

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

REVISED

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

LLS NO. 24-0247.01 Richard Sweetman x4333

HOUSE BILL 24-1030

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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.*

SENATE
Amended 2nd Reading
May 6, 2024

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; CREATING
103 THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE; AND
104 MAKING AN APPROPRIATION.

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

1 NUMBER OF COMMUNITIES THROUGH WHICH RAILROADS OPERATE
2 NECESSITATE THAT THE STATE TAKE DECISIVE ACTION TO PREVENT AND
3 MITIGATE POTENTIAL HARM TO THE ENVIRONMENT AND COLORADO
4 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

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

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

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

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

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

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

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

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

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

27 (f) THE FEDERAL RAILROAD ADMINISTRATION ALSO RECOMMENDS

1 BUT DOES NOT REQUIRE THE INSTALLATION OF DRAGGING EQUIPMENT
2 DETECTORS AT INTERVALS OF NO MORE THAN TWENTY-FIVE MILES ON
3 RAILROAD TRACKS ON WHICH TRAINS OPERATE AT SPEEDS OF SIXTY MILES
4 PER HOUR OR MORE, WHILE RAILROAD EXPERTS NATIONWIDE HAVE CALLED
5 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING
6 EQUIPMENT DETECTORS;

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

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

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

27 (j) TRANSPARENCY AND ACCOUNTABILITY IN RAILROAD

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

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

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

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

16 (b) LIMIT GREENHOUSE GAS EMISSIONS;

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

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

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

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

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

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

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

3 (5) "COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" MEANS THE
4 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE" CREATED IN SECTION
5 40-20-312.

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

12 (7) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
13 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

14 (8) "DRAGGING EQUIPMENT DETECTOR" MEANS AN ELECTRONIC
15 DEVICE OR OTHER TECHNOLOGY THAT MONITORS A PASSING TRAIN TO
16 ACTIVELY DETECT AND ALERT OPERATORS OF THE TRAIN OF THE
17 EXISTENCE OF ANY OBJECTS DRAGGING FROM THE TRAIN.

18 (9) "FUND" MEANS THE ■■■ RAIL DISTRICT MAINTENANCE AND
19 SAFETY FUND CREATED IN SECTION 40-20-309.

20 (10) "HAZARDOUS MATERIAL" HAS THE MEANING SET FORTH IN 49
21 CFR 171.8.

22 (11) "HIGHWAY-RAIL CROSSING" MEANS:
23 (a) THE POINT AT WHICH ANY PUBLIC HIGHWAY IS OR WILL BE
24 CONSTRUCTED ACROSS THE TRACKS OR OTHER FACILITIES OF A RAILROAD
25 AT, ABOVE, OR BELOW GRADE;
26 (b) THE POINT AT WHICH THE TRACKS OR OTHER FACILITIES OF A
27 RAILROAD ARE OR MAY BE CONSTRUCTED ACROSS ANY PUBLIC HIGHWAY

1 AT, ABOVE, OR BELOW GRADE;

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

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

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

12 (13) "INCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

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

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

22 (16) "PATHWAY CROSSING" MEANS:

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

26 (b) THE POINT AT WHICH ANY TRACKS OR OTHER FACILITIES OF A
27 RAILROAD ARE OR WILL BE CONSTRUCTED ACROSS ANY PUBLIC PATHWAY

1 AT, ABOVE, OR BELOW GRADE;

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

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

8 (17) "PUBLIC CROSSING" MEANS A HIGHWAY-RAIL CROSSING OR
9 PATHWAY CROSSING WHERE THE HIGHWAY OR PATHWAY ON BOTH SIDES
10 OF THE CROSSING IS UNDER THE JURISDICTION OF OR IS MAINTAINED BY A
11 STATE OR LOCAL ROAD AUTHORITY AND IS OPEN TO PUBLIC TRAVEL.

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

14 (19) "RAIL INDUSTRY SAFETY ADVISORY COMMITTEE" MEANS THE
15 RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED IN SECTION
16 40-20-313.

17 (20) "RAILROAD" MEANS A PERSON PROVIDING RAILROAD
18 TRANSPORTATION.

19 (21) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF
20 NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR
21 ELECTROMAGNETIC GUIDEWAYS. "RAILROAD TRANSPORTATION" DOES NOT
22 INCLUDE RAPID TRANSIT OPERATIONS, PUBLIC TRANSPORTATION, RAIL
23 FIXED GUIDEWAY OPERATIONS, OR COMMUTER PASSENGER RAIL THAT:

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

25 (b) IS NOT CONNECTED TO A GENERAL OR AN INTERSTATE
26 RAILROAD SYSTEM.

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

1 (23) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,
2 WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO
3 49 CFR 232 AND 49 CFR 238.

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

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9 **40-20-303. Wayside detector systems - obstructions at public**

10 **crossings - reports.** (1) ON OR BEFORE JANUARY 1, 2025, AND ON OR
11 BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING
12 ANY MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES
13 COMMISSION A PUBLIC REPORT THAT DISCLOSES, AT A MINIMUM, THE
14 FOLLOWING INFORMATION:

15 (a) AN OVERVIEW OF THE TYPES OF, GENERAL LOCATIONS OF, AND
16 SPACING BETWEEN WAYSIDE DETECTORS ON MAIN LINES IN COLORADO;

17 (b) A GENERAL DESCRIPTION OF HOW THE WAYSIDE DETECTOR
18 SYSTEM PROMOTES SAFETY, INCLUDING PLANS TO ADJUST OR IMPROVE THE
19 WAYSIDE DETECTOR SYSTEM OR REVIEW WAYSIDE DETECTOR
20 TECHNOLOGY;

21 (c) A GENERAL DESCRIPTION OF THE PROCESS BY WHICH DEFECTS
22 OR OTHER DETECTIONS ARE MANAGED IN ORDER TO PROVIDE NOTICE TO
23 TRAIN OPERATORS AND OTHERS; AND

24 (d) THE PERCENTAGE OF TIME THAT EACH TYPE OF WAYSIDE
25 DETECTOR WAS OPERATIONAL FOR THE PREVIOUS YEAR.

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

1 POSSIBLE, THE STATE EXPECTS THAT ANY TRAIN OR EQUIPMENT
2 OPERATING ON A MAIN LINE OR SIDING IN THE STATE SHOULD BE OPERATED
3 IN SUCH A MANNER AS TO MINIMIZE OBSTRUCTION OF EMERGENCY
4 VEHICLES AT HIGHWAY-RAIL CROSSINGS. UPON THE APPROACH OF AN
5 EMERGENCY VEHICLE TO ANY BLOCKED CROSSING, AN EMERGENCY
6 VEHICLE MAY GIVE WARNING OF ITS APPROACH BY THE SOUNDING OF
7 SIRENS, FLASHING OF LIGHTS, WAVING OF A FLAG, OR ANY OTHER WARNING
8 SUFFICIENT TO ATTRACT ATTENTION TO THE EMERGENCY VEHICLE TO
9 ALLOW THE TRAIN CREW TO SEPARATE THE TRAIN OR EQUIPMENT AND
10 CLEAR THE CROSSING WITH ALL POSSIBLE DISPATCH TO PERMIT THE
11 EMERGENCY VEHICLE TO PASS. IF A BLOCKED CROSSING IS NOT CLEARED,
12 THE ENTITY OPERATING THE EMERGENCY VEHICLE OR THE DEPARTMENT
13 OF PUBLIC SAFETY SHALL REQUEST THAT THE RAILROAD IMMEDIATELY
14 TAKE ANY ACTION, CONSISTENT WITH SAFE OPERATING PROCEDURES,
15 NECESSARY TO CLEAR THE HIGHWAY-RAIL CROSSING.

16 (b) THE DEPARTMENT OF PUBLIC SAFETY SHALL, AND OTHER
17 EMERGENCY VEHICLE OPERATORS MAY, REPORT TO THE OFFICE OF RAIL
18 SAFETY THE DETAILS OF ANY EVENT IN WHICH AN EMERGENCY VEHICLE
19 WAS STOPPED OR DELAYED BY A TRAIN BLOCKING A HIGHWAY-RAIL
20 CROSSING, ANY REQUEST THAT WAS MADE TO CLEAR THE CROSSING, THE
21 RESOLUTION OF ANY SUCH REQUEST, AND ANY EFFECTS THAT THE DELAY
22 OF THE EMERGENCY VEHICLE HAD ON THE EMERGENCY RESPONSE.

23 (c) AS USED IN THIS SUBSECTION (2), "EMERGENCY VEHICLE"
24 MEANS:

25 (I) AN AMBULANCE OPERATED BY A PUBLIC AUTHORITY OR BY A
26 PRIVATE PERSON;

27 (II) A POLICE VEHICLE;

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

9 **40-20-304. Emergency operations.** (1) STATE EMERGENCY
10 RESPONSE AUTHORITIES MAY RECOMMEND ACTIONS NECESSARY TO
11 PROTECT RAILROADS, RAIL WORKERS, AND PUBLIC SAFETY IN THE EVENT
12 OF AN EMERGENCY SUCH AS WILDFIRE, FLOOD, EARTH MOVEMENT, OR
13 CIVIL DISORDER, INCLUDING STOPPING OR REROUTING RAIL TRAFFIC IF
14 DEEMED NECESSARY.

15 (2) A RAILROAD SHALL RESPOND TO A STATE EMERGENCY
16 RESPONSE AUTHORITY PROMPTLY AND WORK CLOSELY WITH STATE AND
17 LOCAL OFFICIALS DURING EMERGENCIES TO COORDINATE RESPONSE
18 EFFORTS AND ENSURE THE SAFETY OF RAIL PERSONNEL AND THE PUBLIC.

19 **40-20-305. Incident response requirements.** (1)(a) A RAILROAD
20 OPERATING IN COLORADO THAT ACCOMMODATES HIGH-HAZARD
21 FLAMMABLE TRAINS OR HIGH-HAZARD HIGH-CONSEQUENCE HAZARDOUS
22 MATERIAL SHALL COORDINATE WITH THE DEPARTMENT OF PUBLIC SAFETY
23 REGARDING EMERGENCY RESPONSE AND SPILL RESPONSE CAPACITY AND
24 PLANNING. THE RAILROAD AND THE DEPARTMENT OF PUBLIC SAFETY
25 SHALL COORDINATE REGARDING THE ADEQUACY OF CACHES OF
26 EQUIPMENT, SUPPLIES, AND AVAILABLE STAFF TO MITIGATE ALL HAZARDS
27 LIKELY WITHIN THE AREA COVERED BY EACH CACHE, INCLUDING

1 CONSIDERATION OF:

2 (I) FIRE SUPPRESSION FOAM AND FOAM SYSTEMS;

3 (II) ABSORBENT MATERIALS AND CONTAINMENT BOOMS;

4 (III) SPECIALIZED LEAK MITIGATION AND REPAIR KITS;

5 (IV) CHEMICAL PROTECTIVE CLOTHING;

6 (V) PERSONNEL DECONTAMINATION SUPPLIES;

7 (VI) INTEROPERABLE COMMUNICATION EQUIPMENT; AND

8 (VII) RESPONSE TIMES.

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

12 (c) RESOURCES DESCRIBED IN THIS SUBSECTION (1) MAY BE
13 MAINTAINED:

14 (I) AS PARTNERSHIPS WITH FEDERAL, STATE, COUNTY, OR LOCAL
15 AGENCIES, INCLUDING LOCAL FIRE DEPARTMENTS AND POLICE
16 DEPARTMENTS; OR

17 (II) PURSUANT TO CONTRACTS WITH OTHER RAILROADS OR
18 EMERGENCY RESPONSE ENTITIES.

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

22 (3) A RAILROAD MAY PARTNER WITH ONE OR MORE COUNTIES OR
23 OTHER REGIONAL ENTITIES TO SUPPORT REGIONAL HAZARDOUS MATERIALS
24 TEAMS AND CAPABILITIES.

25 (4) EACH RAILROAD SHALL COORDINATE WITH THE DEPARTMENT
26 OF PUBLIC SAFETY TO CONDUCT AT LEAST TWO HAZARDOUS MATERIALS
27 RESPONSE TABLETOP EXERCISES EACH YEAR WITH OTHER FEDERAL,

1 REGIONAL, STATE, AND LOCAL AGENCIES, INCLUDING AT LEAST ONE
2 SCENARIO INVOLVING DERAILMENT AND RELEASE OF CRUDE OIL OR OTHER
3 FLAMMABLE MATERIALS AND AT LEAST ONE INCIDENT WITH DERAILMENT
4 INVOLVING INHALATION HAZARDS.

5 **40-20-306. Emergency notifications. (1)** WITHIN THIRTY
6 MINUTES AFTER DISCOVERING AN EMERGENCY INVOLVING A TRAIN,
7 UNLESS COMMUNICATION IS IMPOSSIBLE, THE RAILROAD OPERATING THE
8 TRAIN SHALL NOTIFY THE STATE'S WATCH CENTER OF THE EMERGENCY BY
9 TELEPHONE OR ANOTHER AGREED-UPON METHOD OF COMMUNICATION TO
10 ENSURE THAT AUTHORITIES CAN RESPOND SWIFTLY AND APPROPRIATELY.
11 EMERGENCY CONDITIONS THAT REQUIRE A RAILROAD TO PROVIDE SUCH
12 NOTICE INCLUDE:

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

20 (2) THE NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS
21 SECTION MUST INCLUDE:

- 22 (a) DETAILS ABOUT THE NATURE AND SEVERITY OF THE
23 EMERGENCY, SUCH AS THE TYPE OF INCIDENT, THE LOCATION OF THE
24 INCIDENT, POTENTIAL HAZARDS INVOLVED, AND ANY IMMEDIATE ACTIONS
25 TAKEN OR REQUIRED;
- 26 (b) THE EXTENT OF THE IMPACT OF THE EMERGENCY, INCLUDING
27 ANY INJURIES, FATALITIES, PROPERTY DAMAGE, OR ENVIRONMENTAL

1 DAMAGE;

2 (c) IMPACTS ON OTHER SURFACE TRANSPORTATION, INCLUDING
3 BLOCKED ROADWAYS;

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

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

9 (f) REQUESTS FOR ASSISTANCE, INCLUDING EVACUATIONS,
10 CONTAINMENT, AND ADDITIONAL RESOURCES; AND

11 (g) ANY IMMEDIATE COORDINATION EFFORTS THAT HAVE TAKEN
12 PLACE WITH LOCAL AUTHORITIES.

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

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

23 **40-20-307. Reporting violation to union representative -**
24 **request for investigation. (1) A CREWMEMBER OF A TRAIN OPERATED BY**
25 **A RAILROAD IN THE STATE MAY REPORT TO THE CREW MEMBER'S**
26 **DESIGNATED UNION REPRESENTATIVE:**

27 (a) A VIOLATION OF ANY OF THE SAFETY REQUIREMENTS SPECIFIED

1 IN THIS PART 3;

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

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

6 (2) A DESIGNATED UNION REPRESENTATIVE RECEIVING A REPORT
7 MAY REQUEST AN INVESTIGATION FROM THE OFFICE OF RAIL SAFETY.

8 **40-20-308. Violations - penalties - rules.** (1) IF A RAILROAD OR
9 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION
10 40-20-303, THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF NOT
11 LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN TWENTY-FIVE
12 THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A CONTINUING
13 VIOLATION CONSTITUTES A SEPARATE VIOLATION.

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

17 (a) THE RAILROAD INTENTIONALLY OR KNOWINGLY VIOLATED
18 SECTION 40-20-303; OR

19 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND
20 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303.

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

24 (4) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES
25 FOR THE DETERMINATION, IMPOSITION, AND APPEAL OF FINES UNDER THIS
26 SECTION.

27 **40-20-309. Rail district maintenance and safety fund - created.**

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

6 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
7 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
8 FUND TO THE FUND.

9 (3) (a) FOR THE 2025-26 STATE FISCAL YEAR AND EACH STATE
10 FISCAL YEAR THEREAFTER, MONEY IN THE FUND IS ANNUALLY
11 APPROPRIATED TO THE TRANSIT AND RAIL DIVISION IN THE DEPARTMENT
12 OF TRANSPORTATION. THE DIVISION MAY EXPEND THE MONEY RECEIVED
13 FOR THE PURPOSES OF:

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

16 (II) PLANNING, DESIGN, CONSTRUCTION, OR MAINTENANCE AND
17 OPERATION OF SAFETY IMPROVEMENTS ON ANY RAILROAD OR RAILROAD
18 CROSSING IN THE STATE; AND

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

21 (b) MONEY IN THE FUND IS NOT INTENDED TO INCREASE THE
22 NUMBER OF FULL-TIME EMPLOYEES OF THE DEPARTMENT OF
23 TRANSPORTATION.

24 40-20-310. Training - rules. (1) ON OR BEFORE JULY 1, 2025,
25 AND AT LEAST ONCE EVERY THREE YEARS THEREAFTER, EACH RAILROAD
26 SHALL OFFER TRAINING TO EACH FIRE DEPARTMENT AND OTHER FIRST
27 RESPONDER ORGANIZATION HAVING JURISDICTION ALONG TRACKS UPON

1 WHICH THE RAILROAD OPERATES IN THE STATE. IN SATISFYING THIS
2 REQUIREMENT, A RAILROAD MAY OFFER SUCH TRAINING SIMULTANEOUSLY
3 TO MORE THAN ONE FIRE DEPARTMENT AND OTHER FIRST RESPONDER
4 ORGANIZATION.

5 (2) THE TRAINING DESCRIBED IN SUBSECTION (1) OF THIS SECTION
6 MUST:

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

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

26 (3) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES
27 FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING RULES

1 CONCERNING TRAINING CONTENT, SAFETY DRILLS, COMMUNICATION, AND
2 RAILROAD INCIDENT RESPONSE REQUIREMENTS.

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

7 (5) A CLASS II OR CLASS III RAILROAD MAY SATISFY THE
8 REQUIREMENTS OF THIS SECTION BY EITHER:

9 (a) ENTERING INTO AN AGREEMENT WITH A CLASS I RAILROAD TO
10 BE A PARTNER WITH THE CLASS I RAILROAD IN ITS PROGRAM; OR

11 (b) ADOPTING THE TRAINING PROGRAMS PROVIDED BY THE SHORT
12 LINE SAFETY INSTITUTE.

13 ==
14 **40-20-311. Office of rail safety - agreement with federal**
15 **railroad administration - duties of commission, department of public**
16 **safety, and department of transportation - inspections - report - rules**
17 **- repeal. (1) THE OFFICE OF RAIL SAFETY IS CREATED WITH THE MISSION**
18 **OF ENSURING FREIGHT, PASSENGER, COMMUNITY, AND ENVIRONMENTAL**
19 **RAIL SAFETY IN THE STATE FOR THE STATE'S UNIQUE AND DELICATE**
20 **TERRAIN, ITS HEADWATERS, ITS COMMUNITIES, AND ITS RAIL WORKERS.**
21 **THE COMMISSION SHALL ADMINISTER THE OFFICE IN ACCORDANCE WITH**
22 **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 PART 212 TO
26 PARTICIPATE IN INSPECTION AND INVESTIGATION ACTIVITIES. UNDER THE
27 AGREEMENT, THE COMMISSION SHALL SECURE THE AUTHORITY TO

1 ADDRESS ALL RAILROAD SAFETY DISCIPLINES, INCLUDING CROSSINGS,
2 TRACK, SIGNAL AND TRAIN CONTROL, MOTIVE POWER AND EQUIPMENT,
3 OPERATING PRACTICES, 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; AND

19 (c) PASSENGER RAILROADS.

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

24 (5) AN INTERESTED PARTY MAY REQUEST THAT THE COMMISSION,
25 THE DEPARTMENT OF PUBLIC SAFETY, OR THE DEPARTMENT OF
26 TRANSPORTATION INVESTIGATE AN ALLEGED VIOLATION OF THIS PART 3.

27 (6) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, OR THE

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

5 (7) 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 (8) THE COMMISSION SHALL REGULARLY ENGAGE WITH
10 RAILROADS, UNIONS REPRESENTING RAILROAD EMPLOYEES, LOCAL
11 GOVERNMENTS OF COUNTIES, SPECIAL DISTRICTS, AND MUNICIPALITIES
12 THAT CONTAIN RAILROAD LINES, FIRST RESPONDER ORGANIZATIONS,
13 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND ENVIRONMENTAL
14 ORGANIZATIONS IN IMPLEMENTING THIS SECTION.

15 (9) 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 (10) THE OFFICE OF RAIL SAFETY SHALL COLLECT AND REPORT
20 INFORMATION REGARDING BLOCKED HIGHWAY-RAIL CROSSINGS IN THE
21 STATE, INCLUDING INFORMATION REGARDING EMERGENCY VEHICLES
22 AFFECTED BY BLOCKED HIGHWAY-RAIL CROSSINGS.

23 (11) (a) THE OFFICE OF RAIL SAFETY SHALL CREATE A STANDARD
24 PROCESS FOR INVESTIGATORS TO USE DURING INVESTIGATIONS UNDER THIS
25 SECTION FOR DETERMINING THE APPROPRIATE TIME AND METHOD FOR:

26 (I) GATHERING INFORMATION ABOUT AN INVESTIGATION FROM
27 RAILROADS, CONTRACTORS, OR EMPLOYEES OF RAILROADS OR FROM

1 REPRESENTATIVES OF EMPLOYEES OF RAILROADS, AND OTHERS, AS
2 DETERMINED RELEVANT BY THE OFFICE OF RAIL SAFETY; AND

3 (II) CONSULTING WITH RAILROADS, CONTRACTORS, OR EMPLOYEES
4 OF RAILROADS, OR WITH REPRESENTATIVES OF EMPLOYEES OF RAILROADS,
5 AND OTHERS, AS DETERMINED RELEVANT BY THE OFFICE OF RAIL SAFETY,
6 FOR TECHNICAL EXPERTISE ON THE FACTS OF AN INVESTIGATION.

7 (b) IN DEVELOPING THE PROCESS REQUIRED UNDER SUBSECTION
8 (11)(a) OF THIS SECTION, THE OFFICE OF RAIL SAFETY SHALL INCLUDE
9 CONSIDERATION OF HOW TO MAINTAIN THE CONFIDENTIALITY OF ANY
10 ENTITY IDENTIFIED PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION IF:

11 (I) THE ENTITY REQUESTS CONFIDENTIALITY;

12 (II) THE ENTITY WAS NOT INVOLVED IN THE ACCIDENT OR
13 INCIDENT; AND

14 (III) MAINTAINING THE ENTITY'S CONFIDENTIALITY DOES NOT
15 ADVERSELY AFFECT AN INVESTIGATION BY THE OFFICE OF RAIL SAFETY.

16 (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (11)(c)(II) OF THIS
17 SECTION, THE OFFICE OF RAIL SAFETY MAY NOT DISCLOSE THE NAME OF AN
18 EMPLOYEE OF A RAILROAD WHO HAS PROVIDED INFORMATION ABOUT AN
19 ALLEGED VIOLATION OF THIS PART 3 OR MATTERS DESCRIBED IN
20 SUBSECTION (11)(c)(II) OF THIS SECTION UNLESS THE OFFICE OF RAIL
21 SAFETY OBTAINS THE EMPLOYEE'S WRITTEN CONSENT FOR SUCH
22 DISCLOSURE.

23 (II) THE OFFICE OF RAIL SAFETY SHALL DISCLOSE TO THE
24 ATTORNEY GENERAL OR THE FEDERAL RAILROAD ADMINISTRATION THE
25 NAME OF AN EMPLOYEE DESCRIBED IN SUBSECTION (11)(c)(I) OF THIS
26 SECTION IF THE MATTER IS REFERRED TO THE ATTORNEY GENERAL OR THE
27 FEDERAL RAILROAD ADMINISTRATION FOR ENFORCEMENT. BEFORE

1 MAKING SUCH A DISCLOSURE, THE OFFICE OF RAIL SAFETY SHALL PROVIDE
2 REASONABLE ADVANCE NOTICE TO THE AFFECTED EMPLOYEE AND TO A
3 DESIGNATED EMPLOYEE REPRESENTATIVE IF SUCH A REPRESENTATIVE
4 EXISTS.

5 (d) THE OFFICE OF RAIL SAFETY SHALL PROMULGATE RULES TO
6 PROTECT EMPLOYEES FROM RETALIATION FOR THEIR PARTICIPATION IN
7 INVESTIGATIONS UNDER THIS SECTION AND SHALL CREATE A MECHANISM
8 TO ACCEPT AND RESOLVE COMPLAINTS REGARDING VIOLATIONS OF THE
9 RULES, WHICH MECHANISM IS CONSISTENT WITH FEDERAL LAW.

10 (12) THE OFFICE OF RAIL SAFETY SHALL COORDINATE WITH THE
11 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF PUBLIC SAFETY,
12 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
13 DEPARTMENT OF NATURAL RESOURCES, AND STAKEHOLDERS SUCH AS
14 RAILROADS, FIRST RESPONDERS, LOCAL GOVERNMENTS, METROPOLITAN
15 PLANNING ORGANIZATIONS, AND LABOR ORGANIZATIONS TO IDENTIFY AND
16 IMPLEMENT INITIATIVES AND PRIORITIES TO REDUCE THE FREQUENCY OF
17 BLOCKED HIGHWAY-RAIL CROSSINGS, IMPROVE EMERGENCY
18 PREPAREDNESS AND RESILIENCE, AND IMPROVE RAIL SAFETY. THIS MAY
19 INCLUDE INNOVATIVE USE OF DATA AND TECHNOLOGY TO PRIORITIZE
20 ELIMINATION OR PROTECTION OF HIGHWAY-RAIL CROSSINGS, INFORMATION
21 SHARING, AND FIRST RESPONDER DECISION SUPPORT. THE OFFICE OF RAIL
22 SAFETY SHALL ALSO COORDINATE WITH THE AFOREMENTIONED ENTITIES
23 REGARDING POSSIBLE FEDERAL GRANTS TO IMPROVE RAIL AND PUBLIC
24 SAFETY.

25 (13) (a) ON OR BEFORE DECEMBER 1, 2024, THE COMMISSION, THE
26 DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF
27 TRANSPORTATION SHALL PROVIDE A REPORT TO THE GOVERNOR; THE

1 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE OF
2 THE HOUSE OF REPRESENTATIVES; AND THE TRANSPORTATION AND
3 ENERGY COMMITTEE OF THE SENATE. THE REPORT MUST BE DEVELOPED IN
4 CONSULTATION WITH THE COMMUNITY RAIL SAFETY ADVISORY
5 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE AND
6 INCLUDE:

7 (I) AN ASSESSMENT OF THE STAFFING LEVELS AND EQUIPMENT
8 NECESSARY TO ENSURE RAILROADS' COMPLIANCE WITH FEDERAL AND
9 STATE RULES AND REGULATIONS AND MINIMIZE RAIL SAFETY RISKS FOR
10 RAILROADS, FACILITIES, WORKERS, AND COMMUNITIES THAT INCLUDE RAIL
11 LINES;

12 (II) AN INDICATION THAT PUBLIC DATA NOT SUBJECT TO
13 EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
14 ARTICLE 72 OF TITLE 24, WILL BE SHARED WITH THE COMMUNITY RAIL
15 SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
16 COMMITTEE;

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

20 (IV) AN ASSESSMENT OF EMERGENCY RESPONSE AND CLEANUP
21 CAPACITY NEEDED FOR HAZARDOUS MATERIALS INCIDENTS INVOLVING
22 RAILROADS;

23 (V) A QUANTIFICATION OF THE ADEQUATE LEVELS OF INVESTMENT
24 NECESSARY TO REDUCE HIGHWAY-RAIL CROSSING INCIDENTS AND OTHER
25 RISKS;

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

1 (VII) AN ASSESSMENT OF BEST PRACTICES FOR ENSURING
2 FINANCIAL RESPONSIBILITY FOR RESPONSE, CLEANUP, AND DAMAGES FROM
3 MAJOR RAIL EVENTS, WHICH ASSESSMENT REVIEWS BEST PRACTICES FROM
4 OTHER STATES;

5 (VIII) A REPORT CONCERNING COMMUNICATION ISSUES IMPACTING
6 RAIL LINES IN THE STATE, INCLUDING COMMUNICATION WITH STATE
7 ENTITIES SUCH AS THE DEPARTMENT OF PUBLIC SAFETY; COMMUNICATION
8 ISSUES BETWEEN CREWS WORKING LONG TRAINS; AND COMMUNICATION
9 FROM WAYSIDE DETECTORS TO CREWS; AND

10 (IX) (A) A LEGISLATIVE PROPOSAL CONCERNING THE CREATION OF
11 A FEE STRUCTURE OR OTHER REVENUE SOURCE, AN ASSESSMENT, AND A
12 GOVERNANCE BODY AND AN OFFICE OF RAIL SAFETY TO ADDRESS THE
13 NEEDS DESCRIBED IN SUBSECTIONS (13)(a)(I) TO (13)(a)(VIII) OF THIS
14 SECTION, WHICH FEE STRUCTURE, ASSESSMENT, AND GOVERNANCE BODY
15 CAN BE INTRODUCED AS LEGISLATION AS SOON AS THE 2025 REGULAR
16 LEGISLATIVE SESSION AND BEGIN OPERATING NO LATER THAN JANUARY 1,
17 2027.

18 (B) THE REPORT MUST INCLUDE A RECOMMENDATION AS TO WHICH
19 STATE AGENCY WOULD HOST THE PROPOSED GOVERNANCE BODY TO
20 ENSURE PROPER COMPLIANCE WITH STATE AND FEDERAL LAW, EQUITABLE
21 ACCESS TO COMMUNITY AND WORKER ORGANIZATIONS, AND
22 ENFORCEMENT OF SAFETY REQUIREMENTS.

23 (b) IN PREPARING THE REPORT DESCRIBED IN SUBSECTION (13)(a)
24 OF THIS SECTION, THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY,
25 AND THE DEPARTMENT OF TRANSPORTATION SHALL CONSULT WITH THE
26 ATTORNEY GENERAL, THE COMMUNITY RAIL SAFETY ADVISORY
27 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE, AND

1 INTERESTED STAKEHOLDERS, INCLUDING RAILROADS, UNIONS
2 REPRESENTING RAILROAD EMPLOYEES, LOCAL GOVERNMENTS OF
3 COUNTIES, SPECIAL DISTRICTS, AND MUNICIPALITIES THAT CONTAIN
4 RAILROAD LINES, THE FEDERAL RAILROAD ADMINISTRATION, FIRST
5 RESPONDER ORGANIZATIONS, DISPROPORTIONATELY IMPACTED
6 COMMUNITIES, AND ENVIRONMENTAL ORGANIZATIONS.

7 (c) THIS SUBSECTION (13) IS REPEALED, EFFECTIVE JULY 1, 2026.

8 (14) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
9 THIS SECTION.

10 **40-20-312. Community rail safety advisory committee -**
11 **membership - duties - rail safety plan - discrimination, adverse**
12 **action, retaliation prohibited - repeal. (1) THE COMMUNITY RAIL**
13 **SAFETY ADVISORY COMMITTEE IS CREATED.**

14 (2) (a) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
15 CONSISTS OF THE FOLLOWING MEMBERS:

16 (I) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
17 FOR A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE
18 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

19 (II) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
20 FOR A CLASS I FREIGHT RAIL LINE IN THE STATE, TO BE APPOINTED BY THE
21 PRESIDENT OF THE SENATE; EXCEPT THAT THE MEMBER MUST REPRESENT
22 UNION WORKERS WHO WORK FOR A CLASS I FREIGHT LINE OTHER THAN THE
23 CLASS I FREIGHT LINE WHOSE UNION WORKERS ARE REPRESENTED BY THE
24 MEMBER APPOINTED PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION;

25 (III) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
26 FOR A CLASS II OR III RAILROAD IN THE STATE, TO BE APPOINTED BY THE
27 GOVERNOR;

1 (IV) ONE MEMBER WHO REPRESENTS UNION WORKERS WHO WORK
2 FOR A PASSENGER RAIL OPERATOR, TO BE APPOINTED BY THE SPEAKER OF
3 THE HOUSE OF REPRESENTATIVES;

4 (V) ONE MEMBER WHO REPRESENTS A DISPROPORTIONATELY
5 IMPACTED COMMUNITY, TO BE APPOINTED BY THE PRESIDENT OF THE
6 SENATE;

7 (VI) ONE MEMBER WHO REPRESENTS A STATEWIDE
8 ENVIRONMENTAL ORGANIZATION, TO BE APPOINTED BY THE GOVERNOR;
9 AND

10 (VII) ONE MEMBER WHO REPRESENTS AN ORGANIZATION WITH A
11 MISSION TO COLLABORATE WITH ENVIRONMENTAL ORGANIZATIONS AND
12 UNION REPRESENTATIVES, TO BE APPOINTED BY THE SPEAKER OF THE
13 HOUSE OF REPRESENTATIVES.

14 (b) THE APPOINTING AUTHORITIES DESCRIBED IN SUBSECTION
15 (2)(a) OF THIS SECTION SHALL MAKE THE INITIAL APPOINTMENTS ON OR
16 BEFORE AUGUST 1, 2024.

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

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

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

27 (d) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY

1 COMMITTEE SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING
2 AUTHORITIES.

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

5 (3) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
6 COMMITTEE WHO ARE NOT COMPENSATED FOR ACTING IN OFFICIAL JOB
7 ROLES MAY RECEIVE PER DIEM COMPENSATION FROM THE OFFICE OF RAIL
8 SAFETY CREATED IN SECTION 40-20-311. MEMBERS OF THE COMMUNITY
9 RAIL SAFETY ADVISORY COMMITTEE MAY BE REIMBURSED FOR EXPENSES
10 INCURRED WHILE PERFORMING THE MEMBERS' DUTIES.

11 (4) AN EMPLOYER SHALL NOT DISCRIMINATE, TAKE ADVERSE
12 ACTION, OR RETALIATE AGAINST AN EMPLOYEE IN RESPONSE TO THE
13 EMPLOYEE:

14 (a) SERVING IN GOOD FAITH ON THE COMMUNITY RAIL SAFETY
15 ADVISORY COMMITTEE; OR

16 (b) RAISING A REASONABLE CONCERN ABOUT A POSSIBLE
17 WORKPLACE VIOLATION OF GOVERNMENT SAFETY RULES, OR ABOUT AN
18 OTHERWISE SIGNIFICANT WORKPLACE THREAT TO SAFETY, TO THE
19 EMPLOYER, THE EMPLOYER'S AGENT, ANOTHER EMPLOYEE, A
20 GOVERNMENT AGENCY, OR THE PUBLIC IF THE EMPLOYER CONTROLS THE
21 WORKPLACE CONDITIONS GIVING RISE TO THE ALLEGED VIOLATION OR
22 THREAT.

23 (5) 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 CLASS II OR CLASS III
9 RAILROAD IN THE STATE;

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) THREE MEMBERS WITH EXPERTISE CONCERNING RAIL SAFETY,
15 RAIL OPERATIONS, EMERGENCY RESPONSE, OR TRANSPORTATION
16 REGULATION.

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

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

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

25 (II) THE MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY
26 COMMITTEE INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(III)
27 and (2)(a)(IV) OF THIS SECTION SHALL EACH SERVE AN INITIAL TERM OF

1 TWO YEARS.

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

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

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

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

15 **40-20-314. Enforcement.** THE PUBLIC UTILITIES COMMISSION
16 SHALL CONDUCT PERIODIC COMPLIANCE REVIEWS TO ENSURE EACH
17 RAILROAD IS IN COMPLIANCE WITH THIS PART 3.

18 **40-20-315. Severability.** IF ANY PROVISION OF THIS PART 3 OR THE
19 APPLICATION OF THIS PART 3 TO ANY PERSON OR CIRCUMSTANCE IS HELD
20 INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
21 APPLICATIONS OF THIS PART 3 THAT CAN BE GIVEN EFFECT WITHOUT THE
22 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
23 THIS PART 3 ARE DECLARED TO BE SEVERABLE.

24 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, add
25 (25)(a)(III) and (25)(a)(IV) as follows:

26 **2-3-1203. Sunset review of advisory committees - legislative**
27 **declaration - definition - repeal.** (25) (a) The following statutory

1 authorizations for the designated advisory committees will repeal on
2 September 1, 2034:

3 (III) THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
4 CREATED IN SECTION 40-20-312;

5 (IV) THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE CREATED
6 IN SECTION 40-20-313.

7 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
8 year, \$391,057 is appropriated to the department of regulatory agencies
9 for use by the public utilities commission. This appropriation is from the
10 public utilities commission fixed utility fund, created in section 40-2-114
11 (1)(b)(II), C.R.S. To implement this act, the commission may use this
12 appropriation as follows:

13 (a) \$359,897 for personal services, which amount is based on an
14 assumption that the commission will require an additional 3.5 FTE; and

15 (b) \$31,160 for operating expenses.

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

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