

CHAPTER 109

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 06-1165

BY REPRESENTATIVE(S) Hodge, Crane, Frangas, and Green;
also SENATOR(S) Tapia.

AN ACT

CONCERNING THE AUTHORITY OF LOCAL GOVERNMENTS TO INSTALL SAFETY MEASURES AT HIGHWAY-RAIL GRADE CROSSINGS IN ORDER TO CREATE RAILROAD QUIET ZONES IN COMPLIANCE WITH FEDERAL LAW.

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

SECTION 1. 30-20-512, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-20-512. General powers of district. (2) A DISTRICT HAS THE POWER TO CONSTRUCT, MAINTAIN, AND OPERATE SAFETY MEASURES THAT ARE NECESSARY TO ALLOW THE COUNTY TO RESTRICT THE SOUNDING OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS IN COMPLIANCE WITH 49 U.S.C. SEC. 20153, AS AMENDED, AND THE APPLICABLE RULES OF THE FEDERAL RAILROAD ADMINISTRATION. THE DISTRICT SHALL CONSTRUCT, MAINTAIN, AND OPERATE THE SAFETY MEASURES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND THE STANDARDS OF SAFETY PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-29-110, C.R.S.

SECTION 2. 30-20-603 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-20-603. Improvements authorized - how instituted - conditions. (1) (d) THE IMPROVEMENTS AUTHORIZED BY THIS PART 6 MAY INCLUDE THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF SAFETY MEASURES THAT ARE NECESSARY TO ALLOW THE COUNTY TO RESTRICT THE SOUNDING OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS IN COMPLIANCE WITH 49 U.S.C. SEC. 20153, AS AMENDED, AND THE APPLICABLE RULES OF THE FEDERAL RAILROAD ADMINISTRATION. THE DISTRICT SHALL CONSTRUCT, MAINTAIN, AND OPERATE THE

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

SAFETY MEASURES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND THE STANDARDS OF SAFETY PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-29-110, C.R.S.

SECTION 3. 31-15-711 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-15-711. Other public improvements. (1) The governing body of each municipality has the power:

(i) TO CONSTRUCT, MAINTAIN, AND OPERATE SAFETY MEASURES THAT ARE NECESSARY TO ALLOW THE MUNICIPALITY TO RESTRICT THE SOUNDING OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS IN COMPLIANCE WITH 49 U.S.C. SEC. 20153, AS AMENDED, AND THE APPLICABLE RULES OF THE FEDERAL RAILROAD ADMINISTRATION. THE GOVERNING BODY OF THE MUNICIPALITY SHALL CONSTRUCT, MAINTAIN, AND OPERATE THE SAFETY MEASURES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND THE STANDARDS OF SAFETY PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-29-110, C.R.S.

SECTION 4. Part 12 of article 25 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

31-25-1212.5. Improvements - railroad quiet zones. A DISTRICT HAS THE POWER TO CONSTRUCT, MAINTAIN, AND OPERATE SAFETY MEASURES THAT ARE NECESSARY TO ALLOW THE MUNICIPALITY TO RESTRICT THE SOUNDING OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS IN COMPLIANCE WITH 49 U.S.C. SEC. 20153, AS AMENDED, AND THE APPLICABLE RULES OF THE FEDERAL RAILROAD ADMINISTRATION. THE DISTRICT SHALL CONSTRUCT, MAINTAIN, AND OPERATE THE SAFETY MEASURES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 40-4-106, C.R.S., AND THE STANDARDS OF SAFETY PRESCRIBED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-29-110, C.R.S.

SECTION 5. 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 (August 9, 2006, if adjournment sine die is on May 10, 2006); 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: April 5, 2006