

Decision No. R17-0035-I

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

PROCEEDING NO. 16R-0952R

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IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS, 4 CODE OF COLORADO REGULATIONS 723-7.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
G. HARRIS ADAMS  
GRANTING JOINT MOTION FOR EXTENSION OF TIME  
TO SUBMIT WRITTEN COMMENTS AND DENYING  
REQUEST TO POSTPONE HEARING**

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Mailed Date: January 13, 2017

**I. STATEMENT, FINDINGS, AND CONCLUSIONS**

1. By Decision No. C16-1146, the Colorado Public Utilities Commission (Commission) issued its Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Railroads, Rail Fixed Guideways, Transportation By Rail, and Rail Crossings contained in 4 Code of Colorado Regulations (CCR) 723-7.

2. On January 11, 2017, Union Pacific Railroad Company, a Delaware corporation, BNSF Railway Company, a Delaware corporation and Great Western Railway of Colorado L.L.C., a Colorado limited liability company, (collectively, the "Railroads") filed the Joint Motion for Extension of Time to Submit Written Comments and Request to Postpone January 30, 2017 Hearing. The Railroads request a brief extension of time to submit pre-filed comments addressing Proposed Amendments to the Code of Colorado Regulations 723-7 and postponement of the January 30, 2017, hearing regarding same.

3. Counsel for the Railroads have conferred with counsel for the Regional Transportation District, (RTD) and are authorized to state herein that RTD does not oppose the requested relief.

4. Due to the rulemaking requirements of § 24-4-103(3), C.R.S., the hearing date published in the notice of proposed rulemaking cannot be continued by Commission decision. Rather, the hearing will be convened at the previously announced time and date. During the hearing, a continued hearing date will be announced. Comment deadlines will also be addressed at hearing and memorialized thereafter.

5. Although comment will be accepted from any interested party appearing at the scheduled hearing on January 30, 2017, interested persons are encouraged to attend and provide comment at the continued hearing date and need not appear when the previously published hearing is convened.<sup>1</sup>

## **II. ORDER**

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

1. Response time to the Joint Motion for Extension of Time to Submit Written Comments and Request to Postpone January 30, 2017 Hearing filed by Union Pacific Railroad Company, a Delaware corporation, BNSF Railway Company, a Delaware corporation and Great Western Railway of Colorado L.L.C., a Colorado limited liability company, on January 11, 2017, is waived and the request is granted in part, consistent with the discussion above.

2. The motion to postpone the published hearing to be held on January 30, 2017, at 9:00 a.m. is denied.

3. This Order is effective immediately on its Mailed Date.

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<sup>1</sup> Although the continued hearing date will be announced during hearing and memorialized in a decision, the undersigned has reserved a hearing room at 10:00 a.m. on February 22, 2017.

( S E A L )



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

G. HARRIS ADAMS

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean, Director