

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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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.

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[indicates omission of unaffected rules]

Railroad and Hazardous Materials Safety

7330. Applicability.

Rules 7330 through 7335 apply to all railroads, defined in paragraph 7331(k) and passenger rail systems, defined in paragraph 7331(j).

7331. Definitions.

The following definitions apply only in the context of rules 7330 through 7335.

- (a) "Class I railroad" has the meaning set forth in 49 U.S.C. Sec. 20102(1).
- (b) "Class II railroad" has the meaning set forth in 49 U.S.C. Sec. 20102(1).
- (c) "Class III railroad" has the meaning set forth in 49 U.S.C. Sec. 20102(1).

- (d) “Defect” means a condition in railroad equipment or infrastructure that violates safety regulations 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.
- (e) “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.
- (f) “Hazardous material” has the meaning set forth in § 40-20-302(10), C.R.S.
- (g) “Hot axle box detector” means an infrared detector located on-board a train that provides continuous, real-time monitoring to detect and alert the operators of temperature changes allowing for early intervention.
- (h) “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.
- (i) “Incident” has the meaning set forth in § 40-20-302(13), C.R.S.
- (j) “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. § 40-20-302(14), C.R.S.~~ Main line does not include tourist, scenic, historic, or excursion operations as defined in ~~49 C.F.R. Part 238.5. § 40-20-302(14), C.R.S.~~
- (k) “Passenger rail system” means a rail system including related or connected infrastructure and facilities, that is used for passenger service and is competitive in terms of travel time with other modes of surface transportation within the district. A passenger rail system shall not be used to transport freight.
- (l) “Railroad” means a person providing railroad transportation.
- (m) “Railroad transportation” means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. “Railroad transportation” does not include rapid transit operations, public transportation, rail fixed guideway operations, or commuter passenger rail that:
- (I) is in an urban or a suburban area; and
 - (II) is not connected to a general or an interstate railroad system.
- (n) “Siding” has the meaning set forth in § 40-20-302(22), C.R.S.
- ~~(o)~~ “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 § 40-20-302(23), C.R.S.~~
- ~~(p)~~ “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.

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:

- (a) type of wayside detector system;
- (b) general location of wayside detector system;
- (c) spacing of wayside detectors by each type of wayside detector system;
- (d) a description of how each wayside detector system used by the railroad promotes safety;
- (e) 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;
- (f) the percentage of time that each type of wayside detector was operational for the previous year; and
- (g) plans to adjust or improve the wayside detector system or review wayside detector technology.

7333. Obstructions at Public Crossings and Reports~~[Reserved]~~.

- (a) As used in rule 7333, an “obstruction” of a crossing or “blocked” crossing means the flow of motor vehicles, bicycles, or pedestrians is impeded by a stopped train.
- (b) As used in rule 7333, “emergency situation” means an unexpected and sudden event that poses a risk of death, injury, significant damage, or disruption and requires immediate response and management as delay can worsen the situation. It can include medical events, accidents, fires, evacuations, natural disasters, security threats, and terrorist actions.
- (c) As used in rule 7333, “emergency vehicle” means:
 - (I) an ambulance operated by a public authority or by a private person;
 - (II) a police vehicle;
 - (III) a fire engine;
 - (IV) a vehicle operated by a power company, electric company, or other public utility responding to an emergency situation;
 - (V) a vehicle used for emergency purposes by the federal government of the United States; or
 - (VI) any other vehicle that is being operated for the purpose of saving life or property or responding to any public peril emergency situation.
- (d) Railroads with trains or equipment operating on a main line or siding in the state should operate any such train or equipment in such a manner as to minimize obstruction of emergency vehicle access at highway-rail grade crossings to promote public safety in Colorado.

- (e) An emergency vehicle responding to an emergency situation, approaching a highway-rail grade crossing blocked by a train or equipment may give warning of its approach by the sounding of sirens, flashing of lights, waving of a flag, or any other warning sufficient to attract attention to the emergency vehicle to allow the train crew to separate the train or equipment and clear the highway-rail grade crossing with all possible speed to permit the emergency vehicle to pass.
- (f) An emergency vehicle approaching a highway-rail grade crossing blocked by a train or equipment may also give warning to the railroad by calling the 1-800 telephone number on the blue Emergency Notification System sign found on the crossbuck sign at passive warning crossings and on the highway-rail grade crossing signal post at active warning crossings, which calls the railroad dispatch center directly.
- (g) Because it may typically take a minimum of 30 minutes to separate a train to allow an emergency vehicle to pass through the crossing, an emergency vehicle approaching a highway-rail grade crossing blocked by a train or equipment should consider alternate routes to reach the emergency destination if the travel time for the alternate route is less than 30 minutes.
- (h) On a monthly basis and consistent with § 40-20-303(2)(a), C.R.S., if a blocked highway-rail grade crossing is not cleared as a result of a situation outlined in paragraph (e) where an emergency vehicle has given warning to a train that a highway-rail grade crossing needs to be cleared, the railroad is required to report to the Office of Rail Safety the following information about these situations within 30 days after expiration of each monthly reporting period:
 - (I) the United States Department of Transportation Crossing Inventory Number;
 - (II) the length of time the crossing was blocked;
 - (III) the length of the train that was blocking the crossing;
 - (IV) the actions taken by the railroad to unblock the crossing to allow emergency vehicles access to the other side of the crossing;
 - (V) whether the train or equipment was stopped due to mechanical failure where separation or movement of the train or equipment was not possible; and
 - (VI) whether the train or equipment was stopped due to a federal law or rule where separation or movement of the train or equipment was not possible including reference to the federal law or rule that did not allow the train or equipment to be moved.