

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
9/6/24

Bill 5

LLS NO. 25-0234.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: Railroad Investigative Report Confidentiality

DEADLINES: File by: 9/6/2024

A BILL FOR AN ACT

101 **CONCERNING THE CONFIDENTIALITY OF INFORMATION RELATED TO**
102 **THE REGULATION OF RAILROAD OPERATIONS.**

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/>.)

Current law requires investigative reports of railroads made for the public utilities commission to be kept confidential. The bill repeals this requirement and replaces it with a grant of rule-making authority to make ongoing investigations and security information confidential. The confidentiality rules must not make final reports of investigations confidential and must require the timely release of information if public

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

knowledge of the information would protect the public safety, health, or welfare.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 40-18-104 as
3 follows:

4 **40-18-104. Confidential investigative reports.** ~~Investigative~~
5 ~~reports of the commission compiled under this article shall be confidential~~
6 ~~and shall not be discoverable nor used as evidence in any court or~~
7 ~~administrative action~~ THE COMMISSION MAY PROMULGATE RULES MAKING
8 ONGOING INVESTIGATIONS, AS DESCRIBED IN SECTION 24-72-204
9 (2)(a)(IX), OR SECURITY INFORMATION, AS DESCRIBED IN SECTION
10 24-72-204 (2)(a)(VIII), CONFIDENTIAL. IF THE COMMISSION ADOPTS THE
11 CONFIDENTIALITY RULES, THE RULES MUST NOT MAKE FINAL REPORTS OF
12 INVESTIGATIONS CONFIDENTIAL AND MUST REQUIRE THE TIMELY RELEASE
13 OF INFORMATION IF PUBLIC KNOWLEDGE OF THE INFORMATION WOULD
14 PROTECT THE PUBLIC SAFETY, HEALTH, OR WELFARE.

15 **SECTION 2. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.