

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.

NOTICE OF PROPOSED RULEMAKING

Issued Date: September 30, 2025

Adopted Date: September 24, 2025

I.	BY THE COMMISSION	2
A.	Statement	2
B.	Background.....	3
C.	Discussion of Proposed Amendments	5
1.	Basis, Purpose, and Statutory Authority	5
2.	Railroad and Hazardous Materials Safety	5
a.	Rule 7331 - Definitions.....	5
b.	Rule 7332 – Wayside Detector Systems and Reports.....	7
c.	Rule 7333 – Obstruction of Public Crossings and Reports.....	8
D.	Conclusion.....	10
II.	ORDER.....	11
A.	The Commission Orders That:	11
B.	ADOPTED IN COMMISSIONERS’ WEEKLY MEETING September 24, 2025.....	13

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (“Commission”) issues this Notice of Proposed Rulemaking (“NOPR”) to adopt rules implementing the wayside detector system and obstructions at public crossings report requirements enacted in House Bill (“HB”) 24-1030, effective July 1, 2024, and codified at §§ 40-20-303, C.R.S. Specifically, the Commission proposes to add rules governing railroad wayside detector systems and obstructions at public crossings reports comprising new Rules 7331, 7332, and 7333 of the Commission’s Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (“CCR”) 723-7 (“Rail Rules”).

2. The statutory authority for the proposed rules is found, generally, at §§ 40-2-108 (authorizing the Commission to promulgate rules necessary to administer and enforce title 40 of the Colorado Revised Statutes) and 40-29-110, C.R.S. (requiring the Commission to prescribe standards of safety to protect the health and safety of railroad employees) and, specifically, §§ 40-20-302 (adding to state law certain defined terms regarding railroad safety) and 40-20-303, C.R.S. (regarding use of wayside detector systems and obstructions at public crossings).

3. The Commission refers this matter to an Administrative Law Judge (“ALJ”) for a recommended decision. The ALJ will hold a remote public hearing on the proposed rules at **11:30 a.m. on November 6, 2025.**

4. The proposed rule changes are set forth in legislative (“*i.e.*, *strikeout and underline*”) format in Attachment A to this Decision, and in final format in Attachment B to this Decision.

B. Background

5. As to wayside detector system reporting requirements, HB 24-1030 adds new § 40-20-303(1), C.R.S., which requires railroads to file a report on wayside detector systems that includes specific information. As relevant to this rulemaking, new § 40-20-303(1), C.R.S., provides:

On or before January 1, 2025, and on or before January 1 of each year thereafter, a railroad operating any main line in the state shall submit to the public utilities commission a public report that discloses, at a minimum, the following information:

New subsection § 40-20-303(1)(a), C.R.S., provides:

An overview of the types of, general locations of, and spacing between wayside detectors on main lines in Colorado;

New subsection § 40-20-303(1)(b), C.R.S., provides:

A general description of how the wayside detector system promotes safety, including plans to adjust or improve the wayside detector system or review wayside detector technology;

New subsection § 40-20-303(1)(c), C.R.S., provides:

A general description of the process by which defects or other detections are managed in order to provide notice to train operators and others; and

Finally, new subsection § 40-20-305(1)(d), C.R.S., provides:

The percentage of time that each type of wayside detector was operational for the previous year.

6. As to obstructions at public crossings, HB 24-1030 adds new § 40-20-303(2)(a), C.R.S., which outlines expectations of Colorado to operate trains in such a manner as to minimize obstruction of emergency vehicles at highway-rail crossings. As relevant to this rulemaking, new subsection § 40-20-303(2)(a), C.R.S., provides:

Except for trains or equipment stopped due to mechanical failure where separation or movement is not possible, the state expects that any train or equipment operating on a main line or siding in the state should be operated in such a manner as to minimize obstruction of emergency vehicles at highway-rail crossings. Upon the approach of an emergency vehicle to any blocked crossing, an emergency vehicle may give warning of its approach by the sounding of sirens, flashing of lights, waiving 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 crossing with all possible dispatch to permit the emergency vehicle to pass. If a blocked crossing is not cleared, the entity operating the emergency vehicle or the department of public safety shall request that the railroad immediately take any action, consistent with safe operating procedures, necessary to clear the highway-rail crossing.

New subsection § 40-20-303(2)(b), C.R.S., provides:

The Department of Public Safety shall, and other emergency vehicle operators may, report to the Office of Rail Safety the details of any event in which an emergency vehicle was stopped or delayed by a train locking a highway-rail crossing, any request that was made to clear the crossing, the resolution of any such request, and any effects that the delay of the emergency vehicle has on the emergency response.

Finally, new subsection § 40-20-303(2)(c), C.R.S., provides:

As used in this subsection (2), “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; (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.

C. Discussion of Proposed Amendments

7. We open this rulemaking to consider the following changes to our Rail Rules in order to implement the new statutory provisions enacted in HB 24-1030 regarding railroads' use of wayside detector systems and obstructions at public crossings in Colorado.

1. Basis, Purpose, and Statutory Authority

8. The proposed revisions to the Basis, Purpose, and Statutory Authority section add the updated reference to new § 40-20-303, C.R.S., enacted in HB 24-1030. The revisions also add a reference to the statutory definitions in § 40-20-302, C.R.S., also enacted in HB 24-1030.

2. Railroad and Hazardous Materials Safety

9. The proposed revisions implementing the new statutory provisions enacted in HB 24-1030 regarding railroads' use of wayside detector systems and obstructions at public crossings in Colorado, codified in § 40-20-303, C.R.S., are contained in the existing section of the Rail Rules titled "Railroad and Hazardous Materials Safety," comprising Rules 7330 through 7335.

a. Rule 7331 - Definitions

10. A number of definitions were added as temporary rules by Decision No. C24-0938 issued December 23, 2024, in Proceeding No. 24R-0558R. These definitions, plus some new definitions, are now being proposed as rules to be added permanently to Rule 7331 to incorporate statutory definitions from HB 24-1030.

11. First, the statutory definition for "defect" is added with the meaning set forth in § 40-20-302(6), C.R.S.

12. Second, the statutory definition for "dragging equipment detector" is added with the meaning set forth in § 40-20-302(8), C.R.S.

13. Third, the statutory definition set forth in in § 40-20-302(12), C.R.S., for “hot bearings detector” is defined in our implementing rule as two more specific terms delineating between on-train detectors and detectors located along the tracks. We use these more specific terms because on-train detectors function to detect and alert operators of overheating train axles, not wayside detectors. Accordingly, our defined term “hot axle box detector” refers to 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. And our defined term “dragging equipment detector,” noted above, refers to 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 or wheels.

14. Fourth, the statutory definition for “main line” is added with the meaning set forth in § 40-20-302(14), C.R.S. For clarity in the administrative rule, references to federal regulations 49 C.F.R. Part 217.7 and 49 C.F.R. Part 238.5 are changed to refer to state statute at § 40-20-302(14), C.R.S.

15. Fifth, the statutory definition for “railroad” is added with the meaning set forth in § 40-20-302(20), C.R.S.

16. Sixth, the statutory definition for “railroad transportation” is added with the meaning set forth in § 40-20-302(21), C.R.S.

17. Seventh, the statutory definition for “siding” is added with the meaning set forth in § 40-20-302(22), C.R.S.

18. Eighth, the statutory definition for “train” is added with the meaning set forth in § 40-20-302(23), C.R.S.

19. Finally, the statutory definition for “wayside detector system” is added with the meaning set forth in § 40-20-302(24), C.R.S.

b. Rule 7332 – Wayside Detector Systems and Reports

20. This new rule contains the provisions implementing the wayside detector systems and reports requirements enacted in HB 24-1030. These reports were required starting January 1, 2025, and are required on or before January 1 every year thereafter. The initial reporting requirement was put in place by a temporary rule adopted in Proceeding No. 24R-0558R, which expired July 27, 2025. This new rule puts the requirements in place for January 1, 2026, and on or before January 1 of each year thereafter.

21. **Rule 7332(a)** This rule requires the type of wayside detector system to be reported.

22. **Rule 7332(b)** This rule requires the general location of wayside detector systems to be reported.

23. **Rule 7332(c)** This rule requires the spacing of wayside detectors by each type of wayside detector system to be reported.

24. **Rule 7332(d)** This rule requires a description of how each wayside detector system used by the railroad promotes safety.

25. **Rule 7332(e)** This rule requires 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 to be reported.

26. **Rule 7332(f)** This rule requires the percentage of time that each type of wayside detector was operational for the previous year to be reported.

27. **Rule 7332(g)** This rule requires plans to adjust or improve the wayside detector system or review wayside detector technology to be reported.

c. **Rule 7333 – Obstruction of Public Crossings and Reports**

28. This new rule contains the rule provisions implementing the obstructions of public crossings and reports requirements enacted in HB 24-1030.

29. **Rule 7333(a)** This rule defines an “obstruction” of a crossing or “blocked” crossing to mean the flow of motor vehicles, bicycles, or pedestrians being impeded by a stopped train. This defined term is used in rule 7333.

30. **Rule 7333(b)** This rule defines “emergency situation” as an unexpected and sudden event that poses a risk of death, injury, significant damage, or disruption and requiring immediate response and management as delay can worsen the situation. It lists that an “emergency situation” can include medical events, accidents, fires, evacuations, natural disasters, security threats, and terrorist actions. This defined term is used in rule 7333.

31. **Rule 7333(c)** This rule defines “emergency vehicle” as defined in § 40-20-303(2)(c), C.R.S. This defined term is used in rule 7333.

32. **Rule 7333(d)** This rule discusses how railroads with trains or equipment operating on a main line or siding in Colorado should operate these in such a manner as to minimize obstruction of emergency vehicles access at highway-rail grade crossings to promote public safety in Colorado. This implements § 40-20-303(2), C.R.S., which expresses the State of Colorado’s expectation that trains or equipment operating on a main line or siding should be operated as to minimize obstruction of emergency vehicles.

33. **Rule 7333(e)** This rule discusses that emergency vehicles responding to emergency situations that are approaching a highway-rail grade crossing that is blocked may give warning of its approach by the sounding of sirens, flashing lights, waving flags, 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 emergency vehicles to pass.

34. **Rule 7333(f)** This rule provides an additional option for emergency vehicles to give warning directly to the railroad dispatch center by calling the 1-800 telephone number on the blue Emergency Notification Sign posted at the crossing.

35. **Rule 7333(g)** This rule discusses that it may typically take a minimum of 30 minutes to separate a train to allow an emergency vehicle to pass through the crossing and that, because of this time, emergency vehicles should consider alternate routes to reach the emergency destination if the travel time for the alternate route is less than 30 minutes.

36. **Rule 7333(h)** This rule requires railroads to report to the Office of Rail Safety on a monthly basis and consistent with § 40-20-303(2)(a), C.R.S., any blocked highway-rail grade crossing that is not cleared as a result of a situation outlined in rule 7333(e) by reporting the following information: (I) the United State 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. Railroads are already required to report monthly within 30 days of the expiration of each monthly reporting period to the Federal Railroad Administration (“FRA”) information required in form FRA F 6180.277. The information required by this proposed rule is a subset of the information required by FRA F

6180.277 based on specific situations. Section 40-20-303(2)(b), C.R.S., requires: “The Department of Public Safety Shall, and other Emergency Vehicle Operators may, report to the Office of Rail Safety the details of any event in which an emergency vehicle was stopped or delayed by a train blocking a highway-rail crossing, any request that was made to clear the crossing, the resolution of any such request, and any effects that the delay of the emergency vehicle had on the emergency response.” With this new rule, the information reported by the railroads can be matched to the information required to be reported by the Department of Public Safety and/or emergency vehicle operators. This will allow the Office of Rail Safety to be able to notify the Community Rail Safety Advisory Committee and the Rail Industry Safety Advisory Committee about the incident as required by § 40-20-306(4)(b), C.R.S., and to analyze and report to the Transportation, Housing, and Local Government Committee of the House of Representatives and the Transportation and Energy Committee of the Senate, or their successor committees information about rail safety in Colorado.

D. Conclusion

37. Through this NOPR, the Commission solicits comments from interested persons on the new rules proposed in this Decision and its attachments. Interested persons may file written comments including data, views, and arguments into this Proceeding for consideration. The Commission also welcomes submission of alternative proposed rules, including both consensus proposals joined by multiple rulemaking participants and individual proposals. Participants are encouraged to provide redlines of any specific proposed rule changes.

38. The proposed rule changes are set forth in legislative (“*i.e.*, ~~strikeout~~ and underline”) format in Attachment A to this Decision, and in final format in Attachment B to this

Decision. This Decision and its attachments are publicly available through the Commission's E-Filings System at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=25R-0408R

39. The Commission refers this matter to an ALJ for a recommended decision. The ALJ will hold a hearing on the proposed rules 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.

40. Initial written comments on the proposed rule changes are requested by **October 24, 2025**. Any person wishing to file comments responding to the initial comments is requested to file such comments by **October 31, 2025**. These deadlines are set so that the comments and responses may be considered at the public hearing conducted by the ALJ on November 6, 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 to this Decision) shall be filed with the Colorado Secretary of State for publication in the October 10, 2025, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

3. A remote public hearing on the proposed rules and related matters shall be held as follows:

DATE: November 6, 2025

TIME: 11:30 a.m.

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

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial written comments be submitted no later than October 24, 2025, and any written comments responsive to the initial comments be submitted no later than October 31, 2025. The Commission will consider all submissions, whether oral or written. The Commission prefers that comments be filed into this Proceeding using the Commission's E-Filings System at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>

6. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 24, 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