BILL TOPIC: Railroad Safety Requirements

A BILL FOR AN ACT

Concerning railroad safety, and, in connection therewith,
limiting the maximum length of a train operating in the state, requiring certain railroads to use wayside detector systems, limiting the amount of time a train may obstruct public travel at certain crossings, authorizing a crew member’s designated union representative to investigate certain reported incidents, authorizing the public utilities commission to impose fines for certain violations, requiring fine revenue to be paid to the Front Range Passenger Rail District for the purposes of maintaining and improving the safety of a Front Range passenger rail system, and requiring certain railroads to carry insurance.

Capital letters or bold & italic numbers indicate new material to be added to existing law. Dashes through the words 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.

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

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

PART 3

RAILROAD SAFETY

40-20-301. Legislative declaration. (1) The general assembly finds, determines, and declares that:

(a) Railroad transportation is a critical component of Colorado's economy and provides efficient and cost-effective movement of goods across the state and beyond;

(b) Protecting Colorado's residents, ecosystems, and infrastructure from exposure to hazardous materials carried by trains is a top priority of the general assembly;

(c) Trains emit fewer greenhouse gas emissions than other modes of transportation, including truck tractors, trailers, or semitrailers, thereby making trains a desirable climate-conscious option for transporting large volumes of weight and for freight movement;

(d) Colorado's fragile ecosystems, weather extremes, extensive number of hard-to-maintain railroad track miles, and number of communities through which railroads operate necessitate that the state take decisive action to prevent and mitigate potential harm to the environment and Colorado
RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

(e) RAILROAD TRACKS FREQUENTLY BISECT COMMUNITIES WITH
populations of Black people, Indigenous people, and other people
of color and low-income communities across Colorado, meaning
that any derailment will likely disproportionately impact those
communities, which necessitates that Colorado take extra
precautions to prevent derailments;

(f) THE FREQUENCY OF TRAIN ACCIDENTS INVOLVING HAZARDOUS
materials has increased in the last twenty years. BEGINNING IN
1990, RAILROADS STARTED LOBBYING FOR LESS REGULATION OF THE
TRANSPORTATION OF HAZARDOUS MATERIALS, AND A REDUCTION IN
regulation resulted in a greater number of derailments. WHEN
RAILROADS IMPLEMENTED PRECISION SCHEDULING TO INCREASE PROFITS
BEGINNING IN 2010, THE NUMBER OF DERAILMENTS INVOLVING
HAZARDOUS MATERIALS INCREASED SIGNIFICANTLY.

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

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

(a) LIMITING TRAIN LENGTH HELPS AVOID EXCESSIVE STRESS ON
TRAIN EQUIPMENT AND RAILROAD TRACKS, ALLOWS FOR SHORTER TRAIN
BRAKING DISTANCES, REDUCES THE NUMBER OF PER-TRAIN CRITICAL POINTS OF FAILURE THAT MAY EXIST, AND REDUCES THE POTENTIAL FOR OTHER ERRORS;

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

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

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

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

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

(b) Two of the most common wayside detector technologies that railroads currently use are hot bearing detectors that use infrared sensors to measure the temperatures of bearings on passing trains and dragging equipment detectors that detect objects dragging along a track;

(c) Using hot bearing detectors and dragging equipment detectors at regular intervals along a railroad track can reduce the risk of derailments, accidents, and other incidents and promote the safe and efficient movement of goods across the state;

(d) These wayside detector systems are highly effective, preventive tools that can alert railroad crews to problems so they can take immediate action to prevent accidents or derailments;

(e) The federal railroad administration recommends but does not require the placement of hot bearing detectors at intervals of forty miles, while railroad experts nationwide have called for significantly greater quantity and density of hot bearing detectors;

(f) The federal railroad administration also recommends but does not require the installation of dragging equipment detectors at intervals of no more than twenty-five miles on railroad tracks on which trains operate at speeds of sixty miles per hour or more, while railroad experts nationwide have called for significantly greater quantity and density of dragging equipment detectors.
EQUIPMENT DETECTORS;

(g) The Federal Railroad Administration's recommended spacing distances do not consider the unique and challenging dynamics of operating railroads safely in Colorado, do not adequately prevent accidents and derailments, and do not proactively protect Colorado's residents, communities, and environment from harm;

(h) Railroads are not currently required to disclose where wayside detectors are installed or whether the detectors are operational, nor are they required to consider variable track conditions in the placement of detectors. Without this information, the General Assembly, the public utilities commission, and the public are forced to rely only on the assertions of railroads that they are adequately monitoring tracks and trains for problems.

(i) Recent derailments and accidents across the country have highlighted that railroads are not adequately monitoring for problems or taking preventive action, that severe injury to individuals and severe damage to the environment and infrastructure are preventable and unnecessary, and that the General Assembly must take action;

(j) Transparency and accountability in railroad operations are critical to ensure the safety of Colorado's residents, protect infrastructure and the environment, and promote long-term sustainability of the State's economy, and it is necessary to require railroad companies to annually report the locations of installed wayside detector systems and train
LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

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

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

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

(b) LIMIT GREENHOUSE GAS EMISSIONS;

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

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

40-20-302. Definitions. As used in this Part 3, unless the
context otherwise requires:

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

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

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

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

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

(b) HAS THE POTENTIAL TO CAUSE SIGNIFICANT HARM TO AN
INDIVIDUAL, PROPERTY, OR THE ENVIRONMENT; AND
(c) Does not qualify as a hazardous material as defined in subsection (8) of this section.

(5) "Defect" includes, but is not limited to, hot wheel bearings, hot wheels, deficient bearings detected through acoustic means, dragging of equipment, excessive height, excessive weight, a shifted load, a loose hose, improper rail temperature, or a deficient wheel condition.

(6) "Dragging equipment detector" means an electronic device or other technology that monitors a passing train to actively detect and alert operators of the train of the existence of any objects dragging from the train.

(7) "Fund" means the Front Range Passenger Rail District maintenance and safety fund created in section 40-20-306.

(8) "Hazardous material" has the meaning set forth in 49 CFR 171.8.

(9) "Highway-rail crossing" means:

(a) The point at which any public highway is or will be constructed across the tracks or other facilities of a railroad at, above, or below grade;

(b) The point at which the tracks or other facilities of a railroad are or may be constructed across any public highway at, above, or below grade;

(c) The point at which any public pathway is or will be constructed across private tracks on which any railroad may operate at, above, or below grade; or

(d) The point at which private tracks over which any railroad may operate are or will be constructed across any
PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

(10) "Hot bearings detector" means an infrared detector located along railroad tracks to detect and alert the operators of a passing train to any overheating of a train's bearings, axles, or wheels.

(11) "Incident" has the meaning set forth in 49 CFR 225.5.

(12) "Main line" means a segment or route of railroad tracks of any railroad over which five million or more gross tons of railroad traffic is transported annually as documented in timetables filed with the Federal Railroad Administration pursuant to 49 CFR 217.7. "Main line" does not include tourist, scenic, historic, or excursion operations as defined in 49 CFR 238.5.

(13) "Passenger rail system" has the meaning set forth in section 32-22-102 (9).

(14) "Pathway crossing" means:

(a) The point at which any public pathway is or will be constructed across the tracks or other facilities of a railroad at, above, or below grade;

(b) The point at which any tracks or other facilities of a railroad are or will be constructed across any public pathway at, above, or below grade;

(c) The point at which any public pathway is or will be constructed across private tracks over which any railroad may operate at, above, or below grade; or

(d) The point at which private tracks over which any railroad may operate are or will be constructed across any
PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

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

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

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

(18) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR ELECTROMAGNETIC GUIDeways. "RAILROAD TRANSPORTATION" DOES NOT INCLUDE RAPID TRANSIT OPERATIONS IN AN URBAN AREA THAT ARE NOT CONNECTED TO A GENERAL RAILROAD SYSTEM.

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

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

40-20-303. Maximum train length - wayside detector system required - exceptions - report - length of obstruction at public crossing. (1) A RAILROAD SHALL NOT OPERATE A TRAIN THAT HAS A LENGTH GREATER THAN EIGHT THOUSAND FIVE HUNDRED FEET ON ANY MAIN LINE IN THE STATE.

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION:
(a) A railroad operating a train on any main line in the state shall have an operational and properly maintained wayside detector system. Along each main line, the wayside detector system must have a hot bearings detector and a dragging equipment detector installed at least every ten miles; except that the wayside detector system may have a hot bearings detector and a dragging equipment detector installed at least every fifteen miles if the natural terrain requires the increased distance.

(b) On or before January 1, 2025, and on or before January 1 of each year thereafter, a railroad operating a train on any main line in the state shall submit to the Public Utilities Commission a report that discloses, at a minimum, the following information:

(I) The nearest milepost number, latitude and longitude coordinates, or other attribute that specifically identifies the location of each installed wayside detector system;

(II) The type and characteristic of each installed wayside detector system;

(III) The operational status of all installed hot bearings detectors and dragging equipment detectors; and

(IV) Any other information regarding wayside detector systems that the Public Utilities Commission deems necessary.

(c) After a train receives a defect message from a wayside detector system, the railroad operating the train shall:

(I) Stop the train in accordance with the railroad’s applicable safety procedures;
(II) Inspect the location of the defect from a position on the ground;

(III) If the inspection indicates that the train is safe for movement, proceed along the train’s route at a speed not greater than ten miles per hour if the train is carrying a hazardous material or dangerous good or at a speed of not greater than thirty miles per hour if the train is not carrying a hazardous material or dangerous good;

(IV) Remove and set out any defective car at the earliest opportunity;

(V) Prepare a written inspection report; and

(VI) Provide the written inspection report to the appropriate railroad official.

(3) Subsection (2) of this section does not apply to a Class II railroad or Class III railroad unless the railroad is transporting hazardous material at a speed exceeding ten miles per hour.

(4) A railroad operating a train on any main line in the state shall not permit any train, freight car, passenger car, or railroad transportation engine to obstruct a public crossing for longer than ten minutes. This subsection (4) does not apply if the train, freight car, passenger car, or railroad transportation engine is continuously moving or if circumstances beyond the railroad's control prevent the train, freight car, passenger car, or railroad transportation engine from moving.

40-20-304. Reporting violation to union representative -
investigation - permission to enter. (1) A crew member of a train operated by a railroad in the state may report to the crew member’s designated union representative:

(a) A violation of any of the safety requirements specified in this part 3;

(b) An injury the crew member or another crew member sustained while operating a train on any main line in the state; or

(c) A death that occurred during the operation of a train.

(2) A designated union representative receiving a report pursuant to subsection (1) of this section may enter a railroad’s place of operation during reasonable hours to investigate the report. Before entering, the designated union representative shall give reasonable notice to the appropriate railroad officer.

40-20-305. Violations - penalties - rules. (1) If a railroad or any officer, agent, or employee of the railroad violates section 40-20-303 or, by denying entry to a place of operation, section 40-20-304 (2), the public utilities commission may impose a fine of not less than ten thousand dollars but not more than twenty-five thousand dollars on the railroad. Each day of a continuing violation constitutes a separate violation.

(2) Notwithstanding subsection (1) of this section, the public utilities commission may impose a fine of up to one hundred thousand dollars per violation if the commission finds:

(a) The railroad intentionally or knowingly violated section 40-20-303 or 40-20-304 (2); or
(b) The railroad’s violation was part of a pattern and practice of repeated violations of section 40-20-303 or 40-20-304 (2).

(3) The public utilities commission shall transfer all fines collected pursuant to subsections (1) and (2) of this section to the state treasurer, who shall credit the fines to the fund.

(4) The public utilities commission shall promulgate rules for the determination, imposition, and appeal of fines under this section.

40-20-306. Front range passenger rail district maintenance and safety fund - created. (1) The front range passenger rail district maintenance and safety fund is hereby created in the state treasury. The fund consists of any money credited to the fund pursuant to section 40-20-305 (3) and any other money that the general assembly may appropriate or transfer to the fund.

(2) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.

(3) Money in the fund is continuously appropriated to the state treasurer for the purpose of issuing warrants as set forth in this subsection (3). If there is money in the fund on the last day of any calendar month, the state treasurer shall issue a warrant from the fund in the amount of the balance of the fund to the front range passenger rail district created in section 32-22-103 (1). The district may expend the money received through warrants for the purposes of:

(a) Safety planning and development during the research,
DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;
(b) MAINTAINING A PASSENGER RAIL SYSTEM; AND
(c) COMPLETING CAPITAL DEVELOPMENT PROJECTS TO IMPROVE THE SAFETY OF A PASSENGER RAIL SYSTEM.

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

(2) THE TRAINING DESCRIBED IN SUBSECTION (1) OF THIS SECTION MUST:
(a) ADDRESS THE GENERAL HAZARDS OF DANGEROUS GOODS AND HAZARDOUS MATERIALS, TECHNIQUES TO ASSESS RISKS POSED TO THE ENVIRONMENT AND TO THE SAFETY OF EMERGENCY RESPONDERS AND THE PUBLIC, FACTORS AN INCIDENT COMMANDER MUST CONSIDER IN DETERMINING WHETHER TO ATTEMPT TO SUPPRESS A FIRE OR TO EVACUATE THE PUBLIC AND EMERGENCY RESPONDERS FROM AN AREA, AND OTHER STRATEGIES FOR INITIAL RESPONSE BY EMERGENCY RESPONDERS; AND
(b) INCLUDE SUGGESTED PROTOCOLS OR PRACTICES FOR EMERGENCY RESPONDERS TO USE TO SAFELY ACCOMPLISH THE TASKS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.

40-20-308. Insurance coverage required - rules - investigations - public hearings - violations - fines. (1) IN ADDITION TO ANY INSURANCE COVERAGE REQUIRED BY ANY PROVISION OF LAW, A RAILROAD THAT TRANSPORTS HAZARDOUS MATERIAL IN COLORADO SHALL MAINTAIN
INSURANCE COVERAGE IN AN AMOUNT THAT IS ADEQUATE TO PAY FOR COSTS, DAMAGES, AND LIABILITIES ARISING FROM ACCIDENTS INVOLVING SUCH TRANSPORTATION. A RAILROAD SHALL MAINTAIN THE INSURANCE COVERAGE IN THE MINIMUM AMOUNTS AS ARE REQUIRED BY RULES PROMULGATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) ON OR BEFORE JANUARY 1, 2024, AND ON OR BEFORE EACH JANUARY 1 THEREAFTER, EACH RAILROAD THAT TRANSPORTS HAZARDOUS MATERIAL IN COLORADO SHALL SUBMIT TO THE PUBLIC UTILITIES COMMISSION A CERTIFICATE OF INSURANCE OR SIMILAR DOCUMENTATION THAT DEMONSTRATES THE RAILROAD’S COMPLIANCE WITH THIS SECTION AND RULES PROMULGATED PURSUANT TO THIS SECTION.

(3) ON OR BEFORE NOVEMBER 1, 2023, THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES ESTABLISHING MINIMUM INSURANCE COVERAGE REQUIREMENTS FOR RAILROADS THAT TRANSPORT HAZARDOUS MATERIAL IN COLORADO, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. IN ESTABLISHING THE REQUIREMENTS, THE PUBLIC UTILITIES COMMISSION SHALL CONSIDER THE TYPE AND QUANTITY OF HAZARDOUS MATERIALS TRANSPORTED, THE ROUTES USED, AND OTHER RELEVANT RISK FACTORS.

(4) THE PUBLIC UTILITIES COMMISSION SHALL CONDUCT PERIODIC AUDITS OR INVESTIGATIONS TO ENSURE EACH RAILROAD’S COMPLIANCE WITH THE INSURANCE REQUIREMENTS DESCRIBED IN THIS SECTION.

(5) AT LEAST ONCE EACH YEAR, THE PUBLIC UTILITIES COMMISSION SHALL HOLD A PUBLIC HEARING AT WHICH INTERESTED STAKEHOLDERS AND MEMBERS OF THE PUBLIC MAY PROVIDE COMMENTS CONCERNING THE IMPLEMENTATION OF THIS SECTION.
(6) A railroad that violates this section is subject to a fine in an amount of at least one thousand dollars, but not exceeding five thousand dollars, for each day of noncompliance.

SECTION 2. Effective date. This act takes effect July 1, 2024.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.