

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

PROCEEDING NO. 24M-0274R

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IN THE MATTER OF THE DEVELOPMENT OF TEMPLATE CONSTRUCTION AND MAINTENANCE AGREEMENTS AND PRELIMINARY ENGINEERING AGREEMENTS FOR USE IN PUBLIC CROSSING PROJECTS IN COLORADO CONSISTENT WITH RULE 4 CODE OF COLORADO REGULATIONS 723-7-7214.

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**INTERIM DECISION  
SCHEDULING HEARINGS AND  
ESTABLISHING DEADLINES**

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Issued Date: September 17, 2025

**I. STATEMENT, SUMMARY, AND PROCEDURAL HISTORY**

**A. Statement and Summary**

1. This Decision memorializes what occurred during the September 8, 2025 hearing; schedules fully remote hearings for December 9, 2025 at 2:30 p.m. and February 24, 2026 at 2:30 p.m.; establishes deadlines by which participants must meet to discuss consensus template agreements; and requires participants to register to attend the two scheduled hearings.

**B. Procedural History<sup>1</sup>**

2. On June 14, 2024, the Commission initiated this Proceeding as a forum to develop Commission-approved template agreements for use as required by newly adopted Rule 7214 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* ("CCR") 723-7.<sup>2</sup> At the same time, the Commission referred this Proceeding to an administrative law judge ("ALJ").<sup>3</sup>

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<sup>1</sup> Only the procedural history necessary to understand this Decision is included.

<sup>2</sup> Decision No. C24-0420 at 1 (issued June 14, 2024) ("Decision No. C24-0420").

<sup>3</sup> *Id.* at 5-7.

3. To date, the participants have held numerous meetings or workshops to reach a consensus on template agreements required by Rule 7214, 4 CCR 723-7, and the ALJ has held numerous hearings to discuss the outcomes of those meetings and establish next steps to move this matter forward.<sup>4</sup> As relevant here, the ALJ scheduled fully remote hearings for July 8, 2025 at 3:00 p.m., and September 8, 2025 at 10:00 a.m.<sup>5</sup>

4. The ALJ held the September 8, 2025 hearing, as noticed.<sup>6</sup> Numerous participants appeared. This Decision memorializes what occurred during that hearing, among other things.

## **II. FINDINGS AND CONCLUSIONS**

5. During the September 8, 2025 hearing, participants explained that they met twice since the July 8, 2025 hearing. Participants are very close to finalizing template construction and maintenance agreements for at-grade crossing projects involving Union Pacific Railroad Company (“Union Pacific”), and that only minor edits are left. For this agreement, participants worked off a template that Union Pacific provided. The participants plan to use the final version of this template to make adjustments specific to BNSF Railway (“BNSF”). On August 26, 2025, BNSF provided participants a copy of its template construction and maintenance agreement for at-grade crossings so the participants have a better sense of differences specific to BNSF that may require changes. Participants have not yet had an opportunity to discuss that yet, but BNSF indicated that there should not be an issue finalizing the BNSF version, as they are “99 percent there.”

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<sup>4</sup> See Decision Nos. R24-0649-I (issued September 11, 2024); R24-0927-I (issued December 19, 2024); R25-0230-I (issued March 27, 2025); R25-0346-I (issued May 14, 2025); Decision No. R25-0533-I (issued July 22, 2025).

<sup>5</sup> Decision No. R25-0346-I at 6.

<sup>6</sup> Decision No. R25-0533-I outlines what occurred during the July 8, 2025 hearing.

6. As previously noted, participants will next work on reaching consensus template construction and maintenance agreements for grade-separated crossing projects over which the Commission has jurisdiction.

7. During the hearing, the ALJ scheduled two more hearings, one for December 9, 2025 and another for February 24, 2026. The ALJ directed the parties to ensure that they have conferred and are prepared to report during the December hearing as to whether they agree that a template preliminary engineering agreement could be used for any type of crossing project over which the Commission has jurisdiction.

8. To ensure that progress continues, the ALJ established a September 24, 2025<sup>7</sup> deadline by which participants must meet to continue to work on template agreements before the next hearing and a January 23, 2026 deadline for them to meet before the February 2026 hearing. As with prior stakeholder meetings, the ALJ will not participate, and all those who filed a notice of intent to participate in this Proceeding must be invited to the meeting, but participation in the meeting is voluntary.<sup>8</sup>

9. Both hearings will be fully remote with participants appearing from remote locations by videoconference using the web platform, Zoom. Participants may not appear in person. Participants must register to attend both hearings to receive the Zoom information needed to join the hearings. Participants may register by clicking on the registration link on the

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<sup>7</sup> Participants indicated they have a meeting scheduled for September 24, 2025.

<sup>8</sup> In an abundance of caution, this Decision will be served on potentially interested stakeholders who are registered with the Commission's E-Filing System ("E-Filings"), including those who have not filed a notice of intent to participate. Doing so does not impose an additional administrative burden, as service is accomplished electronically through E-Filings. Except as noted, this Decision is not served on those who are not registered with E-Filings and who have not filed a notice of intent to participate, because this adds an unwarranted administrative burden. The only exception is that this Decision will be served on potentially interested stakeholders for whom the Commission received the last Decision returned as undeliverable, that is: Keeton Ranch Water, San Luis Central and Denver Rail Heritage Society. As a result, the Certificate of Service for this Decision should not be used as a guide to identify who must be invited to the meetings discussed above. The participants should instead review the administrative record to identify who has filed a notice of intent to participate so they may be invited to the meetings.

Commission's calendar of events at <https://puc.colorado.gov/puccalendar> for the two hearing dates.<sup>9</sup> Zoom will email registered participants the information needed to join the hearing. To be clear, Commission staff *will not email* the hearing Zoom information to participants. Rather, Zoom will email the information *only to those who register* to attend the hearing, as explained above.

10. Additional information on participating in the hearings is provided in Attachment A to this Decision. All those participating in the hearings must carefully review and follow all requirements in this Decision and Attachment A. To minimize the potential that the videoconference hearings may be disrupted by non-participants, the link and meeting ID or access code to attend the hearing will be provided only to participants who register for the hearing and participants are prohibited from distributing that information to anyone not participating in the hearing.

11. All those participating in this Proceeding are strongly encouraged to register for the Commission's free E-Filing System, which will allow them to electronically file and receive pleadings in near-real time. Interested persons may register for the E-Filing System at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>. Likewise, participants are encouraged to provide email addresses at which they may be reached to facilitate their participation in stakeholder meetings.

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<sup>9</sup> The links to register will be included for the date and time of the scheduled hearings, on the Commission's calendar of events.

### III. **ORDER**

#### A. **It Is Ordered That:**

1. A fully remote hearing is scheduled as follows:

DATE: December 9, 2025

TIME: 2:30 p.m.

PLACE: By video conference or telephone using Zoom information emailed to registrants.

2. A fully remote hearing is scheduled as follows:

DATE: February 24, 2026

TIME: 2:30 p.m.

PLACE: By video conference or telephone using Zoom information emailed to registrants.

3. Consistent with the above discussion, the participants must hold an informal meeting at least once before the December 9, 2025 hearing and at least once before the February 24, 2026 hearing to reach a consensus on template agreements required by Rule 7214 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* 723-7. The first meeting must be held by September 24, 2025, and the second one must be held by January 23, 2026.

4. All those who have made a filing indicating they will participate in this Proceeding must be invited to these meetings, consistent with the above discussion. Participation in the meeting is voluntary.

5. Participants must register to attend the fully remote hearings using the registration link for each scheduled hearing on the Commission's calendar of events on its website, at

<https://puc.colorado.gov/puccalendar>. Zoom will email all registrants the information needed to join the hearings; the Commission will not separately email this information to all those who have filed a notice of intent to participate in this Proceeding.

6. Participants are not permitted to distribute or share the Zoom information for the hearings to anyone not participating in the hearing. Non-participants in the hearing may observe the hearing live through the Commission's webcast for the Hearing Room assigned for the hearing at: <https://www.youtube.com/@COPublicUtilitiesCommission/featured>.

7. Participants in the hearings may not appear at the Commission's office in person but will appear by videoconference or telephone.

8. All those participating in the hearings must comply with the requirements in Attachment A to this Decision, which is incorporated as if fully set forth.

9. This Order is effective immediately.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

Rebecca E. White,  
Director

