

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-7

##### PART 7

#### RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS

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[indicates omission of unaffected rules]

#### CROSSINGS AND WARNING DEVICES

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[indicates omission of unaffected rules]

#### 7203. Who May Apply.

- (a) An application for authority to construct a highway-rail crossing where the highway currently exists may only be made by the railroad, rail fixed guideway, or other person, firm, or corporation that will own the tracks proposed to be constructed.
- (b) An application for authority to construct a highway-rail crossing where the tracks or other facilities currently exist may only be made by the appropriate municipality, county, state agency, or other governmental entity.
- (c) An application for authority to alter or abolish a highway-rail crossing may only be made by the appropriate railroad corporation, railroad, rail fixed guideway, municipality, county, state agency, or other governmental entity.
- (d) An application for authority to install or modify signal lights or other warning devices may only be made by a railroad corporation, railroad, rail fixed guideway, municipality, county, state agency, or other governmental entity.
- (e) An application for authority to construct, alter or abolish a utility crossing may only be made by the appropriate public utility, railroad, rail fixed guideway, or other person, firm, or corporation that will own the tracks or other facilities proposed to be constructed.
- (f) An application for authority to install temporary safety measures in advance of an application to install or modify active warning or passive warning devices may only be made by a railroad corporation, railroad, rail fixed guideway, municipality, county, state agency, or other governmental entity.

**7204. Application Contents — Generally.**

- (a) For purposes of this rule only, the Commission incorporates by reference Section 8A.01 of the 2003 Edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices 2003 as adopted by the Transportation Commission of Colorado on September 14, 2004. No later amendments to or editions of the Manual on Uniform Traffic Control Devices are incorporated into these rules. Any person seeking information regarding how the incorporated material may be obtained or examined may contact the Director or his/her designee, Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. The material incorporated by reference may be examined at any state publications depository library.
- (b) Any engineering schematics, plans, drawings, or maps submitted pursuant to this rule shall be submitted on pages no larger than 11" x 17".
- (c) In the case of an application (other than to modify or replace the existing crossing surface without changing the width or configuration of a crossing) to construct, alter, or abolish a utility crossing, a highway-rail crossing, or to install or modify crossing warning devices, the applicant shall submit the information required by this paragraph, to the extent applicable, either in the application or in appropriately identified attached exhibits. If the applicant is unable to provide certain information required by this paragraph, or if the applicant believes certain required information is excessive compared to the scope of the proposed project, the applicant may omit the required information provided that the application specifically justifies the omission. If the applicant desires Commission approval of special application procedures not otherwise contemplated by this paragraph (e.g., a design-build process or expedited approval), the application shall so state, shall specify the relief sought, and shall justify the request. Applications shall contain the following:
  - (I) the applicant's name and mailing address;
  - (II) if the applicant is a corporation or limited liability company: the name of the state in which the applicant is incorporated or organized and the location of its principal office, if any, in Colorado;
  - (III) if the applicant is a partnership: the names and addresses of all general and limited partners;
  - (IV) the name, address, telephone number, facsimile number, and e-mail address of the applicant's representative to whom all inquiries concerning the application may be made;
  - (V) the U.S. Department of Transportation National Inventory Number of the crossing, the railroad or rail fixed guideway milepost, and the roadway milepost;
  - (VI) a detailed statement as to the nature of and need for the construction, alteration, abolition, installation, or modification for which approval is sought;
  - (VII) a statement of:
    - (A) the existing number, character, and timetable speed of trains and vehicles passing the crossing each day, and

- (B) the five-year projection, and the ten-year or twenty-year projections if available, of increases or decreases of the number, character, and speed of such trains and vehicles, if any;
- (VIII) a statement of the scope of the project, including without limitation:
- (A) highway design, crossing warning devices, and traffic signal interconnection and preemption;
  - (B) the itemized estimated cost of the proposed construction, alteration, abolition, or crossing warning device installation or modification; and
  - (C) how applicant proposes to provide for the cost, explaining the proposed apportionment between or among the parties in interest if applicable;
- (IX) in the case of an application for the installation or modification of crossing warning devices, a statement describing the type of crossing warning devices the applicant proposes to install (reference may be made to recommended standards on highway-rail grade crossing warning devices as published in current revisions of the Manual on Uniform Traffic Control Devices and/or American Railway Engineering and Maintenance-of-Way Association's Signal Manual of Recommended Practice);
- (X) a statement of the estimated start and completion dates for the construction, alteration, abolition, or crossing warning device installation or modification, and a statement of the estimated date for crossing's commencement of operation;
- (XI) a vicinity map that includes the proposed project limits (i.e., a map that includes the general area circumscribing the project);
- (XII) detailed plans/drawings of a suitable scale, showing the grade crossing, including signing and striping, tracks, buildings, structures, property lines, and public highways within the right-of-way limits of the railroad, railroad corporation, or rail fixed guideway;
- (XIII) a profile drawing showing grade lines and proposed grade lines of approaches on the public roads, highways, streets railroads, or rail fixed guideway systems that may be affected by the proposed or existing highway-rail crossing;
- (XIV) the schematic diagram of the crossing warning devices (commonly known as the "front sheet");
- (XV) in the case of an application to install or modify interconnection and preemption at a highway traffic signal:
- (A) the traffic signal timings (e.g. signal cycle length, yellow change, red clearance) and traffic signal phasing diagram including preemption sequence;
  - (B) a statement of the type of preemption (e.g. simultaneous, advance)
  - (C) an analysis of the following timings as defined in Section 8A.01 of the Manual on Uniform Traffic Control Devices;

- (i) the maximum highway traffic signal preemption time;
  - (ii) the right-of-way transfer time;
  - (iii) the queue clearance time;
  - (iv) the separation time;
  - (v) the minimum warning time – through train movements;
  - (vi) the advance preemption time, if applicable;
  - (vii) the exit gate clearance time (required for four-quadrant gate systems only); and
  - (viii) any additional timings the Commission may request.
- (XVI) the names and mailing addresses of all persons, including adjacent property owners, public utilities, municipalities, counties, and state that may be interested in or affected by the application;
- (XVII) if the crossing is at grade: a statement fully justifying why a separation of grades is not practicable under the circumstances;
- (XVIII) a statement that the applicant agrees to respond to all questions propounded by the Commission or its Staff concerning the application:
- (XIX) a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings to be held; and
- (XX) a sworn statement verifying and attesting to the facts stated in the application as described in rule 1403(a).
- (d) If the applicant adopts a substantive change to any map, drawing, plan, or schematic that has been filed with the application, the applicant shall file the new map, drawing, plan, or schematic within ten days of the change. In all cases, the applicant shall submit final maps, drawings, plans, or schematics, as applicable, within ten days of the availability of such final maps, drawings, plans, and schematics. An application filed pursuant to paragraph 7203(f) may only be filed after discussion with and consensus among a diagnostic team of the proposed temporary safety measure. The diagnostic team shall consist of: the road authority; the railroad, railroad corporation, or rail fixed guideway transit authority; Commission staff; and, for projects funded under 23 U.S.C. § 130, the Colorado Department of Transportation. The application shall contain the following: a statement that the application is being filed pursuant to paragraph 7203(f); the information listed above in subparagraphs 7204(c)(I) through (VI), (VII)(A), (VIII)(A) through (C), (X), (XI), (XVI), (XVII), (XIX), and (XX); and a copy of the notes from the diagnostic assessment, which shall include a list of the diagnostic team members in attendance, a statement of the temporary safety measure being sought, and a statement that the diagnostic team is in consensus of the proposed temporary safety measure being sought.

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[indicates omission of unaffected rules]

**7208. Notice.**

The Director shall give notice of any application filed under rules 7204 and/or 7205. The Director shall mail said notice to all persons who, in the opinion of the Commission, would be interested in or affected by the grant or denial of the application, including those interested persons the applicant lists in its application.

- (a) The notice mailed by the Commission shall take the form of a Notice and Order, and shall contain the following information in addition to the information required by rule 1206(b):
- (I) The name of the applicant;
  - (II) The docket number assigned to the application;
  - (III) The application's caption, which shall include the crossing's designation, if any;
  - (IV) The date of the notice;
  - (V) A statement that any person desiring to participate as a party in any proceedings to be held must file an appropriate intervention as required under the Commission's Rules Regulating Practice and Procedure;
  - (VI) The date by which interventions must be filed which shall ordinarily be not less than 30 days after mailing of the notice;
  - (VII) A statement regarding whether the application has been deemed complete as of the date of the notice;
  - (VIII) A statement that the Commission may, without a hearing, issue an order granting or denying the application, if no intervention contesting the application has been timely filed;
  - (IX) A statement that if a hearing regarding the application is set, the parties will be notified of the setting; that applicants must appear at the hearing to present evidence in support of the application; and that other parties may appear to present evidence in support of their positions;
  - (X) A statement that, unless previously filed, the applicant shall file an original and three copies of its list of witnesses and an original and three copies of its exhibits at least 20 days prior to the first day of hearing; and that the applicant shall serve each party with its list of witnesses and copies of its exhibits;
  - (XI) A statement that each intervenor shall file an original and three copies of its list of witnesses and an original and three copies of its exhibits at least 10 days prior to the first day of hearing; and that each intervenor shall serve each party with its list of witnesses and copies of its exhibits; and

- (XII) Any other information that the Commission deems appropriate.
- (b) Where the application is for authority to install or modify crossing warning devices under § 40-4-106(2)(b), C.R.S., the notice shall state, in addition to the requirements of paragraph (a) of this rule, that the question of how costs will be borne and paid will be considered at and determined as a result of the hearing.
- (c) Where the application is for authority to close a highway-rail crossing, the applicant shall give notice by posting notice of the closing on both sides of the trackage of the crossing proposed to be closed. The notice shall be posted at the crossing 15 days after the application is filed with the Commission. The Commission shall mail the Notice of Application Filed 15 days after receiving the application. The notice is to be posted at the crossing for a period of 30 days. The applicant shall file a written affidavit stating the date the notice was posted at the crossing and shall attach a copy of the notice posted at the crossing to the affidavit.
- (I) The notice shall contain, at a minimum, the following information:
- (A) The title: Notice of Proposed Closing of This Crossing;
  - (B) A statement that an application to close the crossing has been filed with the Colorado Public Utilities Commission;
  - (C) The current correct address of the Commission;
  - (D) The date the closing of the crossing is requested;
  - (E) The U.S. DOT National Crossing Inventory number of the crossing;
  - (F) A sufficient description of the crossing so as to identify it, or the Docket Number assigned to the application;
  - (G) A statement that parties have the right to file written interventions or objections with the Commission at the address stated on the notice; and
  - (H) A statement of the last date for filing interventions or objections.
- (II) The notice must meet the following requirements:
- (A) The posted notice to close the crossing shall be printed on a substantial placard, no less than 18" x 24";
  - (B) The title: Notice of Proposed Closing of This Crossing shall be printed in letters no less than one inch in height;
  - (C) All other information printed on the notice shall be in letters no smaller than one half inch in height;
  - (D) The background of the notices shall be white; and
  - (E) The letters of the notice shall be black.

- (III) The notices shall be posted so as to be clearly visible from a distance of no less than 100 feet from the notice, and shall not be posted so as to obstruct the vision of motorists or trains at the crossing.

(d) The Commission shall give 14 days' notice of the filing of an application made pursuant to paragraph 7203(f).

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[indicates omission of unaffected rules]

**7212. [Reserved].**

**7213. Minimum Crossing Safety Requirements.**

(a) All public crossings in the state of Colorado shall have posted, at a minimum; one Manual on Uniform Traffic Control Devices (MUTCD) R15-1 crossbuck sign; one MUTCD R15-2P number of tracks sign for crossings with more than one track; and one MUTCD R1-2 yield sign, mounted on the same support, for each direction of vehicle and/or pedestrian traffic that crosses the tracks. Any signage configuration different from these minimum standards requires approval from the Commission through the filing and granting of an application.

(b) All public crossings shall have posted, at a minimum, one advance warning sign applicable to the roadway geometry posted for each direction of traffic that crosses the tracks. Applicable advance warning signs include MUTCD signs W10-1, W10-2, W10-3, and W10-4. The road authority may install warning beacons on advance warning signs in accordance with Section 4L.03 of the MUTCD.

**72142. – 7299. [Reserved].**

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[indicates omission of unaffected rules]