

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25R-0325R

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 25-1110

**INTERIM DECISION PROPOSING EDITS TO PROPOSED
AMENDED RULES, SETTING DEADLINES FOR
WRITTEN COMMENTS, AND CONTINUING REMOTE
PUBLIC COMMENT HEARING**

Issued Date: October 3, 2025

I. STATEMENT

A. Background

1. On August 6, 2025, the Public Utilities Commission (“Commission”) issued the Notice of Proposed Rulemaking (“NOPR”) that commenced this proceeding.¹ In the NOPR, the Commission proposed to amend the rules applicable to Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings. The purpose of the amendments is “adopt rules implementing the allocation of costs to maintain railroad crossings in the state enacted in House Bill (“HB”) 25-1110, effective August 6, 2025, and codified at § 40-4-106(5) and (6), C.R.S.”² The NOPR scheduled a remote public comment hearing for September 22, 2025, at 11:30 a.m., and set deadlines of September 4 and 15, 2025 for written initial and reply comments, respectively.

¹ See Decision No. C25-0570.

² NOPR at p. 1 (¶ 1).

The NOPR referred the proceeding to an Administrative Law Judge (“ALJ”). The proceeding was subsequently assigned to the undersigned ALJ.

2. No written comments were filed before the remote public comment hearing.

3. The Administrative Law Judge (“ALJ”) held the remote public comment hearing on September 22, 2025, starting at 11:30 a.m. and continued it until November 19, 2025, at 11:30 a.m.

B. Discussion

4. On same day that the NOPR issued in this proceeding, the Commission issued temporary rules that are the same as the rules proposed in this proceeding. The Commission issued the temporary rules with Decision No. C25-0572 filed in Proceeding No. 25R-0326R on August 6, 2025. Subsequently, the Office of the Attorney General issued an opinion that the proposed rules and the temporary rules were not consistent with HB 25-1110. The Commission then issued amended temporary rules in Decision No. C25-0617 filed in Proceeding No. 25R-0352R on August 27, 2025. The new temporary rules fixed the problem identified by the Attorney General’s opinion. At the remote public comment hearing, Commission Staff requested that the Commission adopt in this proceeding the changes to the temporary rules issued in Proceeding No. 25R-0352R.

5. At the hearing, the ALJ proposed changes to temporary rules 7211(j) & (k) from Proceeding No. 25R-0352R as follows (redlining showing changes proposed in NOPR and blue lining showing changes proposed by the ALJ):

- (j) For all road authorities that are not local governmentsIf the road authority is other than a local government, 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, on the one hand, and the road authority, on the other hand.

- (k) ~~For all local government road authorities~~If the road authority is a local government, 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.

6. The ALJ seeks written comments regarding the proposed changes above. The deadline for initial and response written comments shall be October 31, 2025, and November 7, 2025, respectively.

C. Continued Remote Public Comment Hearing

7. As noted, the remote public comment hearing shall be continued to November 19, 2025, at 11:30 a.m.

II. ORDER

A. It Is Ordered That:

1. The remote public comment hearing is continued as follows:

DATE: November 19, 2025

TIME: 11:30 a.m.

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

2. Nobody should attend the continued remote public comment hearing in person.

3. At the time set for the continued remote hearing, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

4. Any initial written comments regarding the changes proposed in this interim decision should be submitted by October 31, 2025, and any written comments responsive to the

initial comments should be submitted by November 7, 2025. The Commission will consider all submissions, whether written or oral.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director