

## CHAPTER 49

---

**PUBLIC UTILITIES**

---

**HOUSE BILL 99-1114**

BY REPRESENTATIVES Spradley, May, Coleman, Lawrence, Mace, Swenson, and Takis;  
also SENATORS Dennis, Hernandez, Martinez, and Reeves.

**AN ACT**

CONCERNING AN INCREASE IN THE MAXIMUM AMOUNT THAT A RAILROAD CORPORATION MAY BE  
REQUIRED TO PAY FOR RAILROAD CROSSINGS.

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

**SECTION 1.** 40-4-106 (3) (b) (I), (3) (b) (II), and (3) (b) (IV), Colorado Revised  
Statutes, are amended to read:

**40-4-106. Rules for public safety - crossings - allocation of expenses.**

(3) (b) (I) (A) The commission is authorized to approve individual projects wherein  
the allocation of the total expenses of the separation of grades to be paid by the  
railroad corporation or railroad corporations may exceed ~~one~~ TWO million ~~two~~ FIVE  
hundred ~~fifty~~ thousand dollars. The commission may approve more than one project,  
the sum totals of which may exceed the ~~one-million-two-hundred-fifty-~~  
~~thousand-dollar~~ TWO-MILLION-FIVE- HUNDRED-THOUSAND-DOLLAR cap set forth in  
this subparagraph (I), but in no event shall an individual class I railroad corporation  
pay more than ~~one~~ TWO million ~~two~~ FIVE hundred ~~fifty~~ thousand dollars of the cost  
of a single project or the cost of more than one project in any calendar year. Nothing  
in this subparagraph (I) shall preclude any railroad corporation from voluntarily  
contributing more than its allotted share for grade separation construction in one year  
and, in such event, all amounts contributed by such railroad exceeding its allotted  
share in any one year shall be credited to and shall serve to reduce any payment for  
grade separation construction expenses by that railroad in subsequent years.

(B) Repealed.

(II) If the cost of a project is such that it calls for payment by a railroad  
corporation in more than one calendar year or if the amount due from the railroad  
corporation exceeds ~~one~~ TWO million ~~two~~ FIVE hundred ~~fifty~~ thousand dollars and

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions  
from existing statutes and such material not part of act.*

thus must be made in consecutive calendar years, nothing in this section shall be construed to require that the approved project must be subjected to reapplication or rereview by the commission.

(IV) This paragraph (b) shall not apply to any project for the elimination of hazards at any railway-highway crossing when all or any part of the cost of such project will be paid from moneys made available for expenditure under Title 23, U.S.C.; except that any amount paid by a railroad corporation for such an exempt project shall be credited against the ~~one-million-two-hundred-fifty-thousand-dollar~~ TWO-MILLION-FIVE-HUNDRED-THOUSAND-DOLLAR cap set forth in subparagraph (I) of this paragraph (b).

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 24, 1999