

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0247.01 Richard Sweetman x4333

**HOUSE BILL 24-1030**

---

**HOUSE SPONSORSHIP**

**Mabrey**, Boesenecker, Froelich, Lindsay, Mauro, Parenti, Vigil

**SENATE SPONSORSHIP**

**Cutter and Exum**, Jaquez Lewis, Priola, Winter F.

---

**House Committees**

Transportation, Housing & Local Government  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101       **CONCERNING RAILROAD SAFETY, AND, IN CONNECTION THEREWITH,**  
102               **LIMITING THE MAXIMUM LENGTH OF A TRAIN OPERATING IN THE**  
103               **STATE, REQUIRING CERTAIN RAILROADS TO USE WAYSIDE**  
104               **DETECTOR SYSTEMS, LIMITING THE AMOUNT OF TIME A TRAIN**  
105               **MAY OBSTRUCT PUBLIC TRAVEL AT CERTAIN CROSSINGS,**  
106               **AUTHORIZING A CREW MEMBER'S DESIGNATED UNION**  
107               **REPRESENTATIVE TO INVESTIGATE CERTAIN REPORTED**  
108               **INCIDENTS, AUTHORIZING THE PUBLIC UTILITIES COMMISSION**  
109               **TO IMPOSE FINES FOR CERTAIN VIOLATIONS, REQUIRING FINE**  
110               **REVENUE TO BE PAID TO THE TRANSIT AND RAIL DIVISION IN THE**  
111               **DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF**  
112               **MAINTAINING AND IMPROVING THE SAFETY OF A FRONT RANGE**  
113               **PASSENGER RAIL SYSTEM, REQUIRING CERTAIN RAILROADS**

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

### 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/>.)*

**Transportation Legislation Review Committee.** The bill imposes safety requirements on railroads operating trains in the state. The bill specifies that:

- The length of a train must not exceed 8,500 feet;
- With certain exceptions, railroads must operate, maintain, and report the location of wayside detector systems. A wayside detector is an electronic device or a series of devices that monitors passing trains for defects.
- A train may not obstruct a public crossing for longer than 10 minutes unless the train is continuously moving or is prevented from moving by circumstances beyond the railroad's control;
- Any crew member of a train may report to the crew member's designated union representative a safety violation, injury, or death that occurred during the operation of a train. After receiving a report of a violation, a designated union representative may enter a railroad's place of operation to investigate the report during reasonable hours and after notifying the railroad.
- The public utilities commission (PUC) may impose fines for the violation of these safety requirements or for denying a union representative's access to the railroad's place of operation. The bill requires the PUC to develop guidelines for determining, imposing, and appealing fines.

The bill also creates the front range passenger rail district maintenance and safety fund (fund), which consists of money collected as fines imposed by the PUC. The fund is continuously appropriated to the state treasurer for the purpose of issuing warrants from the fund to the front range passenger rail district for safety planning and development during the research, development, and construction of a passenger rail system; maintaining a passenger rail system; and completing capital development projects to improve the safety of a passenger rail system.

The bill requires that on or before July 1, 2025, and at least once

every 3 years thereafter, each railroad offer training to each fire department having jurisdiction along tracks upon which the railroad operates in the state.

The bill requires railroads that transport hazardous material in Colorado to maintain insurance coverage that is adequate to cover costs and liabilities resulting from accidents. The PUC is required to promulgate rules establishing minimum coverage amounts.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article  
3 20 of title 40 as follows:

4 PART 3

5 RAILROAD SAFETY

6 **40-20-301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 FINDS, DETERMINES, AND DECLARES THAT:

8 (a) RAILROAD TRANSPORTATION IS A CRITICAL COMPONENT OF  
9 COLORADO'S ECONOMY AND PROVIDES EFFICIENT AND COST-EFFECTIVE  
10 MOVEMENT OF GOODS ACROSS THE STATE AND BEYOND;

11 (b) PROTECTING COLORADO'S RESIDENTS, ECOSYSTEMS, AND  
12 INFRASTRUCTURE FROM EXPOSURE TO HAZARDOUS MATERIALS CARRIED  
13 BY TRAINS IS A TOP PRIORITY OF THE GENERAL ASSEMBLY;

14 (c) TRAINS EMIT FEWER GREENHOUSE GAS EMISSIONS THAN OTHER  
15 MODES OF TRANSPORTATION, INCLUDING TRUCK TRACTORS, TRAILERS, OR  
16 SEMITRAILERS, THEREBY MAKING TRAINS A DESIRABLE  
17 CLIMATE-CONSCIOUS OPTION FOR TRANSPORTING LARGE VOLUMES OF  
18 WEIGHT AND FOR FREIGHT MOVEMENT;

19 (d) COLORADO'S FRAGILE ECOSYSTEMS, WEATHER EXTREMES,  
20 EXTENSIVE NUMBER OF HARD-TO-MAINTAIN RAILROAD TRACK MILES, AND  
21 NUMBER OF COMMUNITIES THROUGH WHICH RAILROADS OPERATE  
22 NECESSITATE THAT THE STATE TAKE DECISIVE ACTION TO PREVENT AND

1 MITIGATE POTENTIAL HARM TO THE ENVIRONMENT AND COLORADO  
2 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

3 (e) RAILROAD TRACKS FREQUENTLY BISECT COMMUNITIES WITH  
4 POPULATIONS OF BLACK PEOPLE, INDIGENOUS PEOPLE, AND OTHER PEOPLE  
5 OF COLOR AND LOW-INCOME COMMUNITIES ACROSS COLORADO, MEANING  
6 THAT ANY DERAILMENT WILL LIKELY DISPROPORTIONATELY IMPACT THOSE  
7 COMMUNITIES, WHICH NECESSITATES THAT COLORADO TAKE EXTRA  
8 PRECAUTIONS TO PREVENT DERAILMENTS;

9 (f) THE FREQUENCY OF TRAIN ACCIDENTS INVOLVING HAZARDOUS  
10 MATERIALS HAS INCREASED IN THE LAST TWENTY YEARS. BEGINNING IN  
11 1990, RAILROADS STARTED LOBBYING FOR LESS REGULATION OF THE  
12 TRANSPORTATION OF HAZARDOUS MATERIALS, AND A REDUCTION IN  
13 REGULATION RESULTED IN A GREATER NUMBER OF DERAILMENTS. WHEN  
14 RAILROADS IMPLEMENTED PRECISION SCHEDULING TO INCREASE PROFITS  
15 BEGINNING IN 2010, THE NUMBER OF DERAILMENTS INVOLVING  
16 HAZARDOUS MATERIALS INCREASED SIGNIFICANTLY.

17 (g) THE SAFE AND EFFICIENT OPERATION OF RAILROADS REQUIRES  
18 SEVERAL FACTORS, INCLUDING REGULARLY MAINTAINING RAILROAD  
19 TRACKS AND ROLLING STOCK, APPROPRIATELY USING TECHNOLOGY TO  
20 DETECT AND ADDRESS MECHANICAL AND OTHER ISSUES, EMPLOYING  
21 EXPERIENCED AND WELL-PAID WORKERS WITH CRITICAL SKILL SETS TO  
22 RECOGNIZE AND AVOID ACCIDENTS, AND LIMITING THE NUMBER OF CARS  
23 THAT TRAINS CARRY TO ENSURE THAT TRAINS HAVE REASONABLE  
24 LENGTHS.

25 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND  
26 DECLARES THAT:

27 (a) LIMITING TRAIN LENGTH HELPS AVOID EXCESSIVE STRESS ON

1 TRAIN EQUIPMENT AND RAILROAD TRACKS, ALLOWS FOR SHORTER TRAIN  
2 BRAKING DISTANCES, REDUCES THE NUMBER OF PER-TRAIN CRITICAL  
3 POINTS OF FAILURE THAT MAY EXIST, AND REDUCES THE POTENTIAL FOR  
4 OTHER ERRORS;

5 (b) SHORTER TRAINS THAT ARE WELL MAINTAINED ARE LESS  
6 SUSCEPTIBLE TO DERAILMENTS, REDUCING THE RISK OF SEVERE ACCIDENTS  
7 INVOLVING HAZARDOUS MATERIALS OR SPILLS AND OTHER INCIDENTS  
8 THAT COULD POSE A THREAT TO PUBLIC SAFETY, FRAGILE ECOSYSTEMS,  
9 AND OTHER INFRASTRUCTURE;

10 (c) WHILE TRAIN LENGTHS MAY VARY DEPENDING ON SEVERAL  
11 FACTORS, INCLUDING THE TYPE OF CARGO BEING TRANSPORTED, THE  
12 OPERATING ENVIRONMENT, THE LENGTH OF SIDING OR PASSING TRACK  
13 ALONG A MAIN LINE, AND THE CONDITION OF A RAILROAD TRACK, NEITHER  
14 CONGRESS, NOR THE FEDERAL RAILROAD ADMINISTRATION, NOR THE  
15 ASSOCIATION OF AMERICAN RAILROADS HAS TAKEN ACTION OR SPECIFIED  
16 A MAXIMUM ACCEPTABLE TRAIN LENGTH; AND

17 (d) ABSENT ANY FEDERAL BODY OR OTHER AGENCY PROVIDING  
18 RESTRICTIONS OR GUIDANCE TO RAILROADS REGARDING A REASONABLE  
19 AND APPROPRIATE TRAIN LENGTH STANDARD, ESPECIALLY CONSIDERING  
20 COLORADO'S HIGHLY COMPLEX ENVIRONMENTAL CHALLENGES AND  
21 POTENTIAL FOR CATASTROPHIC ACCIDENTS, THE GENERAL ASSEMBLY  
22 FINDS THAT IT MUST TAKE ACTION TO SET A REASONABLE TRAIN LENGTH  
23 STANDARD.

24 (3) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND  
25 DECLARES THAT:

26 (a) RAILROADS UTILIZE NUMEROUS FORMS OF AVAILABLE  
27 TECHNOLOGY TO DETECT AND PREVENT VARIOUS EQUIPMENT FAILURES,

1 INCLUDING INSTALLING WAYSIDE DETECTOR SYSTEMS ADJACENT TO A  
2 MAIN LINE;

3 (b) TWO OF THE MOST COMMON WAYSIDE DETECTOR  
4 TECHNOLOGIES THAT RAILROADS CURRENTLY USE ARE HOT BEARING  
5 DETECTORS THAT USE INFRARED SENSORS TO MEASURE THE  
6 TEMPERATURES OF BEARINGS ON PASSING TRAINS AND DRAGGING  
7 EQUIPMENT DETECTORS THAT DETECT OBJECTS DRAGGING ALONG A  
8 TRACK;

9 (c) USING HOT BEARING DETECTORS AND DRAGGING EQUIPMENT  
10 DETECTORS AT REGULAR INTERVALS ALONG A RAILROAD TRACK CAN  
11 REDUCE THE RISK OF DERAILMENTS, ACCIDENTS, AND OTHER INCIDENTS  
12 AND PROMOTE THE SAFE AND EFFICIENT MOVEMENT OF GOODS ACROSS  
13 THE STATE;

14 (d) THESE WAYSIDE DETECTOR SYSTEMS ARE HIGHLY EFFECTIVE,  
15 PREVENTIVE TOOLS THAT CAN ALERT RAILROAD CREWS TO PROBLEMS SO  
16 THEY CAN TAKE IMMEDIATE ACTION TO PREVENT ACCIDENTS OR  
17 DERAILMENTS;

18 (e) THE FEDERAL RAILROAD ADMINISTRATION RECOMMENDS BUT  
19 DOES NOT REQUIRE THE PLACEMENT OF HOT BEARING DETECTORS AT  
20 INTERVALS OF FORTY MILES, WHILE RAILROAD EXPERTS NATIONWIDE HAVE  
21 CALLED FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF HOT  
22 BEARING DETECTORS;

23 (f) THE FEDERAL RAILROAD ADMINISTRATION ALSO RECOMMENDS  
24 BUT DOES NOT REQUIRE THE INSTALLATION OF DRAGGING EQUIPMENT  
25 DETECTORS AT INTERVALS OF NO MORE THAN TWENTY-FIVE MILES ON  
26 RAILROAD TRACKS ON WHICH TRAINS OPERATE AT SPEEDS OF SIXTY MILES  
27 PER HOUR OR MORE, WHILE RAILROAD EXPERTS NATIONWIDE HAVE CALLED

1 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING  
2 EQUIPMENT DETECTORS;

3 (g) THE FEDERAL RAILROAD ADMINISTRATION'S RECOMMENDED  
4 SPACING DISTANCES DO NOT CONSIDER THE UNIQUE AND CHALLENGING  
5 DYNAMICS OF OPERATING RAILROADS SAFELY IN COLORADO, DO NOT  
6 ADEQUATELY PREVENT ACCIDENTS AND DERAILMENTS, AND DO NOT  
7 PROACTIVELY PROTECT COLORADO'S RESIDENTS, COMMUNITIES, AND  
8 ENVIRONMENT FROM HARM;

9 (h) RAILROADS ARE NOT CURRENTLY REQUIRED TO DISCLOSE  
10 WHERE WAYSIDE DETECTORS ARE INSTALLED OR WHETHER THE  
11 DETECTORS ARE OPERATIONAL, NOR ARE THEY REQUIRED TO CONSIDER  
12 VARIABLE TRACK CONDITIONS IN THE PLACEMENT OF DETECTORS.  
13 WITHOUT THIS INFORMATION, THE GENERAL ASSEMBLY, THE PUBLIC  
14 UTILITIES COMMISSION, AND THE PUBLIC ARE FORCED TO RELY ONLY ON  
15 THE ASSERTIONS OF RAILROADS THAT THEY ARE ADEQUATELY  
16 MONITORING TRACKS AND TRAINS FOR PROBLEMS.

17 (i) RECENT DERAILMENTS AND ACCIDENTS ACROSS THE COUNTRY  
18 HAVE HIGHLIGHTED THAT RAILROADS ARE NOT ADEQUATELY MONITORING  
19 FOR PROBLEMS OR TAKING PREVENTIVE ACTION, THAT SEVERE INJURY TO  
20 INDIVIDUALS AND SEVERE DAMAGE TO THE ENVIRONMENT AND  
21 INFRASTRUCTURE ARE PREVENTABLE AND UNNECESSARY, AND THAT THE  
22 GENERAL ASSEMBLY MUST TAKE ACTION;

23 (j) TRANSPARENCY AND ACCOUNTABILITY IN RAILROAD  
24 OPERATIONS ARE CRITICAL TO ENSURE THE SAFETY OF COLORADO'S  
25 RESIDENTS, PROTECT INFRASTRUCTURE AND THE ENVIRONMENT, AND  
26 PROMOTE LONG-TERM SUSTAINABILITY OF THE STATE'S ECONOMY, AND IT  
27 IS NECESSARY TO REQUIRE RAILROAD COMPANIES TO ANNUALLY REPORT

1 THE LOCATIONS OF INSTALLED WAYSIDE DETECTOR SYSTEMS AND TRAIN  
2 LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

3 (k) ABSENT A COLORADO-SPECIFIC RECOMMENDATION FROM THE  
4 FEDERAL RAILROAD ADMINISTRATION CONCERNING THE PLACEMENT OF  
5 WAYSIDE DETECTOR SYSTEMS, AND WITH NO RECOMMENDATION  
6 PENDING IN THE IMMEDIATE FUTURE, THE GENERAL ASSEMBLY DEFERS TO  
7 THE EXPERT ADVICE OF RAILROAD OPERATORS.

8 (4) THEREFORE, THE GENERAL ASSEMBLY HEREBY ENACTS THIS  
9 PART 3 TO:

10 (a) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND SAFETY IN  
11 RAILROAD OPERATIONS IN THE STATE;

12 (b) LIMIT GREENHOUSE GAS EMISSIONS;

13 (c) REDUCE THE RISK OF ACCIDENTS, DERAILMENTS, AND OTHER  
14 INCIDENTS ASSOCIATED WITH RAILROAD TRANSPORTATION; AND

15 (d) PROTECT THE HEALTH AND WELL-BEING OF COLORADO'S  
16 RESIDENTS AND ECOSYSTEMS.

17 **40-20-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "ACCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

20 (2) "CLASS II RAILROAD" HAS THE MEANING SET FORTH IN 49  
21 U.S.C. SEC. 20102 (1).

22 (3) "CLASS III RAILROAD" HAS THE MEANING SET FORTH IN 49  
23 U.S.C. SEC. 20102 (1).

24 (4) "DANGEROUS GOOD" MEANS A SUBSTANCE THAT:

25 (a) IS CORROSIVE, FLAMMABLE, EXPLOSIVE, SPONTANEOUSLY  
26 COMBUSTIBLE, OXIDIZING, OR WATER-REACTIVE;

27 (b) HAS THE POTENTIAL TO CAUSE SIGNIFICANT HARM TO AN



1 INDIVIDUAL, PROPERTY, OR THE ENVIRONMENT; AND

2 (c) DOES NOT QUALIFY AS A HAZARDOUS MATERIAL AS DEFINED IN  
3 SUBSECTION (8) OF THIS SECTION.

4 (5) "DEFECT" INCLUDES, BUT IS NOT LIMITED TO, HOT WHEEL  
5 BEARINGS, HOT WHEELS, DEFICIENT BEARINGS DETECTED THROUGH  
6 ACOUSTIC MEANS, DRAGGING OF EQUIPMENT, EXCESSIVE HEIGHT,  
7 EXCESSIVE WEIGHT, A SHIFTED LOAD, A LOOSE HOSE, IMPROPER RAIL  
8 TEMPERATURE, OR A DEFICIENT WHEEL CONDITION.

9 (6) "DRAGGING EQUIPMENT DETECTOR" MEANS AN ELECTRONIC  
10 DEVICE OR OTHER TECHNOLOGY THAT MONITORS A PASSING TRAIN TO  
11 ACTIVELY DETECT AND ALERT OPERATORS OF THE TRAIN OF THE  
12 EXISTENCE OF ANY OBJECTS DRAGGING FROM THE TRAIN.

13 (7) "FUND" MEANS THE FRONT RANGE PASSENGER RAIL DISTRICT  
14 MAINTENANCE AND SAFETY FUND CREATED IN SECTION 40-20-306.

15 (8) "HAZARDOUS MATERIAL" HAS THE MEANING SET FORTH IN 49  
16 CFR 171.8.

17 (9) "HIGHWAY-RAIL CROSSING" MEANS:

18 (a) THE POINT AT WHICH ANY PUBLIC HIGHWAY IS OR WILL BE  
19 CONSTRUCTED ACROSS THE TRACKS OR OTHER FACILITIES OF A RAILROAD  
20 AT, ABOVE, OR BELOW GRADE;

21 (b) THE POINT AT WHICH THE TRACKS OR OTHER FACILITIES OF A  
22 RAILROAD ARE OR MAY BE CONSTRUCTED ACROSS ANY PUBLIC HIGHWAY  
23 AT, ABOVE, OR BELOW GRADE;

24 (c) THE POINT AT WHICH ANY PUBLIC PATHWAY IS OR WILL BE  
25 CONSTRUCTED ACROSS PRIVATE TRACKS ON WHICH ANY RAILROAD MAY  
26 OPERATE AT, ABOVE, OR BELOW GRADE; OR

27 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY

1 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY  
2 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

3 (10) "HOT BEARINGS DETECTOR" MEANS AN INFRARED DETECTOR  
4 LOCATED ALONG RAILROAD TRACKS TO DETECT AND ALERT THE  
5 OPERATORS OF A PASSING TRAIN TO ANY OVERHEATING OF A TRAIN'S  
6 BEARINGS, AXLES, OR WHEELS.

7 (11) "INCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

8 (12) "MAIN LINE" MEANS A SEGMENT OR ROUTE OF RAILROAD  
9 TRACKS OF ANY RAILROAD OVER WHICH FIVE MILLION OR MORE GROSS  
10 TONS OF RAILROAD TRAFFIC IS TRANSPORTED ANNUALLY AS DOCUMENTED  
11 IN TIMETABLES FILED WITH THE FEDERAL RAILROAD ADMINISTRATION  
12 PURSUANT TO 49 CFR 217.7. "MAIN LINE" DOES NOT INCLUDE TOURIST,  
13 SCENIC, HISTORIC, OR EXCURSION OPERATIONS AS DEFINED IN 49 CFR  
14 238.5.

15 (13) "PASSENGER RAIL SYSTEM" HAS THE MEANING SET FORTH IN  
16 SECTION 32-22-102 (9).

17 (14) "PATHWAY CROSSING" MEANS:

18 (a) THE POINT AT WHICH ANY PUBLIC PATHWAY IS OR WILL BE  
19 CONSTRUCTED ACROSS THE TRACKS OR OTHER FACILITIES OF A RAILROAD  
20 AT, ABOVE, OR BELOW GRADE;

21 (b) THE POINT AT WHICH ANY TRACKS OR OTHER FACILITIES OF A  
22 RAILROAD ARE OR WILL BE CONSTRUCTED ACROSS ANY PUBLIC PATHWAY  
23 AT, ABOVE, OR BELOW GRADE;

24 (c) THE POINT AT WHICH ANY PUBLIC PATHWAY IS OR WILL BE  
25 CONSTRUCTED ACROSS PRIVATE TRACKS OVER WHICH ANY RAILROAD MAY  
26 OPERATE AT, ABOVE, OR BELOW GRADE; OR

27 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY

1 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY  
2 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

3 (15) "PUBLIC CROSSING" MEANS A HIGHWAY-RAIL CROSSING OR  
4 PATHWAY CROSSING WHERE THE HIGHWAY OR PATHWAY ON BOTH SIDES  
5 OF THE CROSSING IS UNDER THE JURISDICTION OF OR IS MAINTAINED BY A  
6 STATE OR LOCAL ROAD AUTHORITY AND IS OPEN TO PUBLIC TRAVEL.

7 (16) "PUBLIC UTILITIES COMMISSION" MEANS THE PUBLIC UTILITIES  
8 COMMISSION CREATED IN SECTION 40-2-101.

9 (17) "RAILROAD" MEANS A PERSON PROVIDING RAILROAD  
10 TRANSPORTATION.

11 (18) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF  
12 NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR  
13 ELECTROMAGNETIC GUIDEWAYS. "RAILROAD TRANSPORTATION" DOES NOT  
14 INCLUDE RAPID TRANSIT OPERATIONS, PUBLIC TRANSPORTATION, RAIL  
15 FIXED GUIDEWAY OPERATIONS, OR COMMUTER PASSENGER RAIL THAT:

16 (a) IS IN AN URBAN OR A SUBURBAN AREA; AND

17 (b) IS NOT CONNECTED TO A GENERAL OR AN INTERSTATE  
18 RAILROAD SYSTEM.

19 (19) "SIDING" HAS THE MEANING SET FORTH IN 49 CFR 218.93.

20 (20) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,  
21 WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO  
22 49 CFR 232 AND 49 CFR 238.

23 (21) "WAYSIDE DETECTOR" MEANS AN ELECTRONIC DEVICE OR A  
24 SERIES OF CONNECTED DEVICES THAT MONITORS A PASSING TRAIN TO  
25 DETERMINE WHETHER THE TRAIN HAS A DEFECT, INCLUDING A HOT  
26 BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR.

27 **40-20-303. Maximum train length - wayside detector system**

1 **required - exceptions - report - length of obstruction at public**  
2 **crossing.** (1) A RAILROAD SHALL NOT OPERATE A TRAIN THAT HAS A

3 LENGTH GREATER THAN EIGHT THOUSAND FIVE HUNDRED FEET ON ANY  
4 MAIN LINE IN THE STATE.

5 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION:

6 (a) ON OR BEFORE JULY 1, 2026, AND THEREAFTER, A RAILROAD  
7 OPERATING A TRAIN ON ANY MAIN LINE IN THE STATE SHALL HAVE AN  
8 OPERATIONAL AND PROPERLY MAINTAINED WAYSIDE DETECTOR SYSTEM.  
9 ALONG EACH MAIN LINE, THE WAYSIDE DETECTOR SYSTEM MUST HAVE A  
10 HOT BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR  
11 INSTALLED AT LEAST EVERY TEN MILES; EXCEPT THAT THE WAYSIDE  
12 DETECTOR SYSTEM MAY HAVE A HOT BEARINGS DETECTOR AND A  
13 DRAGGING EQUIPMENT DETECTOR INSTALLED AT LEAST EVERY FIFTEEN  
14 MILES IF THE NATURAL TERRAIN REQUIRES THE INCREASED DISTANCE.

15 (b) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY  
16 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING A TRAIN ON ANY  
17 MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES  
18 COMMISSION A REPORT THAT DISCLOSES, AT A MINIMUM, THE FOLLOWING  
19 INFORMATION:

20 (I) THE NEAREST MILEPOST NUMBER, LATITUDE AND LONGITUDE  
21 COORDINATES, OR OTHER ATTRIBUTE THAT SPECIFICALLY IDENTIFIES THE  
22 LOCATION OF EACH INSTALLED WAYSIDE DETECTOR SYSTEM;

23 (II) THE TYPE AND CHARACTERISTIC OF EACH INSTALLED WAYSIDE  
24 DETECTOR SYSTEM;

25 (III) THE OPERATIONAL STATUS OF ALL INSTALLED HOT BEARINGS  
26 DETECTORS AND DRAGGING EQUIPMENT DETECTORS; AND

27 (IV) ANY OTHER INFORMATION REGARDING WAYSIDE DETECTOR

1 SYSTEMS THAT THE PUBLIC UTILITIES COMMISSION DEEMS NECESSARY.

2 (c) AFTER A TRAIN RECEIVES A DEFECT MESSAGE FROM A WAYSIDE  
3 DETECTOR SYSTEM, THE RAILROAD OPERATING THE TRAIN SHALL:

4 (I) STOP THE TRAIN IN ACCORDANCE WITH THE RAILROAD'S  
5 APPLICABLE SAFETY PROCEDURES;

6 (II) INSPECT THE LOCATION OF THE DEFECT FROM A POSITION ON  
7 THE GROUND;

8 (III) IF THE INSPECTION INDICATES THAT THE TRAIN IS SAFE FOR  
9 MOVEMENT, PROCEED ALONG THE TRAIN'S ROUTE AT A SPEED NOT  
10 GREATER THAN TEN MILES PER HOUR IF THE TRAIN IS CARRYING A  
11 HAZARDOUS MATERIAL OR DANGEROUS GOOD OR AT A SPEED OF NOT  
12 GREATER THAN THIRTY MILES PER HOUR IF THE TRAIN IS NOT CARRYING A  
13 HAZARDOUS MATERIAL OR DANGEROUS GOOD;

14 (IV) REMOVE AND SET OUT ANY DEFECTIVE CAR AT THE EARLIEST  
15 OPPORTUNITY;

16 (V) RESUME AUTHORIZED SPEED ONLY AFTER THE NEXT WORKING  
17 WAYSIDE DETECTOR INDICATES THAT THERE ARE NO LONGER ANY  
18 DEFECTS;

19 (VI) PREPARE A WRITTEN INSPECTION REPORT; AND

20 (VII) PROVIDE THE WRITTEN INSPECTION REPORT TO THE  
21 APPROPRIATE RAILROAD OFFICIAL.

22 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A CLASS  
23 II RAILROAD OR CLASS III RAILROAD UNLESS THE RAILROAD IS  
24 TRANSPORTING HAZARDOUS MATERIAL AT A SPEED EXCEEDING TEN MILES  
25 PER HOUR.

26 (4) A RAILROAD OPERATING A TRAIN ON ANY MAIN LINE OR SIDING  
27 IN THE STATE SHALL NOT PERMIT ANY TRAIN, FREIGHT CAR, PASSENGER

1 CAR, OR RAILROAD TRANSPORTATION ENGINE TO OBSTRUCT A PUBLIC  
2 CROSSING FOR LONGER THAN TEN MINUTES. THIS SUBSECTION (4) DOES  
3 NOT APPLY IF THE TRAIN, FREIGHT CAR, PASSENGER CAR, OR RAILROAD  
4 TRANSPORTATION ENGINE IS CONTINUOUSLY MOVING OR IF  
5 CIRCUMSTANCES BEYOND THE RAILROAD'S CONTROL PREVENT THE TRAIN,  
6 FREIGHT CAR, PASSENGER CAR, OR RAILROAD TRANSPORTATION ENGINE  
7 FROM MOVING.

8 **40-20-304. Reporting violation to union representative -**  
9 **investigation - permission to enter.** (1) A CREW MEMBER OF A TRAIN  
10 OPERATED BY A RAILROAD IN THE STATE MAY REPORT TO THE CREW  
11 MEMBER'S DESIGNATED UNION REPRESENTATIVE:

12 (a) A VIOLATION OF ANY OF THE SAFETY REQUIREMENTS SPECIFIED  
13 IN THIS PART 3;

14 (b) AN INJURY THE CREW MEMBER OR ANOTHER CREW MEMBER  
15 SUSTAINED WHILE OPERATING A TRAIN ON ANY TRACK IN CONNECTION  
16 WITH RAILROAD TRANSPORTATION IN THE STATE; OR

17 (c) A DEATH THAT OCCURRED DURING THE OPERATION OF A TRAIN.

18 (2) A DESIGNATED UNION REPRESENTATIVE RECEIVING A REPORT  
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL HAVE THE ABILITY  
20 TO ENTER A RAILROAD'S INCIDENT SITE TO INVESTIGATE THE INCIDENT.  
21 BEFORE ENTERING, THE DESIGNATED UNION REPRESENTATIVE SHALL GIVE  
22 REASONABLE NOTICE TO THE APPROPRIATE RAILROAD OFFICER.

23 **40-20-305. Violations - penalties - rules.** (1) IF A RAILROAD OR  
24 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION  
25 40-20-303 OR, BY DENYING ENTRY TO A PLACE OF OPERATION, SECTION  
26 40-20-304 (2), THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF  
27 NOT LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN

1 TWENTY-FIVE THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A  
2 CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

3 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE  
4 PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF UP TO ONE HUNDRED  
5 THOUSAND DOLLARS PER VIOLATION IF THE COMMISSION FINDS:

6 (a) THE RAILROAD INTENTIONALLY OR KNOWINGLY VIOLATED  
7 SECTION 40-20-303 OR 40-20-304 (2); OR

8 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND  
9 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303 OR 40-20-304  
10 (2).

11 (3) THE PUBLIC UTILITIES COMMISSION SHALL TRANSFER ALL FINES  
12 COLLECTED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION TO  
13 THE STATE TREASURER, WHO SHALL CREDIT THE FINES TO THE FUND.

14 (4) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES  
15 FOR THE DETERMINATION, IMPOSITION, AND APPEAL OF FINES UNDER THIS  
16 SECTION.

17 **40-20-306. Front range passenger rail district maintenance**  
18 **and safety fund - created.** (1) THE FRONT RANGE PASSENGER RAIL  
19 DISTRICT MAINTENANCE AND SAFETY FUND IS HEREBY CREATED IN THE  
20 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY CREDITED TO THE  
21 FUND PURSUANT TO SECTION 40-20-305 (3) AND ANY OTHER MONEY THAT  
22 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

23 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
25 FUND TO THE FUND.

26 (3) FOR THE 2025-26 STATE FISCAL YEAR AND EACH STATE FISCAL  
27 YEAR THEREAFTER, MONEY IN THE FUND IS ANNUALLY APPROPRIATED TO

1 THE TRANSIT AND RAIL DIVISION IN THE DEPARTMENT OF  
2 TRANSPORTATION. THE DIVISION MAY EXPEND THE MONEY RECEIVED FOR  
3 THE PURPOSES OF:

4 (a) SAFETY PLANNING AND DEVELOPMENT DURING THE RESEARCH,  
5 DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

6 (b) MAINTAINING A PASSENGER RAIL SYSTEM; AND

7 (c) COMPLETING CAPITAL DEVELOPMENT PROJECTS TO IMPROVE  
8 THE SAFETY OF A PASSENGER RAIL SYSTEM.

9 **40-20-307. Training.** (1) ON OR BEFORE JULY 1, 2025, AND AT  
10 LEAST ONCE EVERY THREE YEARS THEREAFTER, EACH RAILROAD SHALL  
11 OFFER TRAINING TO EACH FIRE DEPARTMENT HAVING JURISDICTION ALONG  
12 TRACKS UPON WHICH THE RAILROAD OPERATES IN THE STATE. IN  
13 SATISFYING THIS REQUIREMENT, A RAILROAD MAY OFFER SUCH TRAINING  
14 SIMULTANEOUSLY TO MORE THAN ONE FIRE DEPARTMENT.

15 (2) THE TRAINING DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
16 MUST:

17 (a) ADDRESS THE GENERAL HAZARDS OF DANGEROUS GOODS AND  
18 HAZARDOUS MATERIALS, TECHNIQUES TO ASSESS RISKS POSED TO THE  
19 ENVIRONMENT AND TO THE SAFETY OF EMERGENCY RESPONDERS AND THE  
20 PUBLIC, FACTORS AN INCIDENT COMMANDER MUST CONSIDER IN  
21 DETERMINING WHETHER TO ATTEMPT TO SUPPRESS A FIRE OR TO  
22 EVACUATE THE PUBLIC AND EMERGENCY RESPONDERS FROM AN AREA,  
23 AND OTHER STRATEGIES FOR INITIAL RESPONSE BY EMERGENCY  
24 RESPONDERS; AND

25 (b) INCLUDE SAFETY DRILLS THAT IMPLEMENT SUGGESTED  
26 PROTOCOLS OR PRACTICES FOR EMERGENCY RESPONDERS TO USE TO  
27 SAFELY ACCOMPLISH THE TASKS DESCRIBED IN SUBSECTION (2)(a) OF THIS



1 SECTION.

2 **40-20-308. Insurance coverage required - rules - investigations**

3 **- public hearings - violations - fines.** (1) IN ADDITION TO ANY  
4 INSURANCE COVERAGE REQUIRED BY ANY PROVISION OF LAW, A RAILROAD  
5 THAT TRANSPORTS HAZARDOUS MATERIAL IN COLORADO SHALL MAINTAIN  
6 INSURANCE COVERAGE IN AN AMOUNT THAT IS ADEQUATE TO PAY FOR  
7 COSTS, DAMAGES, AND LIABILITIES ARISING FROM ACCIDENTS INVOLVING  
8 SUCH TRANSPORTATION. A RAILROAD SHALL MAINTAIN THE INSURANCE  
9 COVERAGE IN THE MINIMUM AMOUNTS AS ARE REQUIRED BY RULES  
10 PROMULGATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO  
11 SUBSECTION (3) OF THIS SECTION.

12 (2) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE EACH  
13 JANUARY 1 THEREAFTER, EACH RAILROAD THAT TRANSPORTS HAZARDOUS  
14 MATERIAL IN COLORADO SHALL SUBMIT TO THE PUBLIC UTILITIES  
15 COMMISSION A CERTIFICATE OF INSURANCE OR SIMILAR DOCUMENTATION  
16 THAT DEMONSTRATES THE RAILROAD'S COMPLIANCE WITH THIS SECTION  
17 AND RULES PROMULGATED PURSUANT TO THIS SECTION.

18 (3) ON OR BEFORE NOVEMBER 1, 2024, THE PUBLIC UTILITIES  
19 COMMISSION SHALL PROMULGATE RULES ESTABLISHING MINIMUM  
20 INSURANCE COVERAGE REQUIREMENTS FOR RAILROADS THAT TRANSPORT  
21 HAZARDOUS MATERIAL IN COLORADO, AS DESCRIBED IN SUBSECTION (1)  
22 OF THIS SECTION. IN ESTABLISHING THE REQUIREMENTS, THE PUBLIC  
23 UTILITIES COMMISSION SHALL CONSIDER THE TYPE AND QUANTITY OF  
24 HAZARDOUS MATERIALS TRANSPORTED, THE ROUTES USED, AND OTHER  
25 RELEVANT RISK FACTORS.

26 (4) THE PUBLIC UTILITIES COMMISSION SHALL CONDUCT PERIODIC  
27 AUDITS OR INVESTIGATIONS TO ENSURE EACH RAILROAD'S COMPLIANCE

1 WITH THE INSURANCE REQUIREMENTS DESCRIBED IN THIS SECTION.

2 (5) AT LEAST ONCE EACH YEAR, THE PUBLIC UTILITIES COMMISSION  
3 SHALL HOLD A PUBLIC HEARING AT WHICH INTERESTED STAKEHOLDERS  
4 AND MEMBERS OF THE PUBLIC MAY PROVIDE COMMENTS CONCERNING THE  
5 IMPLEMENTATION OF THIS SECTION.

6 (6) A RAILROAD THAT VIOLATES THIS SECTION IS SUBJECT TO A  
7 FINE IN AN AMOUNT OF AT LEAST ONE THOUSAND DOLLARS, BUT NOT  
8 EXCEEDING FIVE THOUSAND DOLLARS, FOR EACH DAY OF  
9 NONCOMPLIANCE.

10 **40-20-309. Severability.** IF ANY PROVISION OF THIS PART 3 OR THE  
11 APPLICATION OF THIS PART 3 TO ANY PERSON OR CIRCUMSTANCE IS HELD  
12 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
13 APPLICATIONS OF THIS PART 3 THAT CAN BE GIVEN EFFECT WITHOUT THE  
14 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF  
15 THIS PART 3 ARE DECLARED TO BE SEVERABLE.

16 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal  
17 year, \$11,651 is appropriated to the department of regulatory agencies for  
18 use by the public utilities commission. This appropriation is from the  
19 general fund. To implement this act, the commission may use this  
20 appropriation as follows:

21 (a) \$11,523 for personal services, which amount is based on an  
22 assumption that the commission will require an additional 0.1 FTE; and

23 (b) \$128 for operating expenses.

24 **SECTION 3. Effective date.** This act takes effect July 1, 2024.

25 **SECTION 4. Safety clause.** The general assembly finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.