“HB”) 24-1030, codified at §§ 40-20-301, C.R.S.,

¹ Only the procedural history necessary to understand this Decision is included.

*et. seq.*² With the NOPR, the Commission provided the proposed Rules in clean and legislative format, as Attachments A and B thereto.

3. Also on September 30, 2025, the Commission referred this matter to an Administrative Law Judge (“ALJ”) for a recommended decision; scheduled a fully remote public comment hearing for November 6, 2025, at 11:30 a.m.; and established deadlines for written public comment.³

4. Interested persons or entities filed written comments after the Commission issued the NOPR, including Union Pacific Railroad Company (“Union Pacific”).⁴

5. The ALJ held the remote public comment hearing as noticed on November 6, 2025. Members of the public participated in the hearing. This Decision memorializes what happened during the hearing, among other matters.

II. FINDINGS AND CONCLUSIONS

6. During the hearing, the ALJ asked Union Pacific about assertions or quotations in its public comments that lack citations or references to sources.⁵ Union Pacific was unable to provide citations or sources for the identified items at that time but agreed to provide such information in a latter filing.⁶

7. The ALJ noted that she may identify specific items for additional public comment. For this reason, and in an abundance of caution, during the November 6, 2025 public comment

² Decision No. C25-0703 (issued September 30, 2025) (“NOPR”).

³ *Id.* at 11-12.

⁴ *See* Union Pacific’s public comments filed October 31, 2025 (“Union Pacific’s 10/31/25 Comments”).

⁵ Specifically, the ALJ sought citations for the first two sentences in the last paragraph on page five of Union Pacific’s 10/31/25 Comments.

⁶ If Union Pacific decides to file additional comments responding to the issues identified below, it may provide the citations or sources for the assertions identified in footnote 4 above in that filing and should not make a separate filing with that information.

hearing, the ALJ continued the hearing to January 8, 2026 at 11:30 a.m., to be held remotely, using the web-hosted videoconferencing service, Zoom.

1. Observing the Public Comment Hearing

8. Consistent with Commission practice, the public comment hearing will be webcast on the Commission's website. Persons wishing to observe but not provide comments may do so by observing the webcast of the hearing and need not register through Zoom. To observe the hearing webcast, enter this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for the assigned hearing room. The assigned hearing room will be identified on the Commission's public calendar for the date and time of the hearing, at the following link: <https://puc.colorado.gov/puccalendar>.

2. Participating in the Public Comment Hearing

9. Members of the public who wish to participate in the public comment hearing should not appear in person at the Commission's offices but should instead appear remotely via Zoom. Those interested in providing public comment during the hearing must register in advance using a link posted on the calendar of events on the Commission's website at <https://puc.colorado.gov/puccalendar>. Registrants will receive an email with a link to provide comment during the Zoom session. Interested persons who have difficulty obtaining the link and registering can contact the Commission for assistance at (303) 894-2000.

10. Those registered to provide comment during the hearing are strongly encouraged to prepare in advance and familiarize themselves with how to use the Zoom meeting platform. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by videoconference using a computer. This is intended to ensure that the remote hearing

proceeds efficiently. Hence, it is important that registered video conference participants carefully review and follow all requirements in this Decision and Attachment A.

11. For those who wish to provide comments during the hearing, videoconference participation is preferred and encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings. Nevertheless, interested persons have the option to participate by telephone.

12. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Registrants requesting an interpreter during the public comment hearing should complete the Language Access Form available at: <https://puc.colorado.gov/how-to-participate> under the “How to Make Comments” tab at least one week prior to the hearing. Requests can also be made directly by contacting Megan Castle at (303) 513-2713 or by emailing megan.castle@state.co.us.⁷

3. Methods to Submit Public Comment

13. Interested persons wishing to provide public comment need not participate in the public comment hearing to do so. Interested persons may submit written comments by (a) mailing comments to the Commission; (b) filing comments with the Commission’s Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this Proceeding; (c) selecting the “FILE A COMMENT OR COMPLAINT” option on Commission’s website at <https://puc.colorado.gov/>; and (d) emailing the Commission. All comments must include a

⁷ Translation provided: “La Comisión se esfuerza por acomodar a todos los miembros del público en sus audiencias y reuniones proporcionando servicios para usuarios de idiomas extranjeros y personas con discapacidades al recibir una solicitud. Las solicitudes deben hacerse al menos una semana antes del evento completando el Formulario de acceso al idioma. Las solicitudes también se pueden hacer directamente comunicándose con Megan Castle al 303.513.2713 o enviando un correo electrónico a megan.castle@state.co.us.”

reference to this Proceeding number (Proceeding No. 25R-0408R).⁸ Failure to do so may result in the written comments not being placed in the record in this Proceeding.

14. Interested persons may also submit verbal comments via a voice mail message at (303) 869-3490 or from registered commenters offering public comment during the scheduled public comment hearing. Those leaving voice mail public comments must state and spell their name and include this Proceeding number (Proceeding No. 25R-0408R) in their message. Failure to do so may result in the voicemail comments not being placed in the record in this Proceeding.⁹

15. Although the Commission prefers written comments over verbal comments, it equally considers public comments, regardless of the format in which they are submitted.

B. Issues to Address in Public Comments

16. Union Pacific suggests that proposed Rule 7333(h) be stricken entirely.¹⁰ In support, it states that the proposed Rule presumes that a railroad would always be aware when an emergency vehicle is present at a blocked highway-rail grade crossing.¹¹ Among other things, Union Pacific also argues that the proposed Rule has the effect of managing railroad operations and is “extremely” burdensome.¹²

17. Proposed Rule 7333(h) would impose reporting requirements. Union Pacific does not discuss or explain how the proposed reporting requirements manages railroad operations or would be extremely burdensome. As noted in the NOPR, the Federal Railroad Administration

⁸ The Commission’s mailing and email addresses are on the Commission’s website (at the link provided above).

⁹ Voice mail messages will be transcribed and placed in the record of this Proceeding.

¹⁰ Union Pacific’s 10/31/25 Comments at 2.

¹¹ *Id.*

¹² *Id.* at 2-3.

(“FRA”) already requires reporting on similar matters.¹³ Specifically, the FRA requires reporting on crossings blocked for more than 20 and 60 minutes through form FRA F 6180.277.¹⁴ This makes it particularly difficult to understand Union Pacific’s assertion that the reporting in proposed Rule 7333(h) is extremely burdensome.¹⁵ The ALJ invites public comment on these issues, including suggested changes that would minimize the alleged burden that proposed Rule 7333(h) imposes (short of deleting the proposed Rule entirely).

18. There appears to be some merit to Union Pacific’s comment that railroads may not always know when an emergency vehicle seeks to pass a blocked crossing, thereby impacting the a railroad’s reporting under proposed Rule 7333(h)).¹⁶ The ALJ invites public comment on this issue, including suggestions to amend proposed Rule 7333(h) to address the potential that a railroad may not always know when an emergency vehicle seeks to pass a blocked crossing (short of deleting the proposed Rule entirely).

19. In the ordering paragraphs below, the ALJ establishes deadlines for initial comments on the above items (or generally on the proposed Rules), and responsive comments to the same.

III. ORDER

A. It Is Ordered That:

1. The public comment hearing in this Proceeding is continued as set forth below.

¹³ See NOPR at 9.

¹⁴ See NOPR at 9.

¹⁵ See Form FRA F 6180.277.

¹⁶ See Union Pacific’s 10/31/25 Comments at 2.

2. The continued fully remote public comment hearing in this matter is scheduled as follows:

DATE: January 8, 2026

TIME: 11:30 a.m.

PLACE: By videoconference using a Zoom link emailed to those who register for the hearing through the registration link on the Commission's calendar of events at <https://puc.colorado.gov/puccalendar>

3. All those who wish to provide comments in the public comment hearing must register for the hearing to receive the Zoom information to join the public comment hearing. Interested persons must register to participate in the public comment hearing by clicking on a link available on the Commission's calendar of events on its website for the date and time(s) of the hearing at <https://puc.colorado.gov/puccalendar>, and following the requirements in Attachment A hereto, which is incorporated as if fully set forth herein.

4. Those wishing to observe but not provide comment in the above public comment hearing may do so by observing the Commission's webcast for the assigned hearing room at: <https://puc.colorado.gov/webcasts>.

5. Members of the public who wish to provide written or oral comments outside of the public comment hearing may do so by following the instructions in this Decision.

6. The Administrative Law Judge may schedule additional public comment hearings if necessary.

7. The public is invited to comment on the matters identified in this Decision and on the proposed Rules outlined in Attachments A and B to Decision No. C25-0703 (issued September 30, 2025) ("proposed Rules"). Initial comments responding to the issues identified in this Decision or on the proposed Rules must be filed by the close of business on

December 12, 2025. Comments responding to such initial comments must be filed by the close of business on **January 5, 2026.**

8. This Decision is effective immediately upon its issued date.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director