

## **NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS**

D.P.U. 26-55

July 31, 2026

Investigation of the Department of Public Utilities, on its own motion, instituting a rulemaking pursuant to G.L. c. 160, § 136, G.L. c. 30A, § 2, and 220 CMR 2.00, to establish requirements for railroad safety, 220 CMR 157.00.

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On July 31, 2026, the Department of Public Utilities (“Department”) issued an Order instituting a rulemaking proceeding, pursuant to G.L. c. 160, § 136, G.L. c. 30A, § 2, and 220 CMR 2.00, proposing regulations to improve the safety of railroads. The Department docketed this matter as D.P.U. 26-55.

The Department proposes regulations to establish practical safety standards for Grade Crossings, overpass and underpass height waivers (collectively “height waivers”), application procedures for Grade Crossing creation, Modification, or closure, increased transparency, and improved compliance. A copy of the Department’s Order Instituting Rulemaking and Proposed Regulations may be viewed on the Department’s website as referenced below.

The Department will conduct a hybrid public hearing to receive comments on the rulemaking. The Department will conduct the public hearing in person at the Department’s Boston office located at **One South Station, 3<sup>rd</sup> Floor, Boston, MA 02110**, on **Tuesday, September 22, 2026**, beginning at **2:00 p.m.** Simultaneously, the Department will conduct the public hearing using Zoom videoconferencing. Attendees can join by entering the link, <https://us06web.zoom.us/j/82683288456>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the hearing, attendees can dial in at 1-646-558-8656 (not toll free) and then enter **ID# 826 8328 8456**. If you anticipate providing comments via Zoom during the public hearing, please send an email by Monday, September 21, 2026, to [Kate.E.Timberlake@mass.gov](mailto:Kate.E.Timberlake@mass.gov) with your name, email address, and mailing address, or leave a voicemail message by Monday, September 21, 2026, at 857-505-1119 with your name, telephone number, and mailing address. Individuals attending the in-person hearing will be asked to register at the hearing if they wish to provide public comment but may also register in advance using one of the methods listed above.

The Department will conduct an additional public hearing to receive comments on the rulemaking in person on **Wednesday, September 23, 2026**, beginning at 10:00 a.m. in Springfield, Massachusetts. The public hearing will be conducted at the **Springfield State Office Building, 3<sup>rd</sup> Floor Courtroom, 436 Dwight Street, Springfield, MA 01103**. Individuals attending the in-person hearing will be asked to register at the hearing if they wish to provide public comment but may also register in advance using one of the methods listed above.

Alternatively, any person who desires to provide written comment on this matter may submit their comments to the Department no later than the close of business (5:00 p.m.) on Monday, September 21, 2026, and reply written comments no later than the close of business (5:00 p.m.) on Wednesday, September 30, 2026. All written comments should be submitted in electronic format by e-mail attachment to the Department to the following distribution list:

[dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [Kate.E.Timberlake@mass.gov](mailto:Kate.E.Timberlake@mass.gov). The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 26-55); (2) the name of the person, entity, or company submitting the filing; and (3) a brief descriptive title of the document. The e-mail must also include the name, title, e-mail, and telephone number of a person to contact in the event of questions about the filing. The electronic attachment file name should identify the document but should not exceed 50 characters in length.

All documents submitted in electronic format will be posted on the Department's website as soon as practicable. DPU will post docket materials on its website at:

<https://eeaonline.eea.state.ma.us/dpu/fileroom/#/dashboard> (enter "26-55"). Please note that in the interest of transparency, any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone number, or email addresses. As such, please consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Peter A. Ray, Secretary, DPU, One South Station, 3rd Floor, Boston, Massachusetts, 02110.

A summary of the proposed regulations is available in Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese or other languages upon request. Interpretation will be provided in Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, or other languages upon request. To request translation or interpretation in a language other than English, please contact Paralegal Specialist Kaylee Burgess at [dpu.ej@mass.gov](mailto:dpu.ej@mass.gov) no later than Tuesday, September 15, 2026.

Reasonable accommodations for people with disabilities (e.g. Braille, large print, electronic files, audio format) are available upon request. To request an accommodation, please contact the Department's ADA coordinator at [eeadiversity@mass.gov](mailto:eeadiversity@mass.gov) or 617-626-1282. In your communication, state the accommodation you need and why you need the accommodation. Provide contact information in case the coordinator needs more information. Please provide your request as soon as possible. The coordinator will consider but may not be able to fulfill late requests.

For further information regarding this Notice, please contact Kate Timberlake, Hearing Officer, Department of Public Utilities via e-mail at [Kate.E.Timberlake@mass.gov](mailto:Kate.E.Timberlake@mass.gov).

**Small Business Impact Statement**  
*(As required by M.G.L. c. 30A §§ 2, 3 & 5)*

**CMR No: 220 CMR 157.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation: 9**

- **Will small businesses have to create, file, or issue additional reports?**  
No. Any small business operating a railroad should already be notifying DPU if they intend to make changes at a grade crossing they own or control. These regulations formalize the process for that notification.
- **Will small businesses have to implement additional recordkeeping procedures?**  
No. There are no recordkeeping requirements in the regulations.
- **Will small businesses have to provide additional administrative oversight?**  
No. Any small business operating a railroad should already be engaging in oversight of grade crossings they own or control.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**  
No. Additional employees will likely not be necessary.
- **Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**  
No. There is no requirement that a small business hire additional professionals to comply with the regulations, in that they likely already hire engineers to prepare plans for grade crossing features and systems. If a grade crossing provides inadequate safety features, the regulations provide a process for requiring safety improvements, which would require the use of an engineer, though that DPU authority already exists in G.L. c. 160.
- **Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?**  
Yes. Small businesses operating railroads over private grade crossings with no right of entry by the public will need to provide crossbuck or equivalent signage for those crossings. Currently, crossbuck or grade crossing warning signs are available online from \$25 to \$150. Such signage for private crossings does not have to meet MUTCD standards and can be mounted next to the Emergency Notification System signage already required by FRA. Also, the regulations provide a process for DPU to require safety improvements at grade crossings, though DPU's authority already exists in Chapter 160. Moreover, DPU approval of safety improvements facilitates a railroad's access to federal funding for the improvements administered by MassDOT.
- **Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?**  
(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) No. Currently, with only statutes and no uniform application, performance outcomes are inconsistent. The regulations are drafted more as performance standards and clear procedures, and not as specific design/operational standards.
- **Do any other regulations duplicate or conflict with the proposed regulation?**  
No. Other regulations do not duplicate or conflict with the proposed regulations.
- **Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?**  
Yes. Small businesses operating railroads will be asked to participate in Diagnostic Teams when seeking to modify grade crossings. Participation is optional but highly encouraged. The regulation provides a process for existing DPU statutory enforcement authority.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**  
No. There is no requirement to provide educational services to keep up to date with regulatory requirements.

- **Is the regulation likely to *deter* the formation of small businesses in Massachusetts?**  
No. These regulations are not likely to deter the formation of small businesses.
- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**  
No. These regulations are not likely to encourage the formation of small businesses.
- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**  
No. These regulations do not provide for less stringent compliance or reporting for small businesses, as safety for the public is determined by the particular features of each crossing.
- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**  
No. These regulations do not establish less stringent compliance or reporting requirements for small businesses.
- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**  
No, the DPU did not consolidate requirements for small businesses. The regulations do not create significant new ongoing compliance or reporting requirements.
- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**  
No. Currently, with only statutes and no uniform application, performance outcomes are inconsistent, hindering the objectives of the proposed regulations. The regulations are drafted generally as performance standards and procedures to effectuate public safety.
- **Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**  
No. These regulations only create minimal adverse impacts on small businesses. There is no alternative that would minimize these impacts while still producing the desired regulatory public safety outcome. However, DPU approval of safety improvements facilitates a railroad's access to federal funding for the improvements administered by MassDOT.