

**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 and Mauro, Epps, Boesenecker, Froelich, Lindsay, Parenti, Vigil, Amabile, Bacon, Bird, Brown, Daugherty, Duran, Epps, Garcia, Hamrick, Hernandez, Herod, Joseph, Kipp, Lieder, Lindstedt, Martinez, Marvin, McCormick, Ortiz, Ricks, Rutinel, Sirota, Snyder, Story, Titone, Weissman, Willford, Woodrow, Young

SENATE SPONSORSHIP

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

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING RAILROAD SAFETY, AND, IN CONNECTION THEREWITH,**
102 **REQUIRING CERTAIN RAILROADS TO USE WAYSIDE DETECTOR**
103 **SYSTEMS, OPERATE TRAINS IN A MANNER THAT MINIMIZES THE**
104 **OBSTRUCTION OF EMERGENCY VEHICLES AT HIGHWAY-RAIL**
105 **CROSSINGS, AND, WHEN NECESSARY TO ALLOW AN EMERGENCY**
106 **VEHICLE TO PASS, SEPARATE A TRAIN;** AUTHORIZING A CREW
107 MEMBER'S DESIGNATED UNION REPRESENTATIVE TO
108 INVESTIGATE CERTAIN REPORTED **INCIDENTS;** AUTHORIZING THE
109 PUBLIC UTILITIES COMMISSION TO IMPOSE FINES FOR CERTAIN
110 **VIOLATIONS;** REQUIRING FINE REVENUE TO BE PAID TO THE
111 **TRANSIT AND RAIL DIVISION IN THE DEPARTMENT OF**
112 **TRANSPORTATION** FOR THE PURPOSES OF MAINTAINING AND
113 IMPROVING THE SAFETY OF A PASSENGER **RAIL SYSTEM;**

*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.*

HOUSE
3rd Reading Unamended
April 5, 2024

HOUSE
Amended 2nd Reading
April 3, 2024

101 CREATING THE OFFICE OF RAIL SAFETY; CREATING THE
102 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE; AND MAKING
103 AN APPROPRIATION.

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

1 NECESSITATE THAT THE STATE TAKE DECISIVE ACTION TO PREVENT AND
2 MITIGATE POTENTIAL HARM TO THE ENVIRONMENT AND COLORADO
3 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

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

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

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

26 == ==

27 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND

1 DECLARES THAT:

2 (a) RAILROADS UTILIZE NUMEROUS FORMS OF AVAILABLE
3 TECHNOLOGY TO DETECT AND PREVENT VARIOUS EQUIPMENT FAILURES,
4 INCLUDING INSTALLING WAYSIDE DETECTOR SYSTEMS ADJACENT TO A
5 MAIN LINE;

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

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

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

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

26 (f) THE FEDERAL RAILROAD ADMINISTRATION ALSO RECOMMENDS
27 BUT DOES NOT REQUIRE THE INSTALLATION OF DRAGGING EQUIPMENT

1 DETECTORS AT INTERVALS OF NO MORE THAN TWENTY-FIVE MILES ON
2 RAILROAD TRACKS ON WHICH TRAINS OPERATE AT SPEEDS OF SIXTY MILES
3 PER HOUR OR MORE, WHILE RAILROAD EXPERTS NATIONWIDE HAVE CALLED
4 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING
5 EQUIPMENT DETECTORS;

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

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

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

26 (j) TRANSPARENCY AND ACCOUNTABILITY IN RAILROAD
27 OPERATIONS ARE CRITICAL TO ENSURE THE SAFETY OF COLORADO'S

1 RESIDENTS, PROTECT INFRASTRUCTURE AND THE ENVIRONMENT, AND
2 PROMOTE LONG-TERM SUSTAINABILITY OF THE STATE'S ECONOMY, AND IT
3 IS NECESSARY TO REQUIRE RAILROAD COMPANIES TO ANNUALLY REPORT
4 THE LOCATIONS OF INSTALLED WAYSIDE DETECTOR SYSTEMS AND TRAIN
5 LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

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

11 (3) THEREFORE, THE GENERAL ASSEMBLY HEREBY ENACTS THIS
12 PART 3 TO:

13 (a) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND SAFETY IN
14 RAILROAD OPERATIONS IN THE STATE;

15 (b) LIMIT GREENHOUSE GAS EMISSIONS;

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

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

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

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

23 (2) "CLASS I RAILROAD" HAS THE MEANING SET FORTH IN 49
24 U.S.C. SEC. 20102 (1).

25 (3) "CLASS II RAILROAD" HAS THE MEANING SET FORTH IN 49
26 U.S.C. SEC. 20102 (1).

27 (4) "CLASS III RAILROAD" HAS THE MEANING SET FORTH IN 49

1 U.S.C. SEC. 20102 (1).

2 (5) "COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" MEANS THE
3 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" CREATED IN SECTION
4 40-20-313.

5 (6) "DANGEROUS GOOD" MEANS A SUBSTANCE THAT:

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

8 (b) HAS THE POTENTIAL TO CAUSE SIGNIFICANT HARM TO AN
9 INDIVIDUAL, PROPERTY, OR THE ENVIRONMENT; AND

10 (c) DOES NOT QUALIFY AS A HAZARDOUS MATERIAL AS DEFINED IN
11 SUBSECTION (11) OF THIS SECTION.

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

17 (8) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
18 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

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

23 (10) "FUND" MEANS THE ■ RAIL DISTRICT MAINTENANCE AND
24 SAFETY FUND CREATED IN SECTION 40-20-309.

25 (11) "HAZARDOUS MATERIAL" HAS THE MEANING SET FORTH IN 49
26 CFR 171.8.

27 (12) "HIGHWAY-RAIL CROSSING" MEANS:

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

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

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

10 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY
11 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY
12 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

13 (13) "HOT BEARINGS DETECTOR" MEANS AN INFRARED DETECTOR
14 LOCATED ALONG RAILROAD TRACKS TO DETECT AND ALERT THE
15 OPERATORS OF A PASSING TRAIN TO ANY OVERHEATING OF A TRAIN'S
16 BEARINGS, AXLES, OR WHEELS.

17 (14) "INCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

18 (15) "MAIN LINE" MEANS A SEGMENT OR ROUTE OF RAILROAD
19 TRACKS OF ANY RAILROAD OVER WHICH FIVE MILLION OR MORE GROSS
20 TONS OF RAILROAD TRAFFIC IS TRANSPORTED ANNUALLY AS DOCUMENTED
21 IN TIMETABLES FILED WITH THE FEDERAL RAILROAD ADMINISTRATION
22 PURSUANT TO 49 CFR 217.7. "MAIN LINE" DOES NOT INCLUDE TOURIST,
23 SCENIC, HISTORIC, OR EXCURSION OPERATIONS AS DEFINED IN 49 CFR
24 238.5.

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

27 (17) "PATHWAY CROSSING" MEANS:

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

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

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

10 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY
11 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY
12 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

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

17 (19) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS
18 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

19 (20) "RAIL INDUSTRY SAFETY ADVISORY COMMITTEE" MEANS THE
20 RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED IN SECTION
21 40-20-314.

22 (21) "RAILROAD" MEANS A PERSON PROVIDING RAILROAD
23 TRANSPORTATION.

24 (22) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF
25 NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR
26 ELECTROMAGNETIC GUIDEWAYS. "RAILROAD TRANSPORTATION" DOES NOT
27 INCLUDE RAPID TRANSIT OPERATIONS, PUBLIC TRANSPORTATION, RAIL

1 FIXED GUIDEWAY OPERATIONS, OR COMMUTER PASSENGER RAIL THAT:

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

3 (b) IS NOT CONNECTED TO A GENERAL OR AN INTERSTATE
4 RAILROAD SYSTEM.

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

6 (24) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,
7 WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO
8 49 CFR 232 AND 49 CFR 238.

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

13 **40-20-303. Wayside detector system required - exceptions -**
14 **report - length of obstruction at public crossing. (1)** EXCEPT AS
15 DESCRIBED IN SUBSECTION (2) OF THIS SECTION:

16 (a) ON OR BEFORE JULY 1, 2026, AND THEREAFTER, A RAILROAD
17 OPERATING A TRAIN ON ANY MAIN LINE IN THE STATE SHALL HAVE AN
18 OPERATIONAL AND PROPERLY MAINTAINED WAYSIDE DETECTOR SYSTEM.
19 ALONG EACH MAIN LINE, THE WAYSIDE DETECTOR SYSTEM MUST HAVE A
20 HOT BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR
21 INSTALLED AT LEAST EVERY TEN MILES; EXCEPT THAT THE WAYSIDE
22 DETECTOR SYSTEM MAY HAVE A HOT BEARINGS DETECTOR AND A
23 DRAGGING EQUIPMENT DETECTOR INSTALLED AT LEAST EVERY FIFTEEN
24 MILES IF THE NATURAL TERRAIN REQUIRES THE INCREASED DISTANCE.

25 (b) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY
26 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING A TRAIN ON ANY
27 MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES

1 COMMISSION A REPORT THAT DISCLOSES, AT A MINIMUM, THE FOLLOWING
2 INFORMATION:

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

6 (II) THE TYPE AND CHARACTERISTIC OF EACH INSTALLED WAYSIDE
7 DETECTOR SYSTEM;

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

10 (IV) ANY OTHER INFORMATION REGARDING WAYSIDE DETECTOR
11 SYSTEMS THAT THE PUBLIC UTILITIES COMMISSION DEEMS NECESSARY.

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

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

16 (II) INSPECT THE LOCATION OF THE DEFECT FROM A POSITION ON
17 THE GROUND;

18 (III) IF THE INSPECTION INDICATES THAT THE TRAIN IS SAFE FOR
19 MOVEMENT, PROCEED ALONG THE TRAIN'S ROUTE AT A SPEED NOT
20 GREATER THAN TEN MILES PER HOUR IF THE TRAIN IS CARRYING A
21 HAZARDOUS MATERIAL OR DANGEROUS GOOD OR AT A SPEED OF NOT
22 GREATER THAN THIRTY MILES PER HOUR IF THE TRAIN IS NOT CARRYING A
23 HAZARDOUS MATERIAL OR DANGEROUS GOOD;

24 (IV) REMOVE AND SET OUT ANY DEFECTIVE CAR AT THE EARLIEST
25 OPPORTUNITY;

26 (V) RESUME AUTHORIZED SPEED ONLY AFTER THE NEXT WORKING
27 WAYSIDE DETECTOR INDICATES THAT THERE ARE NO LONGER ANY

1 DEFECTS;

2 (VI) PREPARE A WRITTEN INSPECTION REPORT; AND

3 (VII) PROVIDE THE WRITTEN INSPECTION REPORT TO THE
4 APPROPRIATE RAILROAD OFFICIAL.

5 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A CLASS
6 II RAILROAD OR CLASS III RAILROAD UNLESS THE RAILROAD IS
7 TRANSPORTING HAZARDOUS MATERIAL AT A SPEED EXCEEDING TEN MILES
8 PER HOUR.

9 (3) (a) EXCEPT FOR TRAINS OR EQUIPMENT STOPPED DUE TO
10 MECHANICAL FAILURE WHERE SEPARATION OR MOVEMENT IS NOT
11 POSSIBLE, AND EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW, ANY
12 TRAIN OR EQUIPMENT OPERATING ON A MAIN LINE OR SIDING IN THE STATE
13 SHALL BE OPERATED IN SUCH A MANNER AS TO MINIMIZE OBSTRUCTION OF
14 EMERGENCY VEHICLES AT HIGHWAY-RAIL CROSSINGS. WHERE SUCH
15 OBSTRUCTION OCCURS AND THE TRAIN CREW IS AWARE OF THE
16 OBSTRUCTION, THE TRAIN CREW SHALL IMMEDIATELY TAKE ANY ACTION,
17 CONSISTENT WITH SAFE OPERATING PROCEDURES, NECESSARY TO CLEAR
18 THE HIGHWAY-RAIL CROSSING.

19 (b) UPON THE APPROACH OF AN EMERGENCY VEHICLE, IF THE
20 EMERGENCY VEHICLE GIVES WARNING OF ITS APPROACH BY THE SOUNDING
21 OF SIRENS, FLASHING OF LIGHTS, WAVING OF A FLAG, OR ANY OTHER
22 WARNING SUFFICIENT TO ATTRACT ATTENTION TO THE EMERGENCY
23 VEHICLE, THE TRAIN CREW SHALL SEPARATE THE TRAIN OR EQUIPMENT
24 AND CLEAR THE CROSSING WITH ALL POSSIBLE DISPATCH TO PERMIT THE
25 EMERGENCY VEHICLE TO PASS.

26 (c) AS USED IN THIS SUBSECTION (3), "EMERGENCY VEHICLE"
27 MEANS:

- 1 (I) AN AMBULANCE OPERATED BY A PUBLIC AUTHORITY OR BY A
2 PRIVATE PERSON;
- 3 (II) A POLICE VEHICLE;
- 4 (III) A FIRE ENGINE;
- 5 (IV) A VEHICLE OPERATED BY A POWER COMPANY, ELECTRIC
6 COMPANY, OR OTHER PUBLIC UTILITY;
- 7 (V) A VEHICLE USED FOR EMERGENCY PURPOSES BY THE FEDERAL
8 GOVERNMENT OF THE UNITED STATES; OR
- 9 (VI) ANY OTHER VEHICLE THAT IS BEING OPERATED FOR THE
10 PURPOSE OF SAVING LIFE OR PROPERTY OR RESPONDING TO ANY PUBLIC
11 PERIL.

12 **40-20-304. Emergency operations. (1) STATE EMERGENCY**
13 **RESPONSE AUTHORITIES MAY TAKE ACTIONS NECESSARY TO PROTECT**
14 **RAILROADS, RAIL WORKERS, AND PUBLIC SAFETY IN THE EVENT OF AN**
15 **EMERGENCY SUCH AS WILDFIRE, FLOOD, EARTH MOVEMENT, OR CIVIL**
16 **DISORDER, INCLUDING STOPPING OR REROUTING RAIL TRAFFIC IF DEEMED**
17 **NECESSARY.**

18 (2) A RAILROAD SHALL RESPOND TO A STATE EMERGENCY
19 RESPONSE AUTHORITY PROMPTLY AND WORK CLOSELY WITH STATE AND
20 LOCAL OFFICIALS DURING EMERGENCIES TO COORDINATE RESPONSE
21 EFFORTS AND ENSURE THE SAFETY OF RAIL PERSONNEL AND THE PUBLIC.

22 **40-20-305. Incident response requirements. (1)(a) A RAILROAD**
23 **OPERATING IN COLORADO THAT ACCOMMODATES HIGH-HAZARD**
24 **FLAMMABLE TRAINS OR HIGH-HAZARD HIGH-CONSEQUENCE HAZARDOUS**
25 **MATERIAL SHALL COORDINATE WITH THE DEPARTMENT OF PUBLIC SAFETY**
26 **REGARDING EMERGENCY RESPONSE AND SPILL RESPONSE CAPACITY AND**
27 **PLANNING. THE RAILROAD AND THE DEPARTMENT OF PUBLIC SAFETY**

1 SHALL COORDINATE REGARDING THE ADEQUACY OF CACHES OF
2 EQUIPMENT, SUPPLIES, AND AVAILABLE STAFF TO MITIGATE ALL HAZARDS
3 LIKELY WITHIN THE AREA COVERED BY EACH CACHE, INCLUDING
4 CONSIDERATION OF:

- 5 (I) FIRE SUPPRESSION FOAM AND FOAM SYSTEMS;
- 6 (II) ABSORBENT MATERIALS AND CONTAINMENT BOOMS;
- 7 (III) SPECIALIZED LEAK MITIGATION AND REPAIR KITS;
- 8 (IV) CHEMICAL PROTECTIVE CLOTHING;
- 9 (V) PERSONNEL DECONTAMINATION SUPPLIES;
- 10 (VI) INTEROPERABLE COMMUNICATION EQUIPMENT; AND
- 11 (VII) RESPONSE TIMES.

12 (b) A RAILROAD SHALL ENSURE THAT LOCAL AND STATE FIRST
13 RESPONDERS HAVE ACCESS TO THE CACHED EQUIPMENT NECESSARY TO
14 RESPOND TO RAIL INCIDENTS.

15 (c) RESOURCES DESCRIBED IN THIS SUBSECTION (1) MAY BE
16 MAINTAINED:

17 (I) AS PARTNERSHIPS WITH FEDERAL, STATE, COUNTY, OR LOCAL
18 AGENCIES, INCLUDING LOCAL FIRE DEPARTMENTS AND POLICE
19 DEPARTMENTS; OR

20 (II) PURSUANT TO CONTRACTS BETWEEN EMERGENCY RESPONSE
21 ENTITIES.

22 (2) NOTHING IN THIS SECTION CREATES ANY DUTY FOR A LOCAL
23 GOVERNMENT; EXCEPT THAT A LOCAL GOVERNMENT MAY AGREE TO
24 ASSUME DUTIES DELEGATED TO THE LOCAL GOVERNMENT BY A RAILROAD.

25 (3) A RAILROAD MAY PARTNER WITH ONE OR MORE COUNTIES OR
26 OTHER REGIONAL ENTITIES TO SUPPORT REGIONAL HAZARDOUS MATERIALS
27 TEAMS AND CAPABILITIES.

1 (4) EACH RAILROAD SHALL COORDINATE WITH THE DEPARTMENT
2 OF PUBLIC SAFETY TO CONDUCT AT LEAST TWO HAZARDOUS MATERIALS
3 RESPONSE TABLETOP EXERCISES WITH OTHER FEDERAL, REGIONAL, STATE,
4 AND LOCAL AGENCIES, INCLUDING AT LEAST ONE SCENARIO INVOLVING
5 DERAILMENT AND RELEASE OF CRUDE OIL OR OTHER FLAMMABLE
6 MATERIALS AND AT LEAST ONE INCIDENT WITH DERAILMENT INVOLVING
7 INHALATION HAZARDS.

8 **40-20-306. Emergency notifications.** (1) WITHIN THIRTY
9 MINUTES AFTER AN EMERGENCY INVOLVING A TRAIN OCCURS, THE
10 RAILROAD OPERATING THE TRAIN SHALL NOTIFY THE STATE'S WATCH
11 CENTER OF THE EMERGENCY BY TELEPHONE OR ANOTHER AGREED-UPON
12 METHOD OF COMMUNICATION TO ENSURE THAT AUTHORITIES CAN
13 RESPOND SWIFTLY AND APPROPRIATELY. EMERGENCY CONDITIONS THAT
14 REQUIRE A RAILROAD TO PROVIDE SUCH NOTICE INCLUDE:

- 15 (a) RELEASE OF ANY HAZARDOUS MATERIAL;
- 16 (b) DEATH OF ANY INDIVIDUAL;
- 17 (c) INJURY TO ANY INDIVIDUAL THAT REQUIRES MEDICAL
18 TREATMENT IN ADDITION TO FIRST AID;
- 19 (d) ANY FIRE OR RISK OF FIRE; AND
- 20 (e) PROPERTY DAMAGE AMOUNTING TO FIFTY THOUSAND DOLLARS
21 OR MORE.

22 (2) THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS
23 SECTION MUST INCLUDE:

- 24 (a) DETAILS ABOUT THE NATURE AND SEVERITY OF THE
25 EMERGENCY, SUCH AS THE TYPE OF INCIDENT, THE LOCATION OF THE
26 INCIDENT, POTENTIAL HAZARDS INVOLVED, AND ANY IMMEDIATE ACTIONS
27 TAKEN OR REQUIRED;

1 (b) THE EXTENT OF THE IMPACT OF THE EMERGENCY, INCLUDING
2 ANY INJURIES, FATALITIES, PROPERTY DAMAGE, OR ENVIRONMENTAL
3 DAMAGE;

4 (c) IMPACTS ON OTHER SURFACE TRANSPORTATION, INCLUDING
5 BLOCKED ROADWAYS;

6 (d) IF THE EMERGENCY INVOLVES THE TRANSPORTATION OF
7 HAZARDOUS MATERIALS, SPECIFIC INFORMATION ABOUT THE MATERIALS
8 INVOLVED, THEIR QUANTITIES, AND ANY POTENTIAL RISKS TO PUBLIC
9 SAFETY OR THE ENVIRONMENT;

10 (e) RESPONSE ACTIONS TAKEN TO MITIGATE THE EMERGENCY;

11 (f) REQUESTS FOR ASSISTANCE, INCLUDING EVACUATIONS,
12 CONTAINMENT, AND ADDITIONAL RESOURCES; AND

13 (g) ANY IMMEDIATE COORDINATION EFFORTS THAT HAVE TAKEN
14 PLACE WITH LOCAL AUTHORITIES.

15 (3) AFTER PROVIDING THE EMERGENCY NOTIFICATION DESCRIBED
16 IN SUBSECTION (1) OF THIS SECTION, A RAILROAD SHALL SUBMIT
17 FOLLOW-UP REPORTS TO THE COMMISSION AND COORDINATE RESPONSE
18 EFFORTS PURSUANT TO SECTION 40-20-305.

19 (4) A RAILROAD THAT PROVIDES A NOTIFICATION DESCRIBED IN
20 SUBSECTION (1) OF THIS SECTION SHALL ALSO NOTIFY THE COMMUNITY
21 RAIL SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY
22 ADVISORY COMMITTEE OF THE INCIDENT WITHIN THIRTY DAYS AFTER
23 PROVIDING THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS
24 SECTION.

25 **40-20-307. Reporting violation to union representative -**
26 **investigation - permission to enter.** (1) A CREW MEMBER OF A TRAIN
27 OPERATED BY A RAILROAD IN THE STATE MAY REPORT TO THE CREW

1 MEMBER'S DESIGNATED UNION REPRESENTATIVE:

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

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

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

8 (2) A DESIGNATED UNION REPRESENTATIVE RECEIVING A REPORT
9 PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH UNION
10 REPRESENTATIVE IS THE RECOGNIZED REPRESENTATIVE OR THE
11 RECOGNIZED REPRESENTATIVE'S DESIGNEE UNDER THE COLLECTIVE
12 BARGAINING AGREEMENT BETWEEN THE UNION AND THE RAILROAD THAT
13 WAS INVOLVED IN THE ALLEGED VIOLATION, INJURY, OR DEATH, MAY
14 ENTER A RAILROAD'S INCIDENT SITE TO INVESTIGATE THE INCIDENT.
15 BEFORE ENTERING, THE DESIGNATED UNION REPRESENTATIVE SHALL GIVE
16 REASONABLE NOTICE TO THE APPROPRIATE RAILROAD OFFICER.

17 **40-20-308. Violations - penalties - rules.** (1) IF A RAILROAD OR
18 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION
19 40-20-303 OR, BY DENYING ENTRY TO A PLACE OF OPERATION, SECTION
20 40-20-307 (2), THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF
21 NOT LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN
22 TWENTY-FIVE THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A
23 CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

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

27 (a) THE RAILROAD INTENTIONALLY OR KNOWINGLY VIOLATED

1 SECTION 40-20-303 OR 40-20-307 (2); OR

2 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND
3 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303 OR 40-20-307
4 (2).

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

8 (4) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES
9 FOR THE DETERMINATION, IMPOSITION, AND APPEAL OF FINES UNDER THIS
10 SECTION.

11 **40-20-309. Rail district maintenance and safety fund - created.**

12 (1) THE RAIL DISTRICT MAINTENANCE AND SAFETY FUND IS HEREBY
13 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY
14 CREDITED TO THE FUND PURSUANT TO SECTION 40-20-308 (3) AND ANY
15 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
16 TRANSFER TO THE FUND.

17 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
19 FUND TO THE FUND.

20 (3) (a) FOR THE 2025-26 STATE FISCAL YEAR AND EACH STATE
21 FISCAL YEAR THEREAFTER, MONEY IN THE FUND IS ANNUALLY
22 APPROPRIATED TO THE TRANSIT AND RAIL DIVISION IN THE DEPARTMENT
23 OF TRANSPORTATION. THE DIVISION MAY EXPEND THE MONEY RECEIVED
24 FOR THE PURPOSES OF:

25 (I) SAFETY PLANNING AND DEVELOPMENT DURING THE RESEARCH,
26 DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

27 (II) MAINTAINING A PASSENGER RAIL SYSTEM; AND

1 (III) COMPLETING CAPITAL DEVELOPMENT PROJECTS TO IMPROVE
2 THE SAFETY OF A PASSENGER RAIL SYSTEM.

3 (b) MONEY IN THE FUND IS NOT INTENDED TO INCREASE THE
4 NUMBER OF FULL-TIME EMPLOYEES OF THE DEPARTMENT OF
5 TRANSPORTATION.

6 40-20-310. Training - rules. (1) ON OR BEFORE JULY 1, 2025,
7 AND AT LEAST ONCE EVERY THREE YEARS THEREAFTER, EACH RAILROAD
8 SHALL OFFER TRAINING TO EACH FIRE DEPARTMENT HAVING JURISDICTION
9 ALONG TRACKS UPON WHICH THE RAILROAD OPERATES IN THE STATE. IN
10 SATISFYING THIS REQUIREMENT, A RAILROAD MAY OFFER SUCH TRAINING
11 SIMULTANEOUSLY TO MORE THAN ONE FIRE DEPARTMENT.

12 (2) THE TRAINING DESCRIBED IN SUBSECTION (1) OF THIS SECTION
13 MUST:

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

23 (b) INCLUDE SAFETY DRILLS THAT IMPLEMENT SUGGESTED
24 PROTOCOLS OR PRACTICES FOR EMERGENCY RESPONDERS TO USE TO
25 SAFELY ACCOMPLISH THE TASKS DESCRIBED IN SUBSECTION (2)(a) OF THIS
26 SECTION. EACH RAILROAD OPERATING TRAINS IN COLORADO SHALL
27 CONDUCT AT LEAST ONE OIL CONTAINMENT, RECOVERY, AND SENSITIVE

1 AREA PROTECTION WALKTHROUGH; TABLETOP EXERCISE; OR FUNCTIONAL
2 EXERCISE INVOLVING OIL OR HAZARDOUS SUBSTANCES EVERY YEAR, AND
3 AT LEAST ONE FULL-SCALE EXERCISE EVERY FIVE YEARS, IN
4 COORDINATION WITH LOCAL EMERGENCY MANAGEMENT ORGANIZATIONS
5 AND LOCAL FIRE CHIEFS.

6 (3) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES
7 FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING RULES
8 CONCERNING TRAINING CONTENT, SAFETY DRILLS, COMMUNICATION, AND
9 RAILROAD INCIDENT RESPONSE REQUIREMENTS.

10 (4) IN SATISFYING THE REQUIREMENTS OF THIS SECTION, A
11 RAILROAD SHALL COORDINATE ITS EFFORTS WITH LOCAL LAW
12 ENFORCEMENT AGENCIES AND THE HAZARDOUS MATERIALS SECTION OF
13 THE COLORADO STATE PATROL.

14 ==
15 **40-20-311. Office of rail safety - agreement with federal**
16 **railroad administration - duties of commission, department of public**
17 **safety, and department of transportation - inspections - report -**
18 **repeal.** (1) THE OFFICE OF RAIL SAFETY IS CREATED WITH THE MISSION OF
19 ENSURING FREIGHT AND PASSENGER RAIL SAFETY IN THE STATE FOR THE
20 STATE'S UNIQUE AND DELICATE TERRAIN, ITS HEADWATERS, ITS
21 COMMUNITIES, AND ITS RAIL WORKERS. THE COMMISSION SHALL
22 ADMINISTER THE OFFICE IN ACCORDANCE WITH THIS ARTICLE 20.

23 (2) (a) AS SOON AS IS PRACTICABLE, THE COMMISSION, ON BEHALF
24 OF THE STATE, SHALL ENTER INTO AN AGREEMENT WITH THE FEDERAL
25 RAILROAD ADMINISTRATION PURSUANT TO 49 CFR 212 TO PARTICIPATE IN
26 INSPECTION AND INVESTIGATION ACTIVITIES. UNDER THE AGREEMENT, THE
27 COMMISSION SHALL SECURE THE AUTHORITY TO ADDRESS ALL RAILROAD

1 SAFETY DISCIPLINES, INCLUDING CROSSINGS, TRACK, SIGNAL AND TRAIN
2 CONTROL, MOTIVE POWER AND EQUIPMENT, OPERATING PRACTICES,
3 COMPLIANCE, AND HAZARDOUS MATERIALS.

4 (b) IF AN AGREEMENT CANNOT BE REACHED AS DESCRIBED IN
5 SUBSECTION (2)(a) OF THIS SECTION, THE COMMISSION, ON BEHALF OF THE
6 STATE, SHALL FILE AN ANNUAL CERTIFICATION PURSUANT TO 49 CFR
7 212.107.

8 (3) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND
9 THE DEPARTMENT OF TRANSPORTATION SHALL ENGAGE IN INSPECTION AND
10 INVESTIGATION ACTIVITIES AS DESCRIBED IN 49 CFR 212 TO ADDRESS
11 COMPLIANCE WITH THE REQUIREMENTS OF THIS PART 3.
12 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE AUTHORITY OF
13 THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND THE
14 DEPARTMENT OF TRANSPORTATION TO ENGAGE IN INSPECTION AND
15 INVESTIGATION ACTIVITIES PURSUANT TO THIS SECTION IS LIMITED TO:

16 (a) CLASS I RAILROADS;

17 (b) RAILROADS OPERATING ANY LINES THAT WERE USED BY CLASS
18 RAILROADS AS OF THE EFFECTIVE DATE OF THIS PART 3;

19 (c) PASSENGER RAILROADS; AND

20 (d) INTERCITY RAILROADS.

21 (4) THE ATTORNEY GENERAL MAY BRING AN ACTION, CONSISTENT
22 WITH 49 CFR 212, TO ENFORCE STATE AND FEDERAL RAILROAD SAFETY
23 REGULATIONS. IN BRINGING SUCH AN ACTION, THE ATTORNEY GENERAL
24 SHALL COMPLY WITH 49 CFR 212.115.

25 (5) AN INTERESTED PARTY MAY:

26 (a) REQUEST THAT THE COMMISSION, THE DEPARTMENT OF PUBLIC
27 SAFETY, OR THE DEPARTMENT OF TRANSPORTATION INVESTIGATE AN

1 ALLEGED VIOLATION OF THIS PART 3; AND

2 (b) REPORT AN ALLEGED VIOLATION OF THIS PART 3 OR ANY OTHER
3 SAFETY CONCERN TO THE FEDERAL RAILROAD ADMINISTRATION OR THE
4 FEDERAL SURFACE TRANSPORTATION BOARD.

5 (6) THE COMMISSION MAY SEEK, ACCEPT, AND EXPEND GIFTS,
6 GRANTS, AND DONATIONS AND FEDERAL GRANT MONEY TO PURCHASE
7 TRAINING MATERIALS AND OTHER EQUIPMENT AS NEEDED FOR THE
8 IMPLEMENTATION OF THIS SECTION.

9 (7) THE COMMISSION SHALL REGULARLY ENGAGE WITH CLASS I
10 RAILROADS, UNIONS REPRESENTING RAILROAD EMPLOYEES, LOCAL
11 GOVERNMENTS OF MUNICIPALITIES THAT CONTAIN RAILROAD LINES, FIRST
12 RESPONDER ORGANIZATIONS, DISPROPORTIONATELY IMPACTED
13 COMMUNITIES, AND ENVIRONMENTAL ORGANIZATIONS IN IMPLEMENTING
14 THIS SECTION.

15 (8) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND
16 THE DEPARTMENT OF TRANSPORTATION ARE IMMUNE FROM LIABILITY FOR
17 ACTIONS PERFORMED PURSUANT TO THIS SECTION, AS DESCRIBED IN
18 ARTICLE 10 OF TITLE 24.

19 (9) (a) ON OR BEFORE DECEMBER 1, 2024, THE COMMISSION, THE
20 DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF
21 TRANSPORTATION SHALL PROVIDE A REPORT TO THE GOVERNOR; THE
22 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE OF
23 THE HOUSE OF REPRESENTATIVES; AND THE TRANSPORTATION AND
24 ENERGY COMMITTEE OF THE SENATE. THE REPORT MUST BE DEVELOPED IN
25 CONSULTATION WITH THE COMMUNITY RAIL SAFETY ADVISORY
26 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE AND
27 INCLUDE:

1 (I) AN ASSESSMENT OF THE STAFFING LEVELS AND EQUIPMENT
2 NECESSARY TO ENSURE RAILROADS' COMPLIANCE WITH FEDERAL AND
3 STATE RULES AND REGULATIONS AND MINIMIZE RAIL SAFETY RISKS FOR
4 RAILROADS, FACILITIES, WORKERS, AND COMMUNITIES THAT INCLUDE RAIL
5 LINES;

6 (II) AN INDICATION THAT PUBLIC DATA NOT SUBJECT TO
7 EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
8 ARTICLE 72 OF TITLE 24, WILL BE SHARED WITH THE COMMUNITY RAIL
9 SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
10 COMMITTEE;

11 (III) AN ASSESSMENT OF DATA COLLECTION AND REPORTING NEEDS
12 TO ENSURE ANNUAL REPORTING ON RAIL SAFETY, INCLUDING TRAIN
13 LENGTH, FOR COVERED RAILROADS AND FACILITIES;

14 (IV) AN ASSESSMENT OF EMERGENCY RESPONSE AND CLEANUP
15 CAPACITY NEEDED FOR HAZARDOUS MATERIALS INCIDENTS INVOLVING
16 RAILROADS;

17 (V) A QUANTIFICATION OF THE ADEQUATE LEVELS OF INVESTMENT
18 NECESSARY TO REDUCE HIGHWAY-RAIL CROSSING INCIDENTS AND OTHER
19 RISKS;

20 (VI) MECHANISMS FOR ENSURING EQUITABLE INPUT FROM
21 MEMBERS OF THE PUBLIC TO STATE AGENCIES REGARDING RAIL SAFETY;

22 (VII) AN ASSESSMENT OF BEST PRACTICES FOR ENSURING
23 FINANCIAL RESPONSIBILITY FOR RESPONSE, CLEANUP, AND DAMAGES FROM
24 MAJOR RAIL EVENTS, WHICH ASSESSMENT REVIEWS BEST PRACTICES FROM
25 OTHER STATES; AND

26 (VIII) (A) A LEGISLATIVE PROPOSAL CONCERNING THE CREATION
27 OF A FEE STRUCTURE, AN ASSESSMENT, AND A GOVERNANCE BODY AND AN

1 OFFICE OF RAIL SAFETY TO ADDRESS THE NEEDS DESCRIBED IN
2 SUBSECTIONS (9)(a)(I) TO (9)(a)(VI) OF THIS SECTION, WHICH FEE
3 STRUCTURE, ASSESSMENT, AND GOVERNANCE BODY CAN BE INTRODUCED
4 AS LEGISLATION AS SOON AS THE 2025 REGULAR LEGISLATIVE SESSION
5 AND BEGIN OPERATING NO LATER THAN JANUARY 1, 2027.

6 (B) THE REPORT MUST INCLUDE A RECOMMENDATION AS TO WHICH
7 STATE AGENCY WOULD HOST THE PROPOSED GOVERNANCE BODY TO
8 ENSURE PROPER COMPLIANCE WITH STATE AND FEDERAL LAW, EQUITABLE
9 ACCESS TO COMMUNITY AND WORKER ORGANIZATIONS, AND
10 ENFORCEMENT OF SAFETY REQUIREMENTS.

11 (b) IN PREPARING THE REPORT DESCRIBED IN SUBSECTION (9)(a) OF
12 THIS SECTION, THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY,
13 AND THE DEPARTMENT OF TRANSPORTATION SHALL CONSULT WITH THE
14 ATTORNEY GENERAL, THE COMMUNITY RAIL SAFETY ADVISORY
15 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE, AND
16 INTERESTED STAKEHOLDERS, INCLUDING CLASS I RAILROADS, UNIONS
17 REPRESENTING RAILROAD EMPLOYEES, LOCAL GOVERNMENTS OF
18 MUNICIPALITIES THAT CONTAIN RAILROAD LINES, FIRST RESPONDER
19 ORGANIZATIONS, DISPROPORTIONATELY IMPACTED COMMUNITIES, AND
20 ENVIRONMENTAL ORGANIZATIONS.

21 (c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2026.

22 (10) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
23 THIS SECTION.

24 **40-20-312. Community rail safety advisory committee -**
25 **membership - duties - rail safety plan - repeal.** (1) THE COMMUNITY
26 RAIL SAFETY ADVISORY COMMITTEE IS CREATED.

27 (2) (a) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE

1 CONSISTS OF THE FOLLOWING MEMBERS:

2 (I) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
3 ON A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE
4 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

5 (II) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
6 ON A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE
7 PRESIDENT OF THE SENATE; EXCEPT THAT THE MEMBER MUST REPRESENT
8 UNION WORKERS WHO WORK ON A CLASS I FREIGHT LINE OTHER THAN THE
9 CLASS I FREIGHT LINE WHOSE UNION WORKERS ARE REPRESENTED BY THE
10 MEMBER APPOINTED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION;

11 (III) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
12 ON A CLASS II OR III RAILROAD IN THE STATE, TO BE APPOINTED BY THE
13 GOVERNOR;

14 (IV) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
15 ON A PASSENGER RAIL LINE, TO BE APPOINTED BY THE SPEAKER OF THE
16 HOUSE OF REPRESENTATIVES;

17 (V) ONE MEMBER WHO REPRESENTS A DISPROPORTIONATELY
18 IMPACTED COMMUNITY, TO BE APPOINTED BY THE PRESIDENT OF THE
19 SENATE;

20 (VI) ONE MEMBER WHO REPRESENTS A STATEWIDE
21 ENVIRONMENTAL ORGANIZATION, TO BE APPOINTED BY THE GOVERNOR;

22 AND

23 (VII) ONE MEMBER WHO REPRESENTS AN ORGANIZATION WITH A
24 MISSION TO COLLABORATE WITH ENVIRONMENTAL ORGANIZATIONS AND
25 UNION REPRESENTATIVES, TO BE APPOINTED BY THE SPEAKER OF THE
26 HOUSE OF REPRESENTATIVES.

27 (b) THE APPOINTING AUTHORITIES DESCRIBED IN SUBSECTION

1 (2)(a) OF THIS SECTION SHALL MAKE THE INITIAL APPOINTMENTS ON OR
2 BEFORE AUGUST 1, 2024.

3 (c) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
4 COMMITTEE EACH SERVE TERMS OF THREE YEARS; EXCEPT THAT:

5 (I) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
6 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(VI)
7 AND (2)(a)(VII) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF
8 ONE YEAR; AND

9 (II) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
10 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III),
11 (2)(a)(IV), AND (2)(a)(V) OF THIS SECTION SHALL EACH SERVE AN INITIAL
12 TERM OF TWO YEARS.

13 (d) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
14 COMMITTEE SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING
15 AUTHORITIES.

16 (e) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
17 COMMITTEE MAY SERVE AN UNLIMITED NUMBER OF TERMS.

18 (3) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
19 COMMITTEE SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED
20 FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES
21 INCURRED IN THE PERFORMANCE OF THE MEMBERS' DUTIES PURSUANT TO
22 THIS SECTION.

23 (4) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE IS
24 REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE
25 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE IS SCHEDULED FOR
26 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

27 **40-20-313. Rail industry safety advisory committee -**

1 membership - duties - rail safety plan - repeal. (1) THE RAIL INDUSTRY
2 SAFETY ADVISORY COMMITTEE IS CREATED.

3 (2) (a) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE
4 CONSISTS OF THE FOLLOWING NINE MEMBERS, EACH TO BE APPOINTED BY
5 THE GOVERNOR:

6 (I) TWO MEMBERS WHO REPRESENT OPERATORS OF CLASS I
7 RAILROADS OPERATING FREIGHT RAIL LINES;

8 (II) ONE MEMBER WHO REPRESENTS A RAILROAD OTHER THAN A
9 CLASS I RAILROAD, WHICH RAILROAD OPERATES A FREIGHT RAIL LINE;

10 (III) ONE MEMBER WHO REPRESENTS A RAILROAD THAT OPERATES
11 A PASSENGER RAIL LINE;

12 (IV) TWO MEMBERS WHO REPRESENT FIRST RESPONDER
13 ORGANIZATIONS; AND

14 (V) ONE MEMBER WHO REPRESENTS THE PUBLIC UTILITIES
15 COMMISSION;

16 (VI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF PUBLIC
17 SAFETY; AND

18 (VII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF
19 TRANSPORTATION.

20 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS ON
21 OR BEFORE AUGUST 1, 2024.

22 (c) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
23 COMMITTEE EACH SERVE TERMS OF THREE YEARS; EXCEPT THAT:

24 (I) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
25 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(I)
26 AND (2)(a)(II) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF
27 ONE YEAR; AND

1 (II) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
2 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III)
3 and (2)(a)(IV) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF
4 TWO YEARS.

5 (d) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
6 COMMITTEE SERVE AT THE PLEASURE OF THE GOVERNOR.

7 (e) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
8 COMMITTEE MAY SERVE AN UNLIMITED NUMBER OF TERMS.

9 (3) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
10 COMMITTEE SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED
11 FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES
12 INCURRED IN THE PERFORMANCE OF THE MEMBERS' DUTIES PURSUANT TO
13 THIS SECTION.

14 (4) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE IS
15 REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE RAIL
16 INDUSTRY SAFETY ADVISORY COMMITTEE IS SCHEDULED FOR REVIEW IN
17 ACCORDANCE WITH SECTION 2-3-1203.

18 **40-20-314. Enforcement.** THE PUBLIC UTILITIES COMMISSION
19 SHALL CONDUCT PERIODIC COMPLIANCE REPORTS TO ENSURE EACH
20 RAILROAD IS IN COMPLIANCE WITH THIS PART 3.

21 **40-20-315. Severability.** IF ANY PROVISION OF THIS PART 3 OR THE
22 APPLICATION OF THIS PART 3 TO ANY PERSON OR CIRCUMSTANCE IS HELD
23 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
24 APPLICATIONS OF THIS PART 3 THAT CAN BE GIVEN EFFECT WITHOUT THE
25 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
26 THIS PART 3 ARE DECLARED TO BE SEVERABLE.

27 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**

1 (25)(a)(III) and (25)(a)(IV) as follows:

2 **2-3-1203. Sunset review of advisory committees - legislative**
3 **declaration - definition - repeal.** (25) (a) The following statutory
4 authorizations for the designated advisory committees will repeal on
5 September 1, 2034:

6 (III) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
7 CREATED IN SECTION 40-20-313;

8 (IV) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED
9 IN SECTION 40-20-314.

10 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
11 year, \$391,057 is appropriated to the department of regulatory agencies
12 for use by the public utilities commission. This appropriation is from the
13 public utilities commission fixed utility fund, created in section 40-2-114
14 (1)(b)(II), C.R.S. To implement this act, the commission may use this
15 appropriation as follows:

16 (a) \$359,897 for personal services, which amount is based on an
17 assumption that the commission will require an additional 3.5 FTE; and

18 (b) \$31,160 for operating expenses.

19 **SECTION 4. Effective date.** This act takes effect July 1, 2024.

20 **SECTION 5. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.