

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0646.01 Jennifer Berman x3286

HOUSE BILL 19-1034

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A COMMON CARRIER ENGAGED IN**
102 **THE TRANSPORTATION OF PROPERTY BY RAILROAD HAVE AT**
103 **LEAST TWO CREW MEMBERS ABOARD A FREIGHT TRAIN WHILE**
104 **THE FREIGHT TRAIN IS MOVING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a common carrier engaged in the transportation of property by railroad to have at least 2 crew members aboard a railroad train or light engine operated in connection with carrying freight while

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 22, 2019

HOUSE
3rd Reading Unamended
February 5, 2019

HOUSE
Amended 2nd Reading
February 4, 2019

the freight train or light engine is moving. A violation of the requirement is a misdemeanor, punishable by a fine of \$250 to \$1,000 for a first offense, \$1,000 to \$5,000 for a second offense committed within 3 years, or \$5,000 to \$10,000 for a third or subsequent offense committed within 3 years.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 40-9-101 as
3 follows:

4 **40-9-101. Application of sections.** ~~The provisions of Sections~~
5 40-9-101 to ~~40-9-108 shall~~ 40-9-110 apply to any person who is held to
6 be a common carrier, within the meaning and purpose of said sections and
7 to any common carrier engaged in the transportation of passengers or
8 property by railroad from one point within the state to any other point
9 within the state. These sections ~~shall~~ DO not apply to the ownership or
10 operation of street transportation public utilities conducted solely as
11 common carriers in the transportation of passengers.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 40-9-110 as
13 follows:

14 **40-9-110. Railroad freight transport - number of crew**
15 **members required - penalty - legislative declaration - definition.**

16 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
17 THAT IT IS IN THE PUBLIC INTEREST TO REQUIRE THAT A COMMON CARRIER
18 ENGAGED IN THE TRANSPORTATION OF FREIGHT BY RAILROAD HAVE
19 MULTIPLE CREW MEMBERS ABOARD A RAILROAD TRAIN OR LIGHT ENGINE
20 IN ORDER TO HELP ENSURE THE PUBLIC SAFETY OF CITIZENS OF THIS STATE
21 AND THE SAFETY OF THE STATE'S WATERWAYS AND NATURAL
22 ENVIRONMENT.

23 (2) A RAILROAD TRAIN OR LIGHT ENGINE OPERATED IN

1 CONNECTION WITH CARRYING FREIGHT MUST HAVE AT LEAST TWO CREW
2 MEMBERS ABOARD WHILE THE RAILROAD TRAIN OR LIGHT ENGINE IS
3 MOVING.

4 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO:

5 (a) HELPER SERVICE;

6 (b) TRAINS THAT ARE USED PRIMARILY FOR THE PURPOSE OF
7 TRANSPORTING PEOPLE FROM ONE LOCATION TO ANOTHER OR ARE USED
8 FOR TOURISM PURPOSES SUCH AS SCENIC, HISTORIC, OR EXCURSION RIDES;

9 (c) A LOCOMOTIVE OR GROUP OF LOCOMOTIVES THAT ARE
10 TRAVELING NO MORE THAN THIRTY MILES PER HOUR OUTSIDE OF A RAIL
11 YARD AND ARE ATTACHED ONLY TO A CABOOSE;

12 (d) HOSTLER SERVICE; AND

13 (e) THE MOVEMENT OF A TRAIN FOR THE PURPOSE OF LOADING OR
14 UNLOADING FREIGHT SO LONG AS THE TRAIN IS MOVING NO MORE THAN
15 TEN MILES PER HOUR.

16 (4) A PERSON WHO WILLFULLY VIOLATES SUBSECTION (2) OF THIS
17 SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF,
18 SHALL BE PUNISHED BY A FINE OF:

19 (a) NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE
20 THAN ONE THOUSAND DOLLARS FOR A FIRST OFFENSE;

21 (b) NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN
22 FIVE THOUSAND DOLLARS FOR A SECOND OFFENSE COMMITTED WITHIN
23 THREE YEARS; OR

24 (c) NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TEN
25 THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE COMMITTED
26 WITHIN THREE YEARS.

27 (5) AS USED IN THIS SECTION:

1 (a) (I) "CREW MEMBER" MEANS AN EMPLOYEE OF THE COMMON
2 CARRIER INVOLVED IN THE OPERATION OF A RAILROAD TRAIN OR LIGHT
3 ENGINE.

4 (II) "CREW MEMBER" DOES NOT INCLUDE A HOSTLER SERVICE OR
5 UTILITY EMPLOYEE OR CONTRACTOR OF THE CARRIER.

6 (b) (I) "HELPER SERVICE" MEANS THE USE OF A LOCOMOTIVE OR A
7 GROUP OF LOCOMOTIVES TO ASSIST ANOTHER TRAIN THAT IS
8 EXPERIENCING MECHANICAL FAILURE OR LACKS THE POWER TO TRAVERSE
9 DIFFICULT TERRAIN.

10 (II) "HELPER SERVICE" INCLUDES THE TRAVEL TO OR FROM A
11 LOCATION WHERE THE ASSISTANCE IS PROVIDED.

12 (c) "HOSTLER SERVICE" MEANS THE MOVEMENT OF LOCOMOTIVES
13 THAT ARE NOT ATTACHED TO RAIL CARS WITHIN A RAIL YARD.

14 **SECTION 3. Effective date.** This act takes effect July 1, 2019.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.