

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0247.01 Richard Sweetman x4333

**HOUSE BILL 24-1030**

**HOUSE SPONSORSHIP**

**Mabrey and Mauro**, Epps, Boesenecker, Froelich, Lindsay, Parenti, Vigil, Amabile, Bacon, Bird, Brown, Daugherty, Duran, Epps, Garcia, Hamrick, Hernandez, Herod, Joseph, Kipp, Lieder, Lindstedt, Martinez, Marvin, McCormick, Ortiz, Ricks, Rutinel, Sirota, Snyder, Story, Titone, Weissman, Willford, Woodrow, Young

**SENATE SPONSORSHIP**

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

**House Committees**

Transportation, Housing & Local Government  
Appropriations

**Senate Committees**

Transportation & Energy  
Appropriations

**A BILL FOR AN ACT**

101       **CONCERNING RAILROAD SAFETY, AND, IN CONNECTION THEREWITH,**  
102                **REQUIRING CERTAIN RAILROADS TO USE WAYSIDE DETECTOR**  
103                **SYSTEMS, OPERATE TRAINS IN A MANNER THAT MINIMIZES THE**  
104                **OBSTRUCTION OF EMERGENCY VEHICLES AT HIGHWAY-RAIL**  
105                **CROSSINGS, AND, WHEN NECESSARY TO ALLOW AN EMERGENCY**  
106                **VEHICLE TO PASS, SEPARATE A TRAIN;** AUTHORIZING A CREW  
107        MEMBER'S DESIGNATED UNION REPRESENTATIVE TO  
108        INVESTIGATE CERTAIN REPORTED **INCIDENTS;** AUTHORIZING THE  
109        PUBLIC UTILITIES COMMISSION TO IMPOSE FINES FOR CERTAIN  
110        **VIOLATIONS;** REQUIRING FINE REVENUE TO BE PAID TO THE  
111        **TRANSIT AND RAIL DIVISION IN THE DEPARTMENT OF**  
112        **TRANSPORTATION** FOR THE PURPOSES OF MAINTAINING AND  
113        IMPROVING THE SAFETY OF A   PASSENGER **RAIL SYSTEM;**

*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  
3rd Reading Unamended  
April 5, 2024

HOUSE  
Amended 2nd Reading  
April 3, 2024

101 CREATING THE OFFICE OF RAIL SAFETY; CREATING THE  
102 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE; AND MAKING  
103 AN APPROPRIATION.

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### 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.

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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

1 NECESSITATE THAT THE STATE TAKE DECISIVE ACTION TO PREVENT AND  
2 MITIGATE POTENTIAL HARM TO THE ENVIRONMENT AND COLORADO  
3 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

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

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

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

26 == ==

27 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND

1       DECLARES THAT:

2           (a)   RAILROADS UTILIZE NUMEROUS FORMS OF AVAILABLE  
3       TECHNOLOGY TO DETECT AND PREVENT VARIOUS EQUIPMENT FAILURES,  
4       INCLUDING INSTALLING WAYSIDE DETECTOR SYSTEMS ADJACENT TO A  
5       MAIN LINE;

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

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

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

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

26          (f)   THE FEDERAL RAILROAD ADMINISTRATION ALSO RECOMMENDS  
27      BUT DOES NOT REQUIRE THE INSTALLATION OF DRAGGING EQUIPMENT

1 DETECTORS AT INTERVALS OF NO MORE THAN TWENTY-FIVE MILES ON  
2 RAILROAD TRACKS ON WHICH TRAINS OPERATE AT SPEEDS OF SIXTY MILES  
3 PER HOUR OR MORE, WHILE RAILROAD EXPERTS NATIONWIDE HAVE CALLED  
4 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING  
5 EQUIPMENT DETECTORS;

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

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

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

26 (j) TRANSPARENCY AND ACCOUNTABILITY IN RAILROAD  
27 OPERATIONS ARE CRITICAL TO ENSURE THE SAFETY OF COLORADO'S

1 RESIDENTS, PROTECT INFRASTRUCTURE AND THE ENVIRONMENT, AND  
2 PROMOTE LONG-TERM SUSTAINABILITY OF THE STATE'S ECONOMY, AND IT  
3 IS NECESSARY TO REQUIRE RAILROAD COMPANIES TO ANNUALLY REPORT  
4 THE LOCATIONS OF INSTALLED WAYSIDE DETECTOR SYSTEMS AND TRAIN  
5 LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

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

11 (3) THEREFORE, THE GENERAL ASSEMBLY HEREBY ENACTS THIS  
12 PART 3 TO:

13 (a) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND SAFETY IN  
14 RAILROAD OPERATIONS IN THE STATE;

15 (b) LIMIT GREENHOUSE GAS EMISSIONS;

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

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

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

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

23 (2) "CLASS I RAILROAD" HAS THE MEANING SET FORTH IN 49  
24 U.S.C. SEC. 20102 (1).

25 (3) "CLASS II RAILROAD" HAS THE MEANING SET FORTH IN 49  
26 U.S.C. SEC. 20102 (1).

27 (4) "CLASS III RAILROAD" HAS THE MEANING SET FORTH IN 49

1 U.S.C. SEC. 20102 (1).

2 (5) "COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" MEANS THE  
3 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" CREATED IN SECTION  
4 40-20-313.

5 (6) "DANGEROUS GOOD" MEANS A SUBSTANCE THAT:

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

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

10 (c) DOES NOT QUALIFY AS A HAZARDOUS MATERIAL AS DEFINED IN  
11 SUBSECTION (11) OF THIS SECTION.

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

17 (8) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE  
18 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

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

23 (10) "FUND" MEANS THE ■ RAIL DISTRICT MAINTENANCE AND  
24 SAFETY FUND CREATED IN SECTION 40-20-309.

25 (11) "HAZARDOUS MATERIAL" HAS THE MEANING SET FORTH IN 49  
26 CFR 171.8.

27 (12) "HIGHWAY-RAIL CROSSING" MEANS:

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

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

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

10 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY  
11 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY  
12 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

13 (13) "HOT BEARINGS DETECTOR" MEANS AN INFRARED DETECTOR  
14 LOCATED ALONG RAILROAD TRACKS TO DETECT AND ALERT THE  
15 OPERATORS OF A PASSING TRAIN TO ANY OVERHEATING OF A TRAIN'S  
16 BEARINGS, AXLES, OR WHEELS.

17 (14) "INCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

18 (15) "MAIN LINE" MEANS A SEGMENT OR ROUTE OF RAILROAD  
19 TRACKS OF ANY RAILROAD OVER WHICH FIVE MILLION OR MORE GROSS  
20 TONS OF RAILROAD TRAFFIC IS TRANSPORTED ANNUALLY AS DOCUMENTED  
21 IN TIMETABLES FILED WITH THE FEDERAL RAILROAD ADMINISTRATION  
22 PURSUANT TO 49 CFR 217.7. "MAIN LINE" DOES NOT INCLUDE TOURIST,  
23 SCENIC, HISTORIC, OR EXCURSION OPERATIONS AS DEFINED IN 49 CFR  
24 238.5.

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

27 (17) "PATHWAY CROSSING" MEANS:

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

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

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

10 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY  
11 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY  
12 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

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

17 (19) "PUBLIC UTILITIES COMMISSION" OR "COMMISSION" MEANS  
18 THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

19 (20) "RAIL INDUSTRY SAFETY ADVISORY COMMITTEE" MEANS THE  
20 RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED IN SECTION  
21 40-20-314.

22 (21) "RAILROAD" MEANS A PERSON PROVIDING RAILROAD  
23 TRANSPORTATION.

24 (22) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF  
25 NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR  
26 ELECTROMAGNETIC GUIDEWAYS. "RAILROAD TRANSPORTATION" DOES NOT  
27 INCLUDE RAPID TRANSIT OPERATIONS, PUBLIC TRANSPORTATION, RAIL

1     FIXED GUIDEWAY OPERATIONS, OR COMMUTER PASSENGER RAIL THAT:

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

3             (b) IS NOT CONNECTED TO A GENERAL OR AN INTERSTATE  
4     RAILROAD SYSTEM.

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

6             (24) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,  
7     WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO  
8     49 CFR 232 AND 49 CFR 238.

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

13            **40-20-303. Wayside detector system required - exceptions -**  
14    **report - length of obstruction at public crossing. (1)** EXCEPT AS  
15    DESCRIBED IN SUBSECTION (2) OF THIS SECTION:

16            (a) ON OR BEFORE JULY 1, 2026, AND THEREAFTER, A RAILROAD  
17    OPERATING A TRAIN ON ANY MAIN LINE IN THE STATE SHALL HAVE AN  
18    OPERATIONAL AND PROPERLY MAINTAINED WAYSIDE DETECTOR SYSTEM.  
19    ALONG EACH MAIN LINE, THE WAYSIDE DETECTOR SYSTEM MUST HAVE A  
20    HOT BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR  
21    INSTALLED AT LEAST EVERY TEN MILES; EXCEPT THAT THE WAYSIDE  
22    DETECTOR SYSTEM MAY HAVE A HOT BEARINGS DETECTOR AND A  
23    DRAGGING EQUIPMENT DETECTOR INSTALLED AT LEAST EVERY FIFTEEN  
24    MILES IF THE NATURAL TERRAIN REQUIRES THE INCREASED DISTANCE.

25            (b) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY  
26    1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING A TRAIN ON ANY  
27    MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES

1 COMMISSION A REPORT THAT DISCLOSES, AT A MINIMUM, THE FOLLOWING  
2 INFORMATION:

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

6 (II) THE TYPE AND CHARACTERISTIC OF EACH INSTALLED WAYSIDE  
7 DETECTOR SYSTEM;

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

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

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

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

16 (II) INSPECT THE LOCATION OF THE DEFECT FROM A POSITION ON  
17 THE GROUND;

18 (III) IF THE INSPECTION INDICATES THAT THE TRAIN IS SAFE FOR  
19 MOVEMENT, PROCEED ALONG THE TRAIN'S ROUTE AT A SPEED NOT  
20 GREATER THAN TEN MILES PER HOUR IF THE TRAIN IS CARRYING A  
21 HAZARDOUS MATERIAL OR DANGEROUS GOOD OR AT A SPEED OF NOT  
22 GREATER THAN THIRTY MILES PER HOUR IF THE TRAIN IS NOT CARRYING A  
23 HAZARDOUS MATERIAL OR DANGEROUS GOOD;

24 (IV) REMOVE AND SET OUT ANY DEFECTIVE CAR AT THE EARLIEST  
25 OPPORTUNITY;

26 (V) RESUME AUTHORIZED SPEED ONLY AFTER THE NEXT WORKING  
27 WAYSIDE DETECTOR INDICATES THAT THERE ARE NO LONGER ANY

1 DEFECTS;

2 (VI) PREPARE A WRITTEN INSPECTION REPORT; AND

3 (VII) PROVIDE THE WRITTEN INSPECTION REPORT TO THE  
4 APPROPRIATE RAILROAD OFFICIAL.

5 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A CLASS  
6 II RAILROAD OR CLASS III RAILROAD UNLESS THE RAILROAD IS  
7 TRANSPORTING HAZARDOUS MATERIAL AT A SPEED EXCEEDING TEN MILES  
8 PER HOUR.

9 (3) (a) EXCEPT FOR TRAINS OR EQUIPMENT STOPPED DUE TO  
10 MECHANICAL FAILURE WHERE SEPARATION OR MOVEMENT IS NOT  
11 POSSIBLE, AND EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW, ANY  
12 TRAIN OR EQUIPMENT OPERATING ON A MAIN LINE OR SIDING IN THE STATE  
13 SHALL BE OPERATED IN SUCH A MANNER AS TO MINIMIZE OBSTRUCTION OF  
14 EMERGENCY VEHICLES AT HIGHWAY-RAIL CROSSINGS. WHERE SUCH  
15 OBSTRUCTION OCCURS AND THE TRAIN CREW IS AWARE OF THE  
16 OBSTRUCTION, THE TRAIN CREW SHALL IMMEDIATELY TAKE ANY ACTION,  
17 CONSISTENT WITH SAFE OPERATING PROCEDURES, NECESSARY TO CLEAR  
18 THE HIGHWAY-RAIL CROSSING.

19 (b) UPON THE APPROACH OF AN EMERGENCY VEHICLE, IF THE  
20 EMERGENCY VEHICLE GIVES WARNING OF ITS APPROACH BY THE SOUNDING  
21 OF SIRENS, FLASHING OF LIGHTS, WAVING OF A FLAG, OR ANY OTHER  
22 WARNING SUFFICIENT TO ATTRACT ATTENTION TO THE EMERGENCY  
23 VEHICLE, THE TRAIN CREW SHALL SEPARATE THE TRAIN OR EQUIPMENT  
24 AND CLEAR THE CROSSING WITH ALL POSSIBLE DISPATCH TO PERMIT THE  
25 EMERGENCY VEHICLE TO PASS.

26 (c) AS USED IN THIS SUBSECTION (3), "EMERGENCY VEHICLE"  
27 MEANS:

- 1 (I) AN AMBULANCE OPERATED BY A PUBLIC AUTHORITY OR BY A
- 2 PRIVATE PERSON;
- 3 (II) A POLICE VEHICLE;
- 4 (III) A FIRE ENGINE;
- 5 (IV) A VEHICLE OPERATED BY A POWER COMPANY, ELECTRIC
- 6 COMPANY, OR OTHER PUBLIC UTILITY;
- 7 (V) A VEHICLE USED FOR EMERGENCY PURPOSES BY THE FEDERAL
- 8 GOVERNMENT OF THE UNITED STATES; OR
- 9 (VI) ANY OTHER VEHICLE THAT IS BEING OPERATED FOR THE
- 10 PURPOSE OF SAVING LIFE OR PROPERTY OR RESPONDING TO ANY PUBLIC
- 11 PERIL.

12 **40-20-304. Emergency operations. (1) STATE EMERGENCY**

13 **RESPONSE AUTHORITIES MAY TAKE ACTIONS NECESSARY TO PROTECT**

14 **RAILROADS, RAIL WORKERS, AND PUBLIC SAFETY IN THE EVENT OF AN**

15 **EMERGENCY SUCH AS WILDFIRE, FLOOD, EARTH MOVEMENT, OR CIVIL**

16 **DISORDER, INCLUDING STOPPING OR REROUTING RAIL TRAFFIC IF DEEMED**

17 **NECESSARY.**

18 (2) A RAILROAD SHALL RESPOND TO A STATE EMERGENCY

19 RESPONSE AUTHORITY PROMPTLY AND WORK CLOSELY WITH STATE AND

20 LOCAL OFFICIALS DURING EMERGENCIES TO COORDINATE RESPONSE

21 EFFORTS AND ENSURE THE SAFETY OF RAIL PERSONNEL AND THE PUBLIC.

22 **40-20-305. Incident response requirements. (1)(a) A RAILROAD**

23 **OPERATING IN COLORADO THAT ACCOMMODATES HIGH-HAZARD**

24 **FLAMMABLE TRAINS OR HIGH-HAZARD HIGH-CONSEQUENCE HAZARDOUS**

25 **MATERIAL SHALL COORDINATE WITH THE DEPARTMENT OF PUBLIC SAFETY**

26 **REGARDING EMERGENCY RESPONSE AND SPILL RESPONSE CAPACITY AND**

27 **PLANNING. THE RAILROAD AND THE DEPARTMENT OF PUBLIC SAFETY**

1 SHALL COORDINATE REGARDING THE ADEQUACY OF CACHES OF  
2 EQUIPMENT, SUPPLIES, AND AVAILABLE STAFF TO MITIGATE ALL HAZARDS  
3 LIKELY WITHIN THE AREA COVERED BY EACH CACHE, INCLUDING  
4 CONSIDERATION OF:

- 5 (I) FIRE SUPPRESSION FOAM AND FOAM SYSTEMS;
- 6 (II) ABSORBENT MATERIALS AND CONTAINMENT BOOMS;
- 7 (III) SPECIALIZED LEAK MITIGATION AND REPAIR KITS;
- 8 (IV) CHEMICAL PROTECTIVE CLOTHING;
- 9 (V) PERSONNEL DECONTAMINATION SUPPLIES;
- 10 (VI) INTEROPERABLE COMMUNICATION EQUIPMENT; AND
- 11 (VII) RESPONSE TIMES.

12 (b) A RAILROAD SHALL ENSURE THAT LOCAL AND STATE FIRST  
13 RESPONDERS HAVE ACCESS TO THE CACHED EQUIPMENT NECESSARY TO  
14 RESPOND TO RAIL INCIDENTS.

15 (c) RESOURCES DESCRIBED IN THIS SUBSECTION (1) MAY BE  
16 MAINTAINED:

17 (I) AS PARTNERSHIPS WITH FEDERAL, STATE, COUNTY, OR LOCAL  
18 AGENCIES, INCLUDING LOCAL FIRE DEPARTMENTS AND POLICE  
19 DEPARTMENTS; OR

20 (II) PURSUANT TO CONTRACTS BETWEEN EMERGENCY RESPONSE  
21 ENTITIES.

22 (2) NOTHING IN THIS SECTION CREATES ANY DUTY FOR A LOCAL  
23 GOVERNMENT; EXCEPT THAT A LOCAL GOVERNMENT MAY AGREE TO  
24 ASSUME DUTIES DELEGATED TO THE LOCAL GOVERNMENT BY A RAILROAD.

25 (3) A RAILROAD MAY PARTNER WITH ONE OR MORE COUNTIES OR  
26 OTHER REGIONAL ENTITIES TO SUPPORT REGIONAL HAZARDOUS MATERIALS  
27 TEAMS AND CAPABILITIES.

1           (4) EACH RAILROAD SHALL COORDINATE WITH THE DEPARTMENT  
2           OF PUBLIC SAFETY TO CONDUCT AT LEAST TWO HAZARDOUS MATERIALS  
3           RESPONSE TABLETOP EXERCISES WITH OTHER FEDERAL, REGIONAL, STATE,  
4           AND LOCAL AGENCIES, INCLUDING AT LEAST ONE SCENARIO INVOLVING  
5           DERAILMENT AND RELEASE OF CRUDE OIL OR OTHER FLAMMABLE  
6           MATERIALS AND AT LEAST ONE INCIDENT WITH DERAILMENT INVOLVING  
7           INHALATION HAZARDS.

8           **40-20-306. Emergency notifications.** (1) WITHIN THIRTY  
9           MINUTES AFTER AN EMERGENCY INVOLVING A TRAIN OCCURS, THE  
10           RAILROAD OPERATING THE TRAIN SHALL NOTIFY THE STATE'S WATCH  
11           CENTER OF THE EMERGENCY BY TELEPHONE OR ANOTHER AGREED-UPON  
12           METHOD OF COMMUNICATION TO ENSURE THAT AUTHORITIES CAN  
13           RESPOND SWIFTLY AND APPROPRIATELY. EMERGENCY CONDITIONS THAT  
14           REQUIRE A RAILROAD TO PROVIDE SUCH NOTICE INCLUDE:

- 15           (a) RELEASE OF ANY HAZARDOUS MATERIAL;
- 16           (b) DEATH OF ANY INDIVIDUAL;
- 17           (c) INJURY TO ANY INDIVIDUAL THAT REQUIRES MEDICAL  
18           TREATMENT IN ADDITION TO FIRST AID;
- 19           (d) ANY FIRE OR RISK OF FIRE; AND
- 20           (e) PROPERTY DAMAGE AMOUNTING TO FIFTY THOUSAND DOLLARS  
21           OR MORE.

22           (2) THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS  
23           SECTION MUST INCLUDE:

- 24           (a) DETAILS ABOUT THE NATURE AND SEVERITY OF THE  
25           EMERGENCY, SUCH AS THE TYPE OF INCIDENT, THE LOCATION OF THE  
26           INCIDENT, POTENTIAL HAZARDS INVOLVED, AND ANY IMMEDIATE ACTIONS  
27           TAKEN OR REQUIRED;

1           (b) THE EXTENT OF THE IMPACT OF THE EMERGENCY, INCLUDING  
2           ANY INJURIES, FATALITIES, PROPERTY DAMAGE, OR ENVIRONMENTAL  
3           DAMAGE;

4           (c) IMPACTS ON OTHER SURFACE TRANSPORTATION, INCLUDING  
5           BLOCKED ROADWAYS;

6           (d) IF THE EMERGENCY INVOLVES THE TRANSPORTATION OF  
7           HAZARDOUS MATERIALS, SPECIFIC INFORMATION ABOUT THE MATERIALS  
8           INVOLVED, THEIR QUANTITIES, AND ANY POTENTIAL RISKS TO PUBLIC  
9           SAFETY OR THE ENVIRONMENT;

10           (e) RESPONSE ACTIONS TAKEN TO MITIGATE THE EMERGENCY;

11           (f) REQUESTS FOR ASSISTANCE, INCLUDING EVACUATIONS,  
12           CONTAINMENT, AND ADDITIONAL RESOURCES; AND

13           (g) ANY IMMEDIATE COORDINATION EFFORTS THAT HAVE TAKEN  
14           PLACE WITH LOCAL AUTHORITIES.

15           (3) AFTER PROVIDING THE EMERGENCY NOTIFICATION DESCRIBED  
16           IN SUBSECTION (1) OF THIS SECTION, A RAILROAD SHALL SUBMIT  
17           FOLLOW-UP REPORTS TO THE COMMISSION AND COORDINATE RESPONSE  
18           EFFORTS PURSUANT TO SECTION 40-20-305.

19           (4) A RAILROAD THAT PROVIDES A NOTIFICATION DESCRIBED IN  
20           SUBSECTION (1) OF THIS SECTION SHALL ALSO NOTIFY THE COMMUNITY  
21           RAIL SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY  
22           ADVISORY COMMITTEE OF THE INCIDENT WITHIN THIRTY DAYS AFTER  
23           PROVIDING THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS  
24           SECTION.

25           **40-20-307. Reporting violation to union representative -**  
26           **investigation - permission to enter.** (1) A CREW MEMBER OF A TRAIN  
27           OPERATED BY A RAILROAD IN THE STATE MAY REPORT TO THE CREW

1 MEMBER'S DESIGNATED UNION REPRESENTATIVE:

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

4 (b) AN INJURY THE CREW MEMBER OR ANOTHER CREW MEMBER  
5 SUSTAINED WHILE OPERATING A TRAIN ON ANY TRACK IN CONNECTION  
6 WITH RAILROAD TRANSPORTATION IN THE STATE; OR

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

8 (2) A DESIGNATED UNION REPRESENTATIVE RECEIVING A REPORT  
9 PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH UNION  
10 REPRESENTATIVE IS THE RECOGNIZED REPRESENTATIVE OR THE  
11 RECOGNIZED REPRESENTATIVE'S DESIGNEE UNDER THE COLLECTIVE  
12 BARGAINING AGREEMENT BETWEEN THE UNION AND THE RAILROAD THAT  
13 WAS INVOLVED IN THE ALLEGED VIOLATION, INJURY, OR DEATH, MAY  
14 ENTER A RAILROAD'S INCIDENT SITE TO INVESTIGATE THE INCIDENT.  
15 BEFORE ENTERING, THE DESIGNATED UNION REPRESENTATIVE SHALL GIVE  
16 REASONABLE NOTICE TO THE APPROPRIATE RAILROAD OFFICER.

17 **40-20-308. Violations - penalties - rules.** (1) IF A RAILROAD OR  
18 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION  
19 40-20-303 OR, BY DENYING ENTRY TO A PLACE OF OPERATION, SECTION  
20 40-20-307 (2), THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF  
21 NOT LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN  
22 TWENTY-FIVE THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A  
23 CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

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

27 (a) THE RAILROAD INTENTIONALLY OR KNOWINGLY VIOLATED

1 SECTION 40-20-303 OR 40-20-307 (2); OR

2 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND  
3 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303 OR 40-20-307  
4 (2).

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

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

11 **40-20-309. Rail district maintenance and safety fund - created.**

12 (1) THE RAIL DISTRICT MAINTENANCE AND SAFETY FUND IS HEREBY  
13 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY  
14 CREDITED TO THE FUND PURSUANT TO SECTION 40-20-308 (3) AND ANY  
15 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR  
16 TRANSFER TO THE FUND.

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

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

25 (I) SAFETY PLANNING AND DEVELOPMENT DURING THE RESEARCH,  
26 DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

27 (II) MAINTAINING A PASSENGER RAIL SYSTEM; AND

1            (III) COMPLETING CAPITAL DEVELOPMENT PROJECTS TO IMPROVE  
2 THE SAFETY OF A PASSENGER RAIL SYSTEM.

3            (b) MONEY IN THE FUND IS NOT INTENDED TO INCREASE THE  
4 NUMBER OF FULL-TIME EMPLOYEES OF THE DEPARTMENT OF  
5 TRANSPORTATION.

6            40-20-310. Training - rules. (1) ON OR BEFORE JULY 1, 2025,  
7 AND AT LEAST ONCE EVERY THREE YEARS THEREAFTER, EACH RAILROAD  
8 SHALL OFFER TRAINING TO EACH FIRE DEPARTMENT HAVING JURISDICTION  
9 ALONG TRACKS UPON WHICH THE RAILROAD OPERATES IN THE STATE. IN  
10 SATISFYING THIS REQUIREMENT, A RAILROAD MAY OFFER SUCH TRAINING  
11 SIMULTANEOUSLY TO MORE THAN ONE FIRE DEPARTMENT.

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

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

23            (b) INCLUDE SAFETY DRILLS THAT IMPLEMENT SUGGESTED  
24 PROTOCOLS OR PRACTICES FOR EMERGENCY RESPONDERS TO USE TO  
25 SAFELY ACCOMPLISH THE TASKS DESCRIBED IN SUBSECTION (2)(a) OF THIS  
26 SECTION. EACH RAILROAD OPERATING TRAINS IN COLORADO SHALL  
27 CONDUCT AT LEAST ONE OIL CONTAINMENT, RECOVERY, AND SENSITIVE

1 AREA PROTECTION WALKTHROUGH; TABLETOP EXERCISE; OR FUNCTIONAL  
2 EXERCISE INVOLVING OIL OR HAZARDOUS SUBSTANCES EVERY YEAR, AND  
3 AT LEAST ONE FULL-SCALE EXERCISE EVERY FIVE YEARS, IN  
4 COORDINATION WITH LOCAL EMERGENCY MANAGEMENT ORGANIZATIONS  
5 AND LOCAL FIRE CHIEFS.

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

10 (4) IN SATISFYING THE REQUIREMENTS OF THIS SECTION, A  
11 RAILROAD SHALL COORDINATE ITS EFFORTS WITH LOCAL LAW  
12 ENFORCEMENT AGENCIES AND THE HAZARDOUS MATERIALS SECTION OF  
13 THE COLORADO STATE PATROL.

14 ==  
15 **40-20-311. Office of rail safety - agreement with federal**  
16 **railroad administration - duties of commission, department of public**  
17 **safety, and department of transportation - inspections - report -**  
18 **repeal.** (1) THE OFFICE OF RAIL SAFETY IS CREATED WITH THE MISSION OF  
19 ENSURING FREIGHT AND PASSENGER RAIL SAFETY IN THE STATE FOR THE  
20 STATE'S UNIQUE AND DELICATE TERRAIN, ITS HEADWATERS, ITS  
21 COMMUNITIES, AND ITS RAIL WORKERS. THE COMMISSION SHALL  
22 ADMINISTER THE OFFICE IN ACCORDANCE WITH THIS ARTICLE 20.

23 (2) (a) AS SOON AS IS PRACTICABLE, THE COMMISSION, ON BEHALF  
24 OF THE STATE, SHALL ENTER INTO AN AGREEMENT WITH THE FEDERAL  
25 RAILROAD ADMINISTRATION PURSUANT TO 49 CFR 212 TO PARTICIPATE IN  
26 INSPECTION AND INVESTIGATION ACTIVITIES. UNDER THE AGREEMENT, THE  
27 COMMISSION SHALL SECURE THE AUTHORITY TO ADDRESS ALL RAILROAD

1 SAFETY DISCIPLINES, INCLUDING CROSSINGS, TRACK, SIGNAL AND TRAIN  
2 CONTROL, MOTIVE POWER AND EQUIPMENT, OPERATING PRACTICES,  
3 COMPLIANCE, AND HAZARDOUS MATERIALS.

4 (b) IF AN AGREEMENT CANNOT BE REACHED AS DESCRIBED IN  
5 SUBSECTION (2)(a) OF THIS SECTION, THE COMMISSION, ON BEHALF OF THE  
6 STATE, SHALL FILE AN ANNUAL CERTIFICATION PURSUANT TO 49 CFR  
7 212.107.

8 (3) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND  
9 THE DEPARTMENT OF TRANSPORTATION SHALL ENGAGE IN INSPECTION AND  
10 INVESTIGATION ACTIVITIES AS DESCRIBED IN 49 CFR 212 TO ADDRESS  
11 COMPLIANCE WITH THE REQUIREMENTS OF THIS PART 3.  
12 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE AUTHORITY OF  
13 THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND THE  
14 DEPARTMENT OF TRANSPORTATION TO ENGAGE IN INSPECTION AND  
15 INVESTIGATION ACTIVITIES PURSUANT TO THIS SECTION IS LIMITED TO:

16 (a) CLASS I RAILROADS;

17 (b) RAILROADS OPERATING ANY LINES THAT WERE USED BY CLASS  
18 RAILROADS AS OF THE EFFECTIVE DATE OF THIS PART 3;

19 (c) PASSENGER RAILROADS; AND

20 (d) INTERCITY RAILROADS.

21 (4) THE ATTORNEY GENERAL MAY BRING AN ACTION, CONSISTENT  
22 WITH 49 CFR 212, TO ENFORCE STATE AND FEDERAL RAILROAD SAFETY  
23 REGULATIONS. IN BRINGING SUCH AN ACTION, THE ATTORNEY GENERAL  
24 SHALL COMPLY WITH 49 CFR 212.115.

25 (5) AN INTERESTED PARTY MAY:

26 (a) REQUEST THAT THE COMMISSION, THE DEPARTMENT OF PUBLIC  
27 SAFETY, OR THE DEPARTMENT OF TRANSPORTATION INVESTIGATE AN

1 ALLEGED VIOLATION OF THIS PART 3; AND

2 (b) REPORT AN ALLEGED VIOLATION OF THIS PART 3 OR ANY OTHER  
3 SAFETY CONCERN TO THE FEDERAL RAILROAD ADMINISTRATION OR THE  
4 FEDERAL SURFACE TRANSPORTATION BOARD.

5 (6) THE COMMISSION MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
6 GRANTS, AND DONATIONS AND FEDERAL GRANT MONEY TO PURCHASE  
7 TRAINING MATERIALS AND OTHER EQUIPMENT AS NEEDED FOR THE  
8 IMPLEMENTATION OF THIS SECTION.

9 (7) THE COMMISSION SHALL REGULARLY ENGAGE WITH CLASS I  
10 RAILROADS, UNIONS REPRESENTING RAILROAD EMPLOYEES, LOCAL  
11 GOVERNMENTS OF MUNICIPALITIES THAT CONTAIN RAILROAD LINES, FIRST  
12 RESPONDER ORGANIZATIONS, DISPROPORTIONATELY IMPACTED  
13 COMMUNITIES, AND ENVIRONMENTAL ORGANIZATIONS IN IMPLEMENTING  
14 THIS SECTION.

15 (8) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, AND  
16 THE DEPARTMENT OF TRANSPORTATION ARE IMMUNE FROM LIABILITY FOR  
17 ACTIONS PERFORMED PURSUANT TO THIS SECTION, AS DESCRIBED IN  
18 ARTICLE 10 OF TITLE 24.

19 (9) (a) ON OR BEFORE DECEMBER 1, 2024, THE COMMISSION, THE  
20 DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF  
21 TRANSPORTATION SHALL PROVIDE A REPORT TO THE GOVERNOR; THE  
22 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE OF  
23 THE HOUSE OF REPRESENTATIVES; AND THE TRANSPORTATION AND  
24 ENERGY COMMITTEE OF THE SENATE. THE REPORT MUST BE DEVELOPED IN  
25 CONSULTATION WITH THE COMMUNITY RAIL SAFETY ADVISORY  
26 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE AND  
27 INCLUDE:

1           (I) AN ASSESSMENT OF THE STAFFING LEVELS AND EQUIPMENT  
2           NECESSARY TO ENSURE RAILROADS' COMPLIANCE WITH FEDERAL AND  
3           STATE RULES AND REGULATIONS AND MINIMIZE RAIL SAFETY RISKS FOR  
4           RAILROADS, FACILITIES, WORKERS, AND COMMUNITIES THAT INCLUDE RAIL  
5           LINES;

6           (II) AN INDICATION THAT PUBLIC DATA NOT SUBJECT TO  
7           EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
8           ARTICLE 72 OF TITLE 24, WILL BE SHARED WITH THE COMMUNITY RAIL  
9           SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY  
10          COMMITTEE;

11          (III) AN ASSESSMENT OF DATA COLLECTION AND REPORTING NEEDS  
12          TO ENSURE ANNUAL REPORTING ON RAIL SAFETY, INCLUDING TRAIN  
13          LENGTH, FOR COVERED RAILROADS AND FACILITIES;

14          (IV) AN ASSESSMENT OF EMERGENCY RESPONSE AND CLEANUP  
15          CAPACITY NEEDED FOR HAZARDOUS MATERIALS INCIDENTS INVOLVING  
16          RAILROADS;

17          (V) A QUANTIFICATION OF THE ADEQUATE LEVELS OF INVESTMENT  
18          NECESSARY TO REDUCE HIGHWAY-RAIL CROSSING INCIDENTS AND OTHER  
19          RISKS;

20          (VI) MECHANISMS FOR ENSURING EQUITABLE INPUT FROM  
21          MEMBERS OF THE PUBLIC TO STATE AGENCIES REGARDING RAIL SAFETY;

22          (VII) AN ASSESSMENT OF BEST PRACTICES FOR ENSURING  
23          FINANCIAL RESPONSIBILITY FOR RESPONSE, CLEANUP, AND DAMAGES FROM  
24          MAJOR RAIL EVENTS, WHICH ASSESSMENT REVIEWS BEST PRACTICES FROM  
25          OTHER STATES; AND

26          (VIII) (A) A LEGISLATIVE PROPOSAL CONCERNING THE CREATION  
27          OF A FEE STRUCTURE, AN ASSESSMENT, AND A GOVERNANCE BODY AND AN

1 OFFICE OF RAIL SAFETY TO ADDRESS THE NEEDS DESCRIBED IN  
2 SUBSECTIONS (9)(a)(I) TO (9)(a)(VI) OF THIS SECTION, WHICH FEE  
3 STRUCTURE, ASSESSMENT, AND GOVERNANCE BODY CAN BE INTRODUCED  
4 AS LEGISLATION AS SOON AS THE 2025 REGULAR LEGISLATIVE SESSION  
5 AND BEGIN OPERATING NO LATER THAN JANUARY 1, 2027.

6 (B) THE REPORT MUST INCLUDE A RECOMMENDATION AS TO WHICH  
7 STATE AGENCY WOULD HOST THE PROPOSED GOVERNANCE BODY TO  
8 ENSURE PROPER COMPLIANCE WITH STATE AND FEDERAL LAW, EQUITABLE  
9 ACCESS TO COMMUNITY AND WORKER ORGANIZATIONS, AND  
10 ENFORCEMENT OF SAFETY REQUIREMENTS.

11 (b) IN PREPARING THE REPORT DESCRIBED IN SUBSECTION (9)(a) OF  
12 THIS SECTION, THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY,  
13 AND THE DEPARTMENT OF TRANSPORTATION SHALL CONSULT WITH THE  
14 ATTORNEY GENERAL, THE COMMUNITY RAIL SAFETY ADVISORY  
15 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE, AND  
16 INTERESTED STAKEHOLDERS, INCLUDING CLASS I RAILROADS, UNIONS  
17 REPRESENTING RAILROAD EMPLOYEES, LOCAL GOVERNMENTS OF  
18 MUNICIPALITIES THAT CONTAIN RAILROAD LINES, FIRST RESPONDER  
19 ORGANIZATIONS, DISPROPORTIONATELY IMPACTED COMMUNITIES, AND  
20 ENVIRONMENTAL ORGANIZATIONS.

21 (c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2026.

22 (10) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT  
23 THIS SECTION.

24 **40-20-312. Community rail safety advisory committee -**  
25 **membership - duties - rail safety plan - repeal.** (1) THE COMMUNITY  
26 RAIL SAFETY ADVISORY COMMITTEE IS CREATED.

27 (2) (a) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE

1 CONSISTS OF THE FOLLOWING MEMBERS:

2 (I) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK  
3 ON A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE  
4 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

5 (II) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK  
6 ON A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE  
7 PRESIDENT OF THE SENATE; EXCEPT THAT THE MEMBER MUST REPRESENT  
8 UNION WORKERS WHO WORK ON A CLASS I FREIGHT LINE OTHER THAN THE  
9 CLASS I FREIGHT LINE WHOSE UNION WORKERS ARE REPRESENTED BY THE  
10 MEMBER APPOINTED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION;

11 (III) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK  
12 ON A CLASS II OR III RAILROAD IN THE STATE, TO BE APPOINTED BY THE  
13 GOVERNOR;

14 (IV) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK  
15 ON A PASSENGER RAIL LINE, TO BE APPOINTED BY THE SPEAKER OF THE  
16 HOUSE OF REPRESENTATIVES;

17 (V) ONE MEMBER WHO REPRESENTS A DISPROPORTIONATELY  
18 IMPACTED COMMUNITY, TO BE APPOINTED BY THE PRESIDENT OF THE  
19 SENATE;

20 (VI) ONE MEMBER WHO REPRESENTS A STATEWIDE  
21 ENVIRONMENTAL ORGANIZATION, TO BE APPOINTED BY THE GOVERNOR;

22 AND

23 (VII) ONE MEMBER WHO REPRESENTS AN ORGANIZATION WITH A  
24 MISSION TO COLLABORATE WITH ENVIRONMENTAL ORGANIZATIONS AND  
25 UNION REPRESENTATIVES, TO BE APPOINTED BY THE SPEAKER OF THE  
26 HOUSE OF REPRESENTATIVES.

27 (b) THE APPOINTING AUTHORITIES DESCRIBED IN SUBSECTION

1 (2)(a) OF THIS SECTION SHALL MAKE THE INITIAL APPOINTMENTS ON OR  
2 BEFORE AUGUST 1, 2024.

3 (c) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY  
4 COMMITTEE EACH SERVE TERMS OF THREE YEARS; EXCEPT THAT:

5 (I) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY  
6 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(VI)  
7 AND (2)(a)(VII) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF  
8 ONE YEAR; AND

9 (II) THE MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY  
10 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III),  
11 (2)(a)(IV), AND (2)(a)(V) OF THIS SECTION SHALL EACH SERVE AN INITIAL  
12 TERM OF TWO YEARS.

13 (d) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY  
14 COMMITTEE SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING  
15 AUTHORITIES.

16 (e) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY  
17 COMMITTEE MAY SERVE AN UNLIMITED NUMBER OF TERMS.

18 (3) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY  
19 COMMITTEE SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED  
20 FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES  
21 INCURRED IN THE PERFORMANCE OF THE MEMBERS' DUTIES PURSUANT TO  
22 THIS SECTION.

23 (4) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE IS  
24 REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE  
25 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE IS SCHEDULED FOR  
26 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

27 **40-20-313. Rail industry safety advisory committee -**

1 membership - duties - rail safety plan - repeal. (1) THE RAIL INDUSTRY  
2 SAFETY ADVISORY COMMITTEE IS CREATED.

3 (2) (a) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE  
4 CONSISTS OF THE FOLLOWING NINE MEMBERS, EACH TO BE APPOINTED BY  
5 THE GOVERNOR:

6 (I) TWO MEMBERS WHO REPRESENT OPERATORS OF CLASS I  
7 RAILROADS OPERATING FREIGHT RAIL LINES;

8 (II) ONE MEMBER WHO REPRESENTS A RAILROAD OTHER THAN A  
9 CLASS I RAILROAD, WHICH RAILROAD OPERATES A FREIGHT RAIL LINE;

10 (III) ONE MEMBER WHO REPRESENTS A RAILROAD THAT OPERATES  
11 A PASSENGER RAIL LINE;

12 (IV) TWO MEMBERS WHO REPRESENT FIRST RESPONDER  
13 ORGANIZATIONS; AND

14 (V) ONE MEMBER WHO REPRESENTS THE PUBLIC UTILITIES  
15 COMMISSION;

16 (VI) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF PUBLIC  
17 SAFETY; AND

18 (VII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF  
19 TRANSPORTATION.

20 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS ON  
21 OR BEFORE AUGUST 1, 2024.

22 (c) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY  
23 COMMITTEE EACH SERVE TERMS OF THREE YEARS; EXCEPT THAT:

24 (I) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY  
25 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(I)  
26 AND (2)(a)(II) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF  
27 ONE YEAR; AND

1           (II) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY  
2           COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III)  
3           and (2)(a)(IV) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF  
4           TWO YEARS.

5           (d) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY  
6           COMMITTEE SERVE AT THE PLEASURE OF THE GOVERNOR.

7           (e) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY  
8           COMMITTEE MAY SERVE AN UNLIMITED NUMBER OF TERMS.

9           (3) MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY  
10           COMMITTEE SERVE WITHOUT COMPENSATION BUT MUST BE REIMBURSED  
11           FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY EXPENSES  
12           INCURRED IN THE PERFORMANCE OF THE MEMBERS' DUTIES PURSUANT TO  
13           THIS SECTION.

14           (4) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE IS  
15           REPEALED, EFFECTIVE SEPTEMBER 1, 2034. BEFORE THE REPEAL, THE RAIL  
16           INDUSTRY SAFETY ADVISORY COMMITTEE IS SCHEDULED FOR REVIEW IN  
17           ACCORDANCE WITH SECTION 2-3-1203.

18           **40-20-314. Enforcement.** THE PUBLIC UTILITIES COMMISSION  
19           SHALL CONDUCT PERIODIC COMPLIANCE REPORTS TO ENSURE EACH  
20           RAILROAD IS IN COMPLIANCE WITH THIS PART 3.

21           **40-20-315. Severability.** IF ANY PROVISION OF THIS PART 3 OR THE  
22           APPLICATION OF THIS PART 3 TO ANY PERSON OR CIRCUMSTANCE IS HELD  
23           INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
24           APPLICATIONS OF THIS PART 3 THAT CAN BE GIVEN EFFECT WITHOUT THE  
25           INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF  
26           THIS PART 3 ARE DECLARED TO BE SEVERABLE.

27           **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**

1 (25)(a)(III) and (25)(a)(IV) as follows:

2 **2-3-1203. Sunset review of advisory committees - legislative**  
3 **declaration - definition - repeal. (25) (a) The following statutory**  
4 **authorizations for the designated advisory committees will repeal on**  
5 **September 1, 2034:**

6 (III) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE  
7 CREATED IN SECTION 40-20-313;

8 (IV) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED  
9 IN SECTION 40-20-314.

10 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal  
11 year, \$11,651 is appropriated to the department of regulatory agencies for  
12 use by the public utilities commission. This appropriation is from the  
13 general fund. To implement this act, the commission may use this  
14 appropriation as follows:

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

17 (b) \$128 for operating expenses.

18 **SECTION 4. Effective date.** This act takes effect July 1, 2024.

19 **SECTION 5. Safety clause.** The general assembly finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, or safety or for appropriations for  
22 the support and maintenance of the departments of the state and state  
23 institutions.