

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0247.01 Richard Sweetman x4333

HOUSE BILL 24-1030

HOUSE SPONSORSHIP

Mabrey and Mauro, Boesenecker, Froelich, Lindsay, Parenti, Vigil

SENATE SPONSORSHIP

Cutter and Exum, Jaquez Lewis, Priola, Winter F.

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

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 TRANSIT AND RAIL DIVISION IN THE**
111 **DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF**
112 **MAINTAINING AND IMPROVING THE SAFETY OF A PASSENGER**
113 **RAIL SYSTEM, REQUIRING CERTAIN RAILROADS TO CARRY**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 3, 2024

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

1 MITIGATE POTENTIAL HARM TO THE ENVIRONMENT AND COLORADO
2 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

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

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

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

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

27 (a) LIMITING TRAIN LENGTH HELPS AVOID EXCESSIVE STRESS ON

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

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

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

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

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

26 (a) RAILROADS UTILIZE NUMEROUS FORMS OF AVAILABLE
27 TECHNOLOGY TO DETECT AND PREVENT VARIOUS EQUIPMENT FAILURES,

1 INCLUDING INSTALLING WAYSIDE DETECTOR SYSTEMS ADJACENT TO A
2 MAIN LINE;

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

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

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

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

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

1 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING
2 EQUIPMENT DETECTORS;

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

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

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

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

1 THE LOCATIONS OF INSTALLED WAYSIDE DETECTOR SYSTEMS AND TRAIN
2 LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

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

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

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

12 (b) LIMIT GREENHOUSE GAS EMISSIONS;

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

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

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

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

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

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

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

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

27 (b) HAS THE POTENTIAL TO CAUSE SIGNIFICANT HARM TO AN

1 INDIVIDUAL, PROPERTY, OR THE ENVIRONMENT; AND

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

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

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

13 (7) "FUND" MEANS THE [REDACTED] RAIL DISTRICT MAINTENANCE AND
14 SAFETY FUND CREATED IN SECTION 40-20-306.

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

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

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

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

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

27 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY

1 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY
2 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

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

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

8 (12) "MAIN LINE" MEANS A SEGMENT OR ROUTE OF RAILROAD
9 TRACKS OF ANY RAILROAD OVER WHICH FIVE MILLION OR MORE GROSS
10 TONS OF RAILROAD TRAFFIC IS TRANSPORTED ANNUALLY AS DOCUMENTED
11 IN TIMETABLES FILED WITH THE FEDERAL RAILROAD ADMINISTRATION
12 PURSUANT TO 49 CFR 217.7. "MAIN LINE" DOES NOT INCLUDE TOURIST,
13 SCENIC, HISTORIC, OR EXCURSION OPERATIONS AS DEFINED IN 49 CFR
14 238.5.

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

17 (14) "PATHWAY CROSSING" MEANS:

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

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

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

27 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY

1 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY
2 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

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

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

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

11 (18) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF
12 NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR
13 ELECTROMAGNETIC GUIDEWAYS. "RAILROAD TRANSPORTATION" DOES NOT
14 INCLUDE RAPID TRANSIT OPERATIONS, PUBLIC TRANSPORTATION, RAIL
15 FIXED GUIDEWAY OPERATIONS, OR COMMUTER PASSENGER RAIL THAT:

16 (a) IS IN AN URBAN OR A SUBURBAN AREA; AND

17 (b) IS NOT CONNECTED TO A GENERAL OR AN INTERSTATE
18 RAILROAD SYSTEM.

19 (19) "SIDING" HAS THE MEANING SET FORTH IN 49 CFR 218.93.

20 (20) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,
21 WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO
22 49 CFR 232 AND 49 CFR 238.

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

27 **40-20-303. Maximum train length - wayside detector system**

1 **required - exceptions - report - length of obstruction at public**
2 **crossing.** (1) A RAILROAD SHALL NOT OPERATE A TRAIN THAT HAS A

3 LENGTH GREATER THAN EIGHT THOUSAND FIVE HUNDRED FEET ON ANY
4 MAIN LINE IN THE STATE.

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

6 (a) ON OR BEFORE JULY 1, 2026, AND THEREAFTER, A RAILROAD
7 OPERATING A TRAIN ON ANY MAIN LINE IN THE STATE SHALL HAVE AN
8 OPERATIONAL AND PROPERLY MAINTAINED WAYSIDE DETECTOR SYSTEM.
9 ALONG EACH MAIN LINE, THE WAYSIDE DETECTOR SYSTEM MUST HAVE A
10 HOT BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR
11 INSTALLED AT LEAST EVERY TEN MILES; EXCEPT THAT THE WAYSIDE
12 DETECTOR SYSTEM MAY HAVE A HOT BEARINGS DETECTOR AND A
13 DRAGGING EQUIPMENT DETECTOR INSTALLED AT LEAST EVERY FIFTEEN
14 MILES IF THE NATURAL TERRAIN REQUIRES THE INCREASED DISTANCE.

15 (b) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY
16 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING A TRAIN ON ANY
17 MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES
18 COMMISSION A REPORT THAT DISCLOSES, AT A MINIMUM, THE FOLLOWING
19 INFORMATION:

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

23 (II) THE TYPE AND CHARACTERISTIC OF EACH INSTALLED WAYSIDE
24 DETECTOR SYSTEM;

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

27 (IV) ANY OTHER INFORMATION REGARDING WAYSIDE DETECTOR

1 SYSTEMS THAT THE PUBLIC UTILITIES COMMISSION DEEMS NECESSARY.

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

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

6 (II) INSPECT THE LOCATION OF THE DEFECT FROM A POSITION ON
7 THE GROUND;

8 (III) IF THE INSPECTION INDICATES THAT THE TRAIN IS SAFE FOR
9 MOVEMENT, PROCEED ALONG THE TRAIN'S ROUTE AT A SPEED NOT
10 GREATER THAN TEN MILES PER HOUR IF THE TRAIN IS CARRYING A
11 HAZARDOUS MATERIAL OR DANGEROUS GOOD OR AT A SPEED OF NOT
12 GREATER THAN THIRTY MILES PER HOUR IF THE TRAIN IS NOT CARRYING A
13 HAZARDOUS MATERIAL OR DANGEROUS GOOD;

14 (IV) REMOVE AND SET OUT ANY DEFECTIVE CAR AT THE EARLIEST
15 OPPORTUNITY;

16 (V) RESUME AUTHORIZED SPEED ONLY AFTER THE NEXT WORKING
17 WAYSIDE DETECTOR INDICATES THAT THERE ARE NO LONGER ANY
18 DEFECTS;

19 (VI) PREPARE A WRITTEN INSPECTION REPORT; AND

20 (VII) PROVIDE THE WRITTEN INSPECTION REPORT TO THE
21 APPROPRIATE RAILROAD OFFICIAL.

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

26 (4) (a) EXCEPT FOR TRAINS OR EQUIPMENT STOPPED DUE TO
27 MECHANICAL FAILURE WHERE SEPARATION OR MOVEMENT IS NOT

1 POSSIBLE, ANY TRAIN OR EQUIPMENT OPERATING ON A MAIN LINE OR
2 SIDING IN THE STATE SHALL BE OPERATED IN SUCH A MANNER AS TO
3 MINIMIZE OBSTRUCTION OF EMERGENCY VEHICLES AT HIGHWAY-RAIL
4 CROSSINGS. WHERE SUCH OBSTRUCTION OCCURS AND THE TRAIN CREW IS
5 AWARE OF THE OBSTRUCTION, THE TRAIN CREW SHALL IMMEDIATELY TAKE
6 ANY ACTION, CONSISTENT WITH SAFE OPERATING PROCEDURES,
7 NECESSARY TO CLEAR THE HIGHWAY-RAIL CROSSING.

8 (b) UPON THE APPROACH OF AN EMERGENCY VEHICLE, IF THE
9 EMERGENCY VEHICLE GIVES WARNING OF ITS APPROACH BY THE SOUNDING
10 OF SIRENS, FLASHING OF LIGHTS, WAVING OF A FLAG, OR ANY OTHER
11 WARNING SUFFICIENT TO ATTRACT ATTENTION TO THE EMERGENCY
12 VEHICLE, THE TRAIN CREW SHALL SEPARATE THE TRAIN OR EQUIPMENT
13 AND CLEAR THE CROSSING WITH ALL POSSIBLE DISPATCH TO PERMIT THE
14 EMERGENCY VEHICLE TO PASS.

15 (c) AS USED IN THIS SUBSECTION (4), "EMERGENCY VEHICLE"
16 MEANS:

17 (I) AN AMBULANCE OPERATED BY A PUBLIC AUTHORITY OR BY A
18 PRIVATE PERSON;

19 (II) A FIRE ENGINE;

20 (III) A VEHICLE OPERATED BY A POWER COMPANY, ELECTRIC
21 COMPANY, OR OTHER PUBLIC UTILITY;

22 (IV) A VEHICLE USED FOR EMERGENCY PURPOSES BY THE FEDERAL
23 GOVERNMENT OF THE UNITED STATES; OR

24 (V) ANY OTHER VEHICLE THAT IS BEING OPERATED FOR THE
25 PURPOSE OF SAVING LIFE OR PROPERTY OR RESPONDING TO ANY PUBLIC
26 PERIL.

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 TRACK IN CONNECTION
8 WITH RAILROAD TRANSPORTATION IN THE STATE; 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 SHALL HAVE THE ABILITY
12 TO ENTER A RAILROAD'S INCIDENT SITE TO INVESTIGATE THE INCIDENT.
13 BEFORE ENTERING, THE DESIGNATED UNION REPRESENTATIVE SHALL GIVE
14 REASONABLE NOTICE TO THE APPROPRIATE RAILROAD OFFICER.

15 **40-20-305. Violations - penalties - rules.** (1) IF A RAILROAD OR
16 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION
17 40-20-303 OR, BY DENYING ENTRY TO A PLACE OF OPERATION, SECTION
18 40-20-304 (2), THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF
19 NOT LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN
20 TWENTY-FIVE THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A
21 CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

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

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

27 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND

1 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303 OR 40-20-304
2 (2).

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

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

9 **40-20-306. Rail district maintenance and safety fund - created.**

10 (1) THE RAIL DISTRICT MAINTENANCE AND SAFETY FUND IS HEREBY
11 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY
12 CREDITED TO THE FUND PURSUANT TO SECTION 40-20-305 (3) AND ANY
13 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
14 TRANSFER TO THE FUND.

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

18 (3) FOR THE 2025-26 STATE FISCAL YEAR AND EACH STATE FISCAL
19 YEAR THEREAFTER, MONEY IN THE FUND IS ANNUALLY APPROPRIATED TO
20 THE TRANSIT AND RAIL DIVISION IN THE DEPARTMENT OF
21 TRANSPORTATION. THE DIVISION MAY EXPEND THE MONEY RECEIVED FOR
22 THE PURPOSES OF:

23 (a) SAFETY PLANNING AND DEVELOPMENT DURING THE RESEARCH,
24 DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

25 (b) MAINTAINING A PASSENGER RAIL SYSTEM; AND

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

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

7 (2) THE TRAINING DESCRIBED IN SUBSECTION (1) OF THIS SECTION
8 MUST:

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

18 (b) INCLUDE SAFETY DRILLS THAT IMPLEMENT SUGGESTED
19 PROTOCOLS OR PRACTICES FOR EMERGENCY RESPONDERS TO USE TO
20 SAFELY ACCOMPLISH THE TASKS DESCRIBED IN SUBSECTION (2)(a) OF THIS
21 SECTION. EACH RAILROAD OPERATING TRAINS IN COLORADO SHALL
22 CONDUCT AT LEAST ONE OIL CONTAINMENT, RECOVERY, AND SENSITIVE
23 AREA PROTECTION WALKTHROUGH; TABLETOP EXERCISE; OR FUNCTIONAL
24 EXERCISE INVOLVING OIL OR HAZARDOUS SUBSTANCES EVERY YEAR, AND
25 AT LEAST ONE FULL-SCALE EXERCISE EVERY FIVE YEARS, IN
26 COORDINATION WITH LOCAL EMERGENCY MANAGEMENT ORGANIZATIONS
27 AND LOCAL FIRE CHIEFS.

1 (3) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES
2 FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING RULES
3 CONCERNING TRAINING CONTENT, SAFETY DRILLS, COMMUNICATION, AND
4 RAILROAD INCIDENT RESPONSE REQUIREMENTS.

5 **40-20-308. Insurance coverage required - rules - investigations**
6 **- public hearings - violations - fines.** (1) IN ADDITION TO ANY

7 INSURANCE COVERAGE REQUIRED BY ANY PROVISION OF LAW, A RAILROAD
8 THAT TRANSPORTS HAZARDOUS MATERIAL IN COLORADO SHALL MAINTAIN
9 INSURANCE COVERAGE IN AN AMOUNT THAT IS ADEQUATE TO PAY FOR
10 COSTS, DAMAGES, AND LIABILITIES ARISING FROM ACCIDENTS INVOLVING
11 SUCH TRANSPORTATION. A RAILROAD SHALL MAINTAIN THE INSURANCE
12 COVERAGE IN THE MINIMUM AMOUNTS AS ARE REQUIRED BY RULES
13 PROMULGATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
14 SUBSECTION (3) OF THIS SECTION.

15 (2) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE EACH
16 JANUARY 1 THEREAFTER, EACH RAILROAD THAT TRANSPORTS HAZARDOUS
17 MATERIAL IN COLORADO SHALL SUBMIT TO THE PUBLIC UTILITIES
18 COMMISSION A CERTIFICATE OF INSURANCE OR SIMILAR DOCUMENTATION
19 THAT DEMONSTRATES THE RAILROAD'S COMPLIANCE WITH THIS SECTION
20 AND RULES PROMULGATED PURSUANT TO THIS SECTION.

21 (3) ON OR BEFORE NOVEMBER 1, 2024, THE PUBLIC UTILITIES
22 COMMISSION SHALL PROMULGATE RULES ESTABLISHING MINIMUM
23 INSURANCE COVERAGE REQUIREMENTS FOR RAILROADS THAT TRANSPORT
24 HAZARDOUS MATERIAL IN COLORADO, AS DESCRIBED IN SUBSECTION (1)
25 OF THIS SECTION. IN ESTABLISHING THE REQUIREMENTS, THE PUBLIC
26 UTILITIES COMMISSION SHALL CONSIDER THE TYPE AND QUANTITY OF
27 HAZARDOUS MATERIALS TRANSPORTED, THE ROUTES USED, AND OTHER

1 RELEVANT RISK FACTORS.

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

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

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

13 **40-20-309. Severability.** IF ANY PROVISION OF THIS PART 3 OR THE
14 APPLICATION OF THIS PART 3 TO ANY PERSON OR CIRCUMSTANCE IS HELD
15 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
16 APPLICATIONS OF THIS PART 3 THAT CAN BE GIVEN EFFECT WITHOUT THE
17 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
18 THIS PART 3 ARE DECLARED TO BE SEVERABLE.

19 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal
20 year, \$11,651 is appropriated to the department of regulatory agencies for
21 use by the public utilities commission. This appropriation is from the
22 general fund. To implement this act, the commission may use this
23 appropriation as follows:

24 (a) \$11,523 for personal services, which amount is based on an
25 assumption that the commission will require an additional 0.1 FTE; and

26 (b) \$128 for operating expenses.

27 **SECTION 3. Effective date.** This act takes effect July 1, 2024.

1 **SECTION 4. Safety clause.** The general assembly finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety or for appropriations for
4 the support and maintenance of the departments of the state and state
5 institutions.