

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 16-0711.01 Jennifer Berman x3286

HOUSE BILL 16-1136

HOUSE SPONSORSHIP

Esgar, Danielson, Winter, Melton, Garnett, Mitsch Bush, Tyler, Lebsock, Duran, Primavera

SENATE SPONSORSHIP

Garcia,

House Committees
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Senate Committees

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://www.leg.state.co.us/billsummaries>.)

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 indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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~~ 40-9-108.5 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** 40-9-108.5 as
13 follows:

14 **40-9-108.5. Railroad freight transport - number of crew**
15 **members required - penalty - legislative declaration - definitions.**

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

23 (2) (a) 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 (b) THE CREW MEMBER REQUIREMENT SET FORTH IN PARAGRAPH
5 (a) OF THIS SUBSECTION (2) DOES NOT APPLY TO:

6 (I) A RAILROAD TRAIN OR LIGHT ENGINE OPERATED BY REMOTE
7 CONTROL IN COMPLIANCE WITH THE FEDERAL RAILROAD
8 ADMINISTRATION'S RULES; OR

9 (II) HOSTLER SERVICE, UTILITY EMPLOYEE SERVICE, OR
10 DISTRIBUTED POWER HELPER SERVICE.

11 (3) ON AN ANNUAL BASIS, THE PUBLIC UTILITIES COMMISSION
12 SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW
13 COMMITTEE CREATED IN SECTION 43-2-145, C.R.S., ON THE NUMBER OF
14 VIOLATIONS OF SUBSECTION (2) OF THIS SECTION THAT OCCURRED IN THE
15 PREVIOUS TWELVE MONTHS. FOR EACH VIOLATION REPORTED, THE
16 COMMISSION SHALL INDICATE WHETHER THE RAILROAD TRAIN OR LIGHT
17 ENGINE WAS CARRYING HAZARDOUS MATERIAL, COAL, FREIGHT, MILITARY
18 EQUIPMENT, OTHER COMMODITIES, OR ANY COMBINATION THEREOF.

19 (4) AS USED IN THIS SECTION:

20 (a) "CREW MEMBER" MEANS AN EMPLOYEE OF THE COMMON
21 CARRIER INVOLVED IN THE OPERATION OF A RAILROAD TRAIN OR LIGHT
22 ENGINE.

23 (b) "LIGHT ENGINE" MEANS A LOCOMOTIVE THAT IS NOT
24 ATTACHED TO A RAILROAD CAR.

25 (5) (a) THIS SECTION IS REPEALED IF THE FEDERAL RAILROAD
26 ADMINISTRATION PROMULGATES A RULE, OR THE UNITED STATES
27 CONGRESS ENACTS AND THE PRESIDENT SIGNS FEDERAL LEGISLATION,

1 MANDATING THE MINIMUM NUMBER OF CREW MEMBERS THAT MUST BE
2 ABOARD A RAILROAD TRAIN OR LIGHT ENGINE.

3 (b) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL
4 NOTIFY THE REVISOR OF STATUTES, IN WRITING, IF THE CONDITION
5 SPECIFIED IN THIS SUBSECTION (5) OCCURS.

6 **SECTION 3. Effective date.** This act takes effect July 1, 2016.

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