

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

INTRODUCED

LLS NO. 25-0320.01 Christopher McMichael x4775

HOUSE BILL 25-1110

HOUSE SPONSORSHIP

Winter T. and Duran,

SENATE SPONSORSHIP

Pelton B.,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ALLOCATION OF COSTS TO MAINTAIN RAILROAD**
102 **CROSSINGS IN THE STATE.**

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 the public utilities commission (commission) to adopt rules requiring that, unless the applicable road authority is a local government, the total costs to maintain an existing railroad crossing (total costs) are shared equally between the railroad, railroad corporation, rail fixed guideway, transit agency, or owner of the track (railroad) and the applicable road authority. If the applicable road authority is a local

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.

government, the commission must adopt rules that require the total costs to be apportioned as follows:

- The railroad is responsible for the costs to maintain the portion of the existing railroad crossing that is between the ends of the railroad ties; and
- The local government is responsible for the costs to maintain the portion of the existing railroad crossing that is outside of the ends of the railroad ties.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-4-106, **add** (5)
3 and (6) as follows:

4 **40-4-106. Rules for public safety - crossings - civil fines -**
5 **allocation of expenses - definitions.** (5) NOTWITHSTANDING ANY
6 PROVISION OF LAW TO THE CONTRARY, THE COMMISSION SHALL ADOPT
7 RULES REQUIRING THAT:

8 (a) UNLESS THE APPLICABLE ROAD AUTHORITY IS A LOCAL
9 GOVERNMENT, THE TOTAL COSTS TO MAINTAIN AN EXISTING CROSSING,
10 INCLUDING MATERIALS, LABOR, TRAFFIC CONTROL, RAILROAD FLAGGING,
11 AND ANY NECESSARY PERMITS, ARE SHARED EQUALLY BETWEEN:

12 (I) THE RAILROAD, RAILROAD CORPORATION, RAIL FIXED
13 GUIDEWAY, TRANSIT AGENCY, OR OWNER OF THE TRACK; AND

14 (II) THE ROAD AUTHORITY; AND

15 (b) IF THE APPLICABLE ROAD AUTHORITY IS A LOCAL
16 GOVERNMENT, THE TOTAL COSTS TO MAINTAIN AN EXISTING CROSSING ARE
17 APPORTIONED AS FOLLOWS:

18 (I) THE RAILROAD, RAILROAD CORPORATION, RAIL FIXED
19 GUIDEWAY, TRANSIT AGENCY, OR OWNER OF THE TRACK IS RESPONSIBLE
20 FOR THE COSTS TO MAINTAIN THE PORTION OF THE EXISTING CROSSING
21 THAT IS BETWEEN THE ENDS OF THE RAILROAD TIES; AND

1 (II) THE LOCAL GOVERNMENT IS RESPONSIBLE FOR THE COSTS TO
2 MAINTAIN THE PORTION OF THE EXISTING CROSSING THAT IS OUTSIDE OF
3 THE ENDS OF THE RAILROAD TIES.

4 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "CROSSING" MEANS A HIGHWAY-RAIL CROSSING OR A PATHWAY
7 CROSSING.

8 (b) "HIGHWAY-RAIL CROSSING" HAS THE MEANING SET FORTH IN
9 SECTION 40-20-302 (11).

10 (c) (I) "MAINTAIN" MEANS ACTIONS NECESSARY TO PRESERVE AN
11 EXISTING CROSSING AND TO KEEP THE CROSSING FROM A STATE OF
12 DECLINE OR DISREPAIR.

13 (II) "MAINTAIN" DOES NOT INCLUDE THE INSTALLATION,
14 RECONSTRUCTION, OR IMPROVEMENT AND OPERATION OF AN AUTOMATIC
15 OR OTHER SAFETY APPLIANCE SIGNAL OR DEVICE, AS DESCRIBED IN
16 SUBSECTION (2)(b) OF THIS SECTION.

17 (d) "PATHWAY CROSSING" HAS THE MEANING SET FORTH IN
18 SECTION 40-20-302 (16).

19 (e) "RAIL FIXED GUIDEWAY" MEANS A PERSON POSSESSING RAIL
20 FIXED GUIDEWAY SYSTEM FACILITIES BY OWNERSHIP OR LEASE.

21 (f) (I) "RAIL FIXED GUIDEWAY SYSTEM" HAS THE MEANING SET
22 FORTH IN SECTION 40-18-101 (3).

23 (II) "RAIL FIXED GUIDEWAY SYSTEM" INCLUDES STREET
24 RAILROADS, STREET RAILWAYS, AND ELECTRIC RAILROADS, AS THOSE
25 TERMS ARE USED IN ARTICLE 24 OF THIS TITLE 40.

26 (g) (I) "RAILROAD" MEANS EITHER OF THE FOLLOWING, AS THE
27 CONTEXT MAY REQUIRE:

1 (A) FACILITIES, INCLUDING: TRACKS; TRACK ROADS; BRIDGES
2 USED OR OPERATED IN CONNECTION WITH THE TRACKS OR TRACK ROADS;
3 SWITCHES; SPURS; AND TERMINAL FACILITIES, FREIGHT DEPOTS, YARDS,
4 AND GROUNDS, INCLUDING RIGHTS-OF-WAY, USED OR NECESSARY FOR THE
5 TRANSPORTATION OF PASSENGERS OR PROPERTY; OR

6 (B) A PERSON POSSESSING THE FACILITIES DESCRIBED IN
7 SUBSECTION (6)(g)(I)(A) OF THIS SECTION BY OWNERSHIP OR LEASE.

8 (II) "RAILROAD" DOES NOT INCLUDE RAIL FIXED GUIDEWAYS OR
9 RAIL FIXED GUIDEWAY SYSTEMS.

10 (h) "RAILROAD CORPORATION" MEANS FIVE OR MORE PERSONS
11 ASSOCIATING TO FORM A COMPANY FOR THE PURPOSE OF CONSTRUCTING
12 AND OPERATING A RAILROAD IN ACCORDANCE WITH SECTION 40-20-101.

13 (i) "ROAD AUTHORITY" MEANS A MUNICIPALITY, COUNTY, STATE
14 AGENCY, FEDERAL AGENCY, OR OTHER GOVERNMENTAL OR
15 QUASI-GOVERNMENTAL ENTITY THAT OWNS OR MAINTAINS THE PUBLIC
16 HIGHWAY AT A HIGHWAY-RAIL CROSSING OR THE PUBLIC PATHWAY AT A
17 PATHWAY CROSSING.

18 (j) "TRANSIT AGENCY" HAS THE MEANING SET FORTH IN SECTION
19 40-18-101 (6).

20 **SECTION 2. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly; except that, if a referendum petition is filed pursuant
24 to section 1 (3) of article V of the state constitution against this act or an
25 item, section, or part of this act within such period, then the act, item,
26 section, or part will not take effect unless approved by the people at the
27 general election to be held in November 2026 and, in such case, will take

1 effect on the date of the official declaration of the vote thereon by the
2 governor.

3 (2) This act applies to costs accrued on or after the effective date
4 of this act unless the costs accrue pursuant to an agreement entered into
5 by the parties before the effective date of this act, which agreement
6 provides for the distribution of the costs to be shared between the parties.