

Decision No. R25-0536-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25R-0152R

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.

**INTERIM DECISION AMENDING CAPTION,
WAIVING RESPONSE TIME, AND DENYING AS MOOT
MOTION FOR ADDITIONAL TIME FOR THE FILING OF
PUBLIC COMMENTS**

Issued Date: July 24, 2025

I. STATEMENT

1. The caption in this Proceeding contains a misspelling of the word “implement.”¹ Therefore, the caption of this Proceeding will be amended to reflect the correct spelling of the word “implement,” as ordered below.

2. On April 4, 2025, the Colorado Public Utilities Commission (“Commission”) issued Decision No. C25-0250, a Notice of Proposed Rulemaking (“NOPR”), primarily to implement House Bill 24-1030. The NOPR proposed new railroad safety training and incident response requirements as part of the Commission’s Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* 723-7. The NOPR also referred this matter to an Administrative Law Judge (“ALJ”), scheduled a public

¹ *I.e.*, the caption states “Implement” instead of “Implement.”

comment hearing for May 19, 2025, and set deadlines for the submission of initial written public comments and responsive written public comments.

3. By Decision No. R25-0394-I, issued May 29, 2025, the undersigned ALJ continued the public comment hearing in this matter to June 30, 2025, at 11:00 a.m., and announced new requested deadlines for the submission of initial and responsive written comments.

4. On June 30, 2025, a public comment hearing in this matter was held as scheduled by Decision No. R25-0394-I. At the hearing, the undersigned ALJ did not set any deadlines for the submission of written public comments.

5. On July 18, 2025, the Status Report and Motion for Additional Time for Filing (“Motion”) was filed by BNSF Railway Company (“BNSF”). In the Motion, BNSF stated that “[a]t the remote public hearing, Union Pacific and BNSF identified, among other things, the definitions under Rule 7334 and proposed providing additional comments regarding the NOPR”² and that it was BNSF’s counsel’s “recollection that Union Pacific and BNSF proposed providing those additional comments by July 18, 2025.”³ On these grounds, BNSF requested “the opportunity of an additional week for BNSF and/or Union Pacific to file additional written comments.”⁴

6. Because no harm will come to any interested party as a result of the relief granted herein, response time to the Motion will be denied, as ordered below.

7. Because the undersigned ALJ did not set any deadlines for the submission of written public comments following BNSF’s and Union Pacific’s offers to submit public comments regarding the definitions under Rule 7334, the Motion will be denied as moot, as ordered below.

² Motion at ¶9.

³ *Id.* at ¶10.

⁴ *Id.* at p. 1-2.

8. Notwithstanding the denial of the Motion herein, the undersigned ALJ acknowledges the anticipated filing of written public comments by BNSF and/or Union Pacific in this matter.

II. ORDER

A. It Is Ordered That:

1. Consistent with the discussion above, the caption in this Proceeding is amended to read:

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.

2. Consistent with the discussion above, Response time to the Motion for Additional Time for Filing (“Motion”), filed by BNSF Railway Company (“BNSF”) on July 18, 2025, is waived *sua sponte*.

3. Consistent with the discussion above, the Motion is denied as moot.

4. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director