

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING RAILROAD SAFETY, AND, IN CONNECTION THEREWITH, LIMITING THE MAXIMUM LENGTH OF A TRAIN OPERATING IN THE STATE, REQUIRING CERTAIN RAILROADS TO USE WAYSIDE DETECTOR SYSTEMS, LIMITING THE AMOUNT OF TIME A TRAIN MAY OBSTRUCT PUBLIC TRAVEL AT CERTAIN CROSSINGS, AUTHORIZING A CREW MEMBER'S DESIGNATED UNION REPRESENTATIVE TO INVESTIGATE CERTAIN REPORTED INCIDENTS, AUTHORIZING THE PUBLIC UTILITIES COMMISSION TO IMPOSE FINES FOR CERTAIN VIOLATIONS, REQUIRING FINE REVENUE TO BE PAID TO THE TRANSIT AND RAIL DIVISION IN THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF MAINTAINING AND IMPROVING THE SAFETY OF A PASSENGER RAIL SYSTEM, REQUIRING CERTAIN RAILROADS TO CARRY INSURANCE COVERAGE IN MINIMUM AMOUNTS, AND MAKING AN APPROPRIATION.

Prime Sponsors: Reps. Mabrey and Mauro  
Sens. Cutter and Exum

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Date Prepared: May 1, 2024

**Appropriation Items of Note**

**Appropriation Already Added to Bill, Amendment in Packet**

**TABOR Impact**

**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 05/01/24.

<b>XXX</b>	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

**Amendments in This Packet for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
J.005	Staff-prepared appropriation amendment

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that appropriates \$11,651 General Fund to the Department of Regulatory Agencies for FY 2024-25. This provision also states that the appropriation is based

on the assumption that the Department will require an additional 0.1 FTE. The clause does not accurately reflect the appropriation identified in the Revised Fiscal Note.

**Description of Amendments in This Packet**

**J.005** Staff has prepared amendment **J.005** (attached) to amend the existing appropriation clause and appropriate \$391,057 cash funds from the Public Utilities Commission Fixed Utility Fund to the Department of Regulatory Agencies for FY 2024-25. This provision also states that the appropriation is based on the assumption that the Department will require an additional 3.5 FTE.

**Points to Consider***TABOR/ Excess State Revenues Impact*

The March 2024 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$1.3 billion for FY 2024-25 and \$1.8 billion for FY 2025-26 to be refunded to taxpayers out of the General Fund. Legislation that increases non-exempt revenue (such as cash funds) will increase the TABOR refund from the General Fund. The budget package includes a set aside of \$63.1 million General Fund for appropriations in FY 2024-25.

In FY 2024-25, the bill is anticipated to be funded by reserves from the Fixed Utility Fund. As such, there is no anticipated change to cash fund revenues, resulting in no TABOR or General Fund impact.

This bill is estimated to increase cash fund revenues by \$440,070 in FY 2025-26, which will reduce the available General Fund in FY 2025-26 by an equal amount.

*Related Budget Information*

The bill creates the Rail District Maintenance and Safety Fund, which receives revenue from fines imposed by the Public Utilities Commission for violations of the bill's safety requirements. The amount of fine revenue generated depends on future enforcement actions and cannot be estimated. However, this revenue is subject to TABOR and will reduce future General Fund revenue by an equal amount. Starting in FY 2025-26, the money in this fund is annually appropriated to the Division of Transit and Rail in the Department of Transportation.