

## **Colorado Public Utilities Commission**

### *Highway-Rail Crossing Application Process*

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Chief of Rail/Transit Safety

#### ***When an Application is Required***

- ✦ Applications are required for any changes required at the crossing that will affect the operation of the crossing, including:
  - Any new crossings
  - Any widening of roadways
  - Any grade separations
  - Any changes to warning circuitry
  - Any new required active warning devices
  - Any upgrades to existing active warning devices
  - Any advance warning sign changes
  - Any temporary or permanent closures
- ✦ If you are unsure whether a change requires approval from the PUC, give us a call and we will let you know. Call Pam Fischhaber at 303-894-2529

#### ***PUC Application Process***

- ✦ Application requirements for highway-rail crossings are found in Commission Rule 4 *Code of Colorado Regulations* 723-7-7204 available at <http://www.dora.state.co.us/puc/rail/RailRules.htm>
- ✦ If an applicant would like assistance, Staff will review the draft application prior to submittal to help the applicant make sure all of the necessary information has been included, but will not comment on the merits of the application (that is the statutory responsibility of the Commissioners). Email draft applications to [pamela.fischhaber@dora.state.co.us](mailto:pamela.fischhaber@dora.state.co.us)

#### ***PUC Application Timelines***

- ✦ From date of application filed:
  - Commission has 15 days to process the application and send *Notice of Application Filed* to parties identified in the application and any parties who in the opinion of the Commission may be affected by the grant or denial of the application
  - Commission has 10 days to send a letter to applicant identifying any application deficiencies
- ✦ Once *Notice of Application Filed* is mailed, application is on notice for 30 days, unless shortened by Commission order or rule
- ✦ Commission has 15 days after expiration of the notice period to deem the application complete or incomplete
  - Deeming an application complete starts statutory timelines
- ✦ Once application is deemed complete, the application process can follow one of two paths
  - Uncontested application
  - Contested application

✧ *Uncontested applications*

- No interventions opposing the application are filed during the notice period
- Application is accompanied by a sworn statement certifying that the contents of the application are true and correct
- Commission may use modified proceeding at Commissioners' Weekly Meeting
  - Commission may grant or deny application based on the application content
  - Commission may request additional information
- Commission must issue order by:
  - 120 days if applicant files support testimony with application (if the Commission finds additional time is needed, the Commission may extend the time for decision by an additional 90 days)
  - 210 days if applicant does not file support testimony with application
  - 300 days if the Commission finds extraordinary conditions and extends timeline an additional 90 days

✧ For planning purposes, the Commission will generally make a decision to grant or deny an uncontested application within 60 days of the filing of the application, unless the Commission requires additional information

✧ *Contested applications*

- Interventions opposing the application are filed during the notice period
- Commission will set matter for hearing at Commissioners' Weekly Meeting
  - Commission may send to Administrative Law Judge
  - Commission may assign a Hearing Commissioner
  - Commission may hear matter *en banc*
- Procedural schedule will be set including testimony filing dates
- Commission must issue order by:
  - 120 days if applicant support testimony is filed with application (if the Commission finds additional time is needed, the Commission may extend the time for decision by an additional 90 days)
  - 210 days if applicant does not file support testimony with application
  - 300 days if the Commission finds extraordinary conditions and extends timeline an additional 90 days

✧ For planning purposes, the Commission will generally make a decision to grant or deny a contested application within approximately 360 days of the filing of the application, unless the applicant waives the statutory time limits

✧ *Public Hearings*

- The Commission may choose to hold public hearings in a proceeding
- A public hearing allows individuals to provide information to the Commission on the matter in question
- An individual does not need an attorney to participate in a public hearing

***PUC State Safety Oversight Responsibilities***

✧ The PUC is the State Safety Oversight Agency for rail fixed guideway systems in Colorado. Oversight responsibilities include:

- Reporting requirements to the Federal Transit Administration
- Annual review and approval of System Safety Program Plan
- Annual review and approval of System Security Plan
- Oversight of transit agency internal safety and security reviews
- Safety and security audit of transit agency every three years
- Hazard management process
- Accident investigations
- Corrective action plans

✧ Three-year safety and security audit includes:

- Review of various training, certification, testing and prevention programs
- Review of operations, inspections and maintenance
- Review of reporting and investigations
- Review of station facilities
- Review of right-of-way fencing
- Review of emergency response
- Review of various processes and plans