



**Colorado  
Legislative  
Council  
Staff**

**HB16-1136**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated February 8, 2016)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0711  
**Prime Sponsor(s):** Rep. Esgar  
Sen. Garcia

**Date:** February 26, 2016  
**Bill Status:** House Second Reading  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** MULTIPLE CREW MEMBERS REQUIRED FOR FREIGHT TRAINS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload increase.		

**Summary of Legislation**

The bill, *as amended by the House Transportation and Energy Committee*, requires a common carrier engaged in the transportation of freight by railroad (i.e. the freight rail industry) to have at least two crew members aboard freight trains when in motion, with exceptions. The two exceptions to the two crew requirement are: when the train is operated by remote in compliance with Federal Railroad Administration (FRA) rule; and when operated by a hostler, utility employee, or distributed power helper service.

The Public Utilities Commission (PUC) in the Department of Regulatory Agencies (DORA) is required to report annually on the number of violations that occurred under the bill to the Transportation Legislation Review Committee. The report must include the type of cargo the freight train was carrying at the time of violation.

Finally, the bill self-repeals if a federal rule or law mandates the minimum number of crew members required for freight trains. If this condition occurs, the PUC director is required to notify the revisor of statutes.

**Background**

There are about 15 freight railroads operating in the state currently. Currently, railroads report only their intrastate revenues to the PUC on an annual basis.

**State Expenditures**

Overall, this bill is expected to minimally increase workload in the PUC in DORA beginning in FY 2016-17.

**Public Utilities Commission.** The PUC will conduct minor rulemaking in order to require railroads to report the violation information required under the bill. The PUC will also experience a minimal workload increase to meet the reporting requirements under the bill. Finally, the PUC will be required to update its rules to reflect the minimum crew requirement and exceptions outlined in the bill. Overall, the workload impact is expected to be accomplished within existing appropriations.

**Effective Date**

The bill takes effect July 1, 2016.

**State and Local Government Contacts**

Counties  
Municipalities  
Revenue

Corrections  
Public Safety  
Sheriffs

Judicial  
Regulatory Agencies  
Transportation