

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
9/12/23

Bill 5

LLS NO. 24-0247.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: Railroad Safety Requirements

A BILL FOR AN ACT

101 **CONCERNING RAILROAD SAFETY, AND, IN CONNECTION THEREWITH,**
102 **LIMITING THE MAXIMUM LENGTH OF A TRAIN OPERATING IN THE**
103 **STATE, REQUIRING CERTAIN RAILROADS TO USE WAYSIDE**
104 **DETECTOR SYSTEMS, LIMITING THE AMOUNT OF TIME A TRAIN**
105 **MAY OBSTRUCT PUBLIC TRAVEL AT CERTAIN CROSSINGS,**
106 **AUTHORIZING A CREW MEMBER'S DESIGNATED UNION**
107 **REPRESENTATIVE TO INVESTIGATE CERTAIN REPORTED**
108 **INCIDENTS, AUTHORIZING THE PUBLIC UTILITIES COMMISSION**
109 **TO IMPOSE FINES FOR CERTAIN VIOLATIONS, REQUIRING FINE**
110 **REVENUE TO BE PAID TO THE FRONT RANGE PASSENGER RAIL**
111 **DISTRICT FOR THE PURPOSES OF MAINTAINING AND IMPROVING**
112 **THE SAFETY OF A FRONT RANGE PASSENGER RAIL SYSTEM, AND**
113 **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.

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
22 NECESSITATE THAT THE STATE TAKE DECISIVE ACTION TO PREVENT AND
23 MITIGATE POTENTIAL HARM TO THE ENVIRONMENT AND COLORADO

1 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

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

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

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

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

26 (a) LIMITING TRAIN LENGTH HELPS AVOID EXCESSIVE STRESS ON
27 TRAIN EQUIPMENT AND RAILROAD TRACKS, ALLOWS FOR SHORTER TRAIN

1 BRAKING DISTANCES, REDUCES THE NUMBER OF PER-TRAIN CRITICAL
2 POINTS OF FAILURE THAT MAY EXIST, AND REDUCES THE POTENTIAL FOR
3 OTHER ERRORS;

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

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

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

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

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

1 MAIN LINE;

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

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

13 (d) THESE WAYSIDE DETECTOR SYSTEMS ARE HIGHLY EFFECTIVE,
14 PREVENTIVE TOOLS THAT CAN ALERT RAILROAD CREWS TO PROBLEMS SO
15 THEY CAN TAKE IMMEDIATE ACTION TO PREVENT ACCIDENTS OR
16 DERAILMENTS;

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

22 (f) THE FEDERAL RAILROAD ADMINISTRATION ALSO RECOMMENDS
23 BUT DOES NOT REQUIRE THE INSTALLATION OF DRAGGING EQUIPMENT
24 DETECTORS AT INTERVALS OF NO MORE THAN TWENTY-FIVE MILES ON
25 RAILROAD TRACKS ON WHICH TRAINS OPERATE AT SPEEDS OF SIXTY MILES
26 PER HOUR OR MORE, WHILE RAILROAD EXPERTS NATIONWIDE HAVE CALLED
27 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING

1 EQUIPMENT DETECTORS;

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

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

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

22 (j) TRANSPARENCY AND ACCOUNTABILITY IN RAILROAD
23 OPERATIONS ARE CRITICAL TO ENSURE THE SAFETY OF COLORADO'S
24 RESIDENTS, PROTECT INFRASTRUCTURE AND THE ENVIRONMENT, AND
25 PROMOTE LONG-TERM SUSTAINABILITY OF THE STATE'S ECONOMY, AND IT
26 IS NECESSARY TO REQUIRE RAILROAD COMPANIES TO ANNUALLY REPORT
27 THE LOCATIONS OF INSTALLED WAYSIDE DETECTOR SYSTEMS AND TRAIN

1 LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

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

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

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

11 (b) LIMIT GREENHOUSE GAS EMISSIONS;

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

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

16 **40-20-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

1 (c) DOES NOT QUALIFY AS A HAZARDOUS MATERIAL AS DEFINED IN
2 SUBSECTION (8) OF THIS SECTION.

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

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

12 (7) "FUND" MEANS THE FRONT RANGE PASSENGER RAIL DISTRICT
13 MAINTENANCE AND SAFETY FUND CREATED IN SECTION 40-20-306.

14 (8) "HAZARDOUS MATERIAL" HAS THE MEANING SET FORTH IN 49
15 CFR 171.8.

16 (9) "HIGHWAY-RAIL CROSSING" MEANS:

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

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

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

26 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY
27 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY

1 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

2 (10) "HOT BEARINGS DETECTOR" MEANS AN INFRARED DETECTOR
3 LOCATED ALONG RAILROAD TRACKS TO DETECT AND ALERT THE
4 OPERATORS OF A PASSING TRAIN TO ANY OVERHEATING OF A TRAIN'S
5 BEARINGS, AXLES, OR WHEELS.

6 (11) "INCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

7 (12) "MAIN LINE" MEANS A SEGMENT OR ROUTE OF RAILROAD
8 TRACKS OF ANY RAILROAD OVER WHICH FIVE MILLION OR MORE GROSS
9 TONS OF RAILROAD TRAFFIC IS TRANSPORTED ANNUALLY AS DOCUMENTED
10 IN TIMETABLES FILED WITH THE FEDERAL RAILROAD ADMINISTRATION
11 PURSUANT TO 49 CFR 217.7. "MAIN LINE" DOES NOT INCLUDE TOURIST,
12 SCENIC, HISTORIC, OR EXCURSION OPERATIONS AS DEFINED IN 49 CFR
13 238.5.

14 (13) "PASSENGER RAIL SYSTEM" HAS THE MEANING SET FORTH IN
15 SECTION 32-22-102 (9).

16 (14) "PATHWAY CROSSING" MEANS:

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

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

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

26 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY
27 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY

1 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

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

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

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

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

15 (19) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,
16 WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO
17 49 CFR 232 AND 49 CFR 238.

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

22 **40-20-303. Maximum train length - wayside detector system**
23 **required - exceptions - report - length of obstruction at public**
24 **crossing.** (1) A RAILROAD SHALL NOT OPERATE A TRAIN THAT HAS A
25 LENGTH GREATER THAN EIGHT THOUSAND FIVE HUNDRED FEET ON ANY
26 MAIN LINE IN THE STATE.

27 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION:

1 (a) A RAILROAD OPERATING A TRAIN ON ANY MAIN LINE IN THE
2 STATE SHALL HAVE AN OPERATIONAL AND PROPERLY MAINTAINED
3 WAYSIDE DETECTOR SYSTEM. ALONG EACH MAIN LINE, THE WAYSIDE
4 DETECTOR SYSTEM MUST HAVE A HOT BEARINGS DETECTOR AND A
5 DRAGGING EQUIPMENT DETECTOR INSTALLED AT LEAST EVERY TEN MILES;
6 EXCEPT THAT THE WAYSIDE DETECTOR SYSTEM MAY HAVE A HOT
7 BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR INSTALLED
8 AT LEAST EVERY FIFTEEN MILES IF THE NATURAL TERRAIN REQUIRES THE
9 INCREASED DISTANCE.

10 (b) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY
11 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING A TRAIN ON ANY
12 MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES
13 COMMISSION A REPORT THAT DISCLOSES, AT A MINIMUM, THE FOLLOWING
14 INFORMATION:

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

18 (II) THE TYPE AND CHARACTERISTIC OF EACH INSTALLED WAYSIDE
19 DETECTOR SYSTEM;

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

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

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

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

1 (II) INSPECT THE LOCATION OF THE DEFECT FROM A POSITION ON
2 THE GROUND;

3 (III) IF THE INSPECTION INDICATES THAT THE TRAIN IS SAFE FOR
4 MOVEMENT, PROCEED ALONG THE TRAIN'S ROUTE AT A SPEED NOT
5 GREATER THAN TEN MILES PER HOUR IF THE TRAIN IS CARRYING A
6 HAZARDOUS MATERIAL OR DANGEROUS GOOD OR AT A SPEED OF NOT
7 GREATER THAN THIRTY MILES PER HOUR IF THE TRAIN IS NOT CARRYING A
8 HAZARDOUS MATERIAL OR DANGEROUS GOOD;

9 (IV) REMOVE AND SET OUT ANY DEFECTIVE CAR AT THE EARLIEST
10 OPPORTUNITY;

11 (V) PREPARE A WRITTEN INSPECTION REPORT; AND

12 (VI) PROVIDE THE WRITTEN INSPECTION REPORT TO THE
13 APPROPRIATE RAILROAD OFFICIAL.

14 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A CLASS
15 II RAILROAD OR CLASS III RAILROAD UNLESS THE RAILROAD IS
16 TRANSPORTING HAZARDOUS MATERIAL AT A SPEED EXCEEDING TEN MILES
17 PER HOUR.

18 (4) A RAILROAD OPERATING A TRAIN ON ANY MAIN LINE IN THE
19 STATE SHALL NOT PERMIT ANY TRAIN, FREIGHT CAR, PASSENGER CAR, OR
20 RAILROAD TRANSPORTATION ENGINE TO OBSTRUCT A PUBLIC CROSSING
21 FOR LONGER THAN TEN MINUTES. THIS SUBSECTION (4) DOES NOT APPLY
22 IF THE TRAIN, FREIGHT CAR, PASSENGER CAR, OR RAILROAD
23 TRANSPORTATION ENGINE IS CONTINUOUSLY MOVING OR IF
24 CIRCUMSTANCES BEYOND THE RAILROAD'S CONTROL PREVENT THE TRAIN,
25 FREIGHT CAR, PASSENGER CAR, OR RAILROAD TRANSPORTATION ENGINE
26 FROM MOVING.

27 **40-20-304. Reporting violation to union representative -**

1 **investigation - permission to enter.** (1) A CREW MEMBER OF A TRAIN
2 OPERATED BY A RAILROAD IN THE STATE MAY REPORT TO THE CREW
3 MEMBER'S DESIGNATED UNION REPRESENTATIVE:

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

6 (b) AN INJURY THE CREW MEMBER OR ANOTHER CREW MEMBER
7 SUSTAINED WHILE OPERATING A TRAIN ON ANY MAIN LINE IN THE STATE;
8 OR

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

10 (2) A DESIGNATED UNION REPRESENTATIVE RECEIVING A REPORT
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY ENTER A RAILROAD'S
12 PLACE OF OPERATION DURING REASONABLE HOURS TO INVESTIGATE THE
13 REPORT. BEFORE ENTERING, THE DESIGNATED UNION REPRESENTATIVE
14 SHALL GIVE REASONABLE NOTICE TO THE APPROPRIATE RAILROAD
15 OFFICER.

16 **40-20-305. Violations - penalties - rules.** (1) IF A RAILROAD OR
17 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION
18 40-20-303 OR, BY DENYING ENTRY TO A PLACE OF OPERATION, SECTION
19 40-20-304 (2), THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF
20 NOT LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN
21 TWENTY-FIVE THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A
22 CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

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

26 (a) THE RAILROAD INTENTIONALLY OR KNOWINGLY VIOLATED
27 SECTION 40-20-303 OR 40-20-304 (2); OR

1 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND
2 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303 OR 40-20-304
3 (2).

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

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

10 **40-20-306. Front range passenger rail district maintenance**
11 **and safety fund - created.** (1) THE FRONT RANGE PASSENGER RAIL
12 DISTRICT MAINTENANCE AND SAFETY FUND IS HEREBY CREATED IN THE
13 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY CREDITED TO THE
14 FUND PURSUANT TO SECTION 40-20-305 (3) AND ANY OTHER MONEY THAT
15 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

19 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
20 STATE TREASURER FOR THE PURPOSE OF ISSUING WARRANTS AS SET FORTH
21 IN THIS SUBSECTION (3). IF THERE IS MONEY IN THE FUND ON THE LAST DAY
22 OF ANY CALENDAR MONTH, THE STATE TREASURER SHALL ISSUE A
23 WARRANT FROM THE FUND IN THE AMOUNT OF THE BALANCE OF THE FUND
24 TO THE FRONT RANGE PASSENGER RAIL DISTRICT CREATED IN SECTION
25 32-22-103 (1). THE DISTRICT MAY EXPEND THE MONEY RECEIVED
26 THROUGH WARRANTS FOR THE PURPOSES OF:

27 (a) SAFETY PLANNING AND DEVELOPMENT DURING THE RESEARCH,

1 DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

2 (b) MAINTAINING A PASSENGER RAIL SYSTEM; AND

3 (c) COMPLETING CAPITAL DEVELOPMENT PROJECTS TO IMPROVE
4 THE SAFETY OF A PASSENGER RAIL SYSTEM.

5 **40-20-307. Training.** (1) ON OR BEFORE JULY 1, 2025, AND AT
6 LEAST ONCE EVERY THREE YEARS THEREAFTER, EACH RAILROAD SHALL
7 OFFER TRAINING TO EACH FIRE DEPARTMENT HAVING JURISDICTION ALONG
8 TRACKS UPON WHICH THE RAILROAD OPERATES IN THE STATE. IN
9 SATISFYING THIS REQUIREMENT, A RAILROAD MAY OFFER SUCH TRAINING
10 SIMULTANEOUSLY TO MORE THAN ONE FIRE DEPARTMENT.

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

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

21 (b) INCLUDE SUGGESTED PROTOCOLS OR PRACTICES FOR
22 EMERGENCY RESPONDERS TO USE TO SAFELY ACCOMPLISH THE TASKS
23 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION.

24 **40-20-308. Insurance coverage required - rules - investigations**
25 **- public hearings - violations - fines.** (1) IN ADDITION TO ANY
26 INSURANCE COVERAGE REQUIRED BY ANY PROVISION OF LAW, A RAILROAD
27 THAT TRANSPORTS HAZARDOUS MATERIAL IN COLORADO SHALL MAINTAIN

1 INSURANCE COVERAGE IN AN AMOUNT THAT IS ADEQUATE TO PAY FOR
2 COSTS, DAMAGES, AND LIABILITIES ARISING FROM ACCIDENTS INVOLVING
3 SUCH TRANSPORTATION. A RAILROAD SHALL MAINTAIN THE INSURANCE
4 COVERAGE IN THE MINIMUM AMOUNTS AS ARE REQUIRED BY RULES
5 PROMULGATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
6 SUBSECTION (3) OF THIS SECTION.

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

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

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

24 (5) AT LEAST ONCE EACH YEAR, THE PUBLIC UTILITIES COMMISSION
25 SHALL HOLD A PUBLIC HEARING AT WHICH INTERESTED STAKEHOLDERS
26 AND MEMBERS OF THE PUBLIC MAY PROVIDE COMMENTS CONCERNING THE
27 IMPLEMENTATION OF THIS SECTION.

1 (6) A RAILROAD THAT VIOLATES THIS SECTION IS SUBJECT TO A
2 FINE IN AN AMOUNT OF AT LEAST ONE THOUSAND DOLLARS, BUT NOT
3 EXCEEDING FIVE THOUSAND DOLLARS, FOR EACH DAY OF
4 NONCOMPLIANCE.

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

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