

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0172.01 Josh Schultz x5486

SENATE BILL 25-162

SENATE SPONSORSHIP

Cutter and Snyder,

HOUSE SPONSORSHIP

Mabrey and Velasco, Lieder

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE RAILROAD SAFETY.**

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>.)

The bill requires that, immediately after a railroad notifies the state's watch center in the department of public safety (watch center) of an emergency involving a train, the watch center must notify the public utilities commission (commission) and the office of rail safety (office) of the incident. The commission is required to submit a report to specified committees of the general assembly on the information reported by railroads regarding an emergency involving a train.

A crew member of a train operated by a railroad may communicate

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.

with first responders during an emergency situation after notifying the railroad dispatch. A crew member has discretion in determining the appropriate response to the emergency situation, including cutting the railroad crossing. A railroad or a crew member is immune from civil liability and is not liable in civil damages for actions taken in good faith in the course of a response to an emergency situation involving a train.

The bill eliminates the shared authority that the commission, the department of public safety, and the department of transportation had to inspect and investigate railroads and grants the commission alone the authority to inspect, investigate, and regulate the following railroads:

- A class I railroad;
- A railroad operating any line that was used by class I railroads as of July 1, 2024; and
- A passenger railroad.

The bill requires the office to gather, analyze, and assess information, including:

- Data to create a more comprehensive understanding of railroad safety;
- An assessment of the state's ability to respond to a large-scale release of hazardous materials from railroad transportation;
- The best practices for ensuring financial responsibility for response, cleanup, and damages from major rail events, including reviewing best practices from other states; and
- Communication issues impacting railroad lines in the state.

A railroad regulated by the commission is required to pay a fee to cover the costs incurred by the commission and the office in relation to the bill. The commission shall determine a methodology for calculating the fee by rule, but the commission must include specified criteria in the calculation. A railroad regulated by the commission must pay the fee in equal quarterly installments and is subject to penalties and interest if they fail to timely pay the fee.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) The safety and efficiency of Colorado's rail infrastructure is
5 critical to protecting public health, ensuring environmental sustainability,
6 and supporting economic vitality;

7 (b) Railroad transportation is a critical component of Colorado's

1 economy and provides efficient and cost-effective movement of goods
2 across the state and beyond;

3 (c) Colorado's fragile ecosystems, weather extremes, extensive
4 number of hard-to-maintain and difficult-to-access railroad track miles,
5 and number of communities through which railroads operate necessitate
6 a state office of rail safety;

7 (d) The office of rail safety needs the authority and resources to
8 address all railroad safety disciplines, including crossings, track, signal
9 and train control, motive power and equipment, operating practices,
10 compliance, and hazardous materials; and

11 (e) The establishment of the office of rail safety in the public
12 utilities commission provides a dedicated, state-led approach to rail
13 inspection, enforcement, and risk mitigation. By securing funding for the
14 office, Colorado will be in line with 30 other states across the country that
15 have rail safety programs and will enhance its ability to conduct safety
16 inspections, enforce rail regulations, and coordinate with federal and local
17 partners to prevent accidents and respond effectively to rail-related
18 incidents. Reducing the risk of accidents, derailments, and other incidents
19 associated with railroad transportation lowers costs, improves efficiency,
20 and reduces liability for railroad companies.

21 (2) Therefore, the general assembly declares that Colorado must
22 fund the office of rail safety to fulfill its mandate of ensuring that rail
23 operations in Colorado meet the highest standards of safety and
24 reliability.

25 **SECTION 2.** In Colorado Revised Statutes, 40-20-302, **add** (5.5),
26 (8.5), and (23.5) as follows:

27 **40-20-302. Definitions.** As used in this part 3, unless the context

1 otherwise requires:

2 (5.5) "CORRECTIVE ACTION" MEANS AN ACTIVITY CONDUCTED TO
3 ENSURE THAT A RAILROAD TRACK, A CAR, A LOCOMOTIVE, CROSSING
4 EQUIPMENT, SIGNAL EQUIPMENT, OR OTHER FACILITY OF A RAILROAD IS IN
5 GOOD CONDITION AND THAT A TRAIN RUNS SAFELY AND SMOOTHLY.

6 (8.5) "ENVIRONMENTALLY CRITICAL AREA" MEANS AN AREA OR
7 FEATURE THAT IS OF SIGNIFICANT ECOLOGICAL VALUE, INCLUDING A:

8 (a) STREAM CORRIDOR;

9 (b) HEADWATER;

10 (c) WETLAND;

11 (d) FEDERAL, STATE, OR LOCALLY DESIGNATED PUBLIC LAND OR
12 NATURAL AREA SITE;

13 (e) NATURAL HERITAGE PRIORITY SITE;

14 (f) HABITAT OF ENDANGERED OR THREATENED SPECIES;

15 (g) LARGE AREA OF A CONTIGUOUS OPEN SPACE OR FOREST;

16 (h) STEEP SLOPE;

17 (i) GEOLOGICAL HERITAGE SITE; OR

18 (j) GROUNDWATER RECHARGE AREA.

19 (23.5) "VULNERABLE ENVIRONMENTAL CORRIDOR" MEANS A
20 CONTINUOUS SYSTEM OF OPEN SPACE THAT SERVES AS A KEY LINKAGE
21 POINT FOR HABITAT AND SPECIES, INCLUDING WILDLIFE OR ECOLOGICAL
22 CORRIDORS.

23 **SECTION 3.** In Colorado Revised Statutes, 40-20-306, **amend**
24 (1) introductory portion and (4); and **add** (5) and (6) as follows:

25 **40-20-306. Emergency notifications - accident response -**
26 **immunity from civil liability - report.** (1) Within thirty minutes after
27 discovering an emergency involving a train, unless communication is

1 impossible, the railroad operating the train shall notify the state's watch
2 center IN THE DEPARTMENT OF PUBLIC SAFETY of the emergency by
3 telephone or another agreed-upon method of communication to ensure
4 that authorities can respond swiftly and appropriately. Emergency
5 conditions that require a railroad to provide such notice include:

6 (4) (a) ~~A railroad that provides a notification described in~~
7 ~~subsection (1) of this section shall also notify the community rail safety~~
8 ~~advisory committee and the rail industry safety advisory committee of the~~
9 ~~incident within thirty days after providing the notification described in~~
10 ~~subsection (1) of this section~~ IMMEDIATELY AFTER RECEIVING THE
11 EMERGENCY NOTIFICATION DESCRIBED IN SUBSECTION (1) OF THIS
12 SECTION, THE STATE'S WATCH CENTER IN THE DEPARTMENT OF PUBLIC
13 SAFETY SHALL NOTIFY THE COMMISSION AND THE OFFICE OF RAIL SAFETY
14 OF THE INCIDENT. THE NOTIFICATION MUST INCLUDE THE INFORMATION
15 LISTED IN SUBSECTION (2) OF THIS SECTION.

16 (b) WITHIN THIRTY DAYS AFTER RECEIVING THE EMERGENCY
17 NOTIFICATION DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION, THE
18 OFFICE OF RAIL SAFETY SHALL NOTIFY THE COMMUNITY RAIL SAFETY
19 ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
20 COMMITTEE OF THE INCIDENT. THE NOTIFICATION MUST INCLUDE THE
21 INFORMATION LISTED IN SUBSECTION (2) OF THIS SECTION.

22 (5) (a) A CREW MEMBER OF A TRAIN OPERATED BY A RAILROAD
23 MAY COMMUNICATE WITH FIRST RESPONDERS DURING AN EMERGENCY
24 SITUATION AFTER NOTIFYING THE RAILROAD DISPATCH. A CREW MEMBER
25 HAS DISCRETION IN DETERMINING THE APPROPRIATE RESPONSE TO THE
26 EMERGENCY SITUATION, INCLUDING CUTTING THE CROSSING.

27 (b) A RAILROAD EMPLOYEE OR A CREW MEMBER OF A TRAIN

1 OPERATED BY A RAILROAD IS IMMUNE FROM CIVIL LIABILITY AND IS NOT
2 LIABLE IN CIVIL DAMAGES FOR ACTIONS TAKEN IN GOOD FAITH IN THE
3 COURSE OF A RESPONSE TO AN EMERGENCY SITUATION PURSUANT TO
4 SUBSECTION (5)(a) OF THIS SECTION.

5 (6) (a) ON OR BEFORE FEBRUARY 1, 2026, AND ON OR BEFORE
6 FEBRUARY 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
7 PROVIDE A REPORT TO THE TRANSPORTATION, HOUSING, AND LOCAL
8 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
9 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR
10 SUCCESSOR COMMITTEES, CONTAINING THE DETAILS OF THE INFORMATION
11 REPORTED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

12 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
13 REPORTING REQUIREMENT DESCRIBED IN SUBSECTION (6)(a) OF THIS
14 SECTION CONTINUES INDEFINITELY.

15 **SECTION 4.** In Colorado Revised Statutes, 40-20-311, **amend**
16 (3) introductory portion, (5), (6), and (9); and **add** (15), (16), (17), (18),
17 and (19) as follows:

18 **40-20-311. Office of rail safety - agreement with federal**
19 **railroad administration - duties of commission - inspections -**
20 **information gathering - reports - rules - repeal.** (3) The commission
21 ~~the department of public safety, and the department of transportation shall~~
22 ~~engage in inspection and investigation activities~~ HAS AUTHORITY TO
23 INSPECT, INVESTIGATE, AND REGULATE, as described in 49 CFR 212, ~~to~~
24 ~~address~~ compliance with the requirements of this part 3. Notwithstanding
25 any provision of this section, the authority of the commission ~~the~~
26 ~~department of public safety, and the department of transportation to~~
27 engage in inspection, ~~and~~ investigation, AND REGULATION activities

1 pursuant to this section is limited to:

2 (5) An interested party may request that the commission ~~the~~
3 ~~department of public safety, or the department of transportation~~
4 investigate an alleged violation of this part 3.

5 (6) The commission ~~the department of public safety, or the~~
6 ~~department of transportation~~ may report an alleged violation of this part
7 3 or any other safety concern to the federal railroad administration or the
8 federal surface transportation board.

9 (9) The commission ~~the department of public safety, and the~~
10 ~~department of transportation~~ ~~are~~ IS immune from liability for actions
11 performed pursuant to this section, as described in article 10 of title 24.

12 (15) (a) THE OFFICE OF RAIL SAFETY SHALL COLLECT AND
13 ANALYZE DATA TO CREATE A MORE COMPREHENSIVE UNDERSTANDING OF
14 RAIL SAFETY. THE OFFICE OF RAIL SAFETY SHALL WORK TO COMPILE
15 EXISTING DATA COLLECTED BY THE FEDERAL RAILROAD ADMINISTRATION
16 AND COMPILE ADDITIONAL DATA ON COVERED RAILROADS AND FACILITIES,
17 INCLUDING:

18 (I) THE AVERAGE TRAIN LENGTH AND DATA ON TRAINS OVER EIGHT
19 THOUSAND FIVE HUNDRED FEET IN LENGTH;

20 (II) TRAIN CONFIGURATION;

21 (III) TRAIN WHEEL AXLE COUNT;

22 (IV) WAYSIDE DETECTOR INFORMATION, INCLUDING INFORMATION
23 REQUIRED IN WAYSIDE DETECTOR REPORTING PURSUANT TO SECTION
24 40-20-303;

25 (V) BLOCKED PUBLIC CROSSING LOCATIONS BY UNITED STATES
26 DEPARTMENT OF TRANSPORTATION INVENTORY NUMBER, DURATION OF
27 BLOCKAGE, AND REASON FOR BLOCKAGE; AND

1 (VI) MAINTENANCE ACTIVITY, INCLUDING:

2 (A) CAR AND LOCOMOTIVE MAINTENANCE, INCLUDING HOW OFTEN
3 A DEFECT IS IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE
4 CORRECTIVE ACTION RECOMMENDED, THE CORRECTIVE ACTION TAKEN,
5 AND WHEN CORRECTIVE ACTION, IF NECESSARY, WAS TAKEN;

6 (B) TRACK MAINTENANCE, INCLUDING HOW OFTEN A DEFECT IS
7 IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE CORRECTIVE ACTION
8 RECOMMENDED, THE CORRECTIVE ACTION TAKEN, AND WHEN CORRECTIVE
9 ACTION, IF NECESSARY, WAS TAKEN;

10 (C) SIGNAL EQUIPMENT MAINTENANCE, INCLUDING HOW OFTEN A
11 DEFECT IS IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE CORRECTIVE
12 ACTION RECOMMENDED, THE CORRECTIVE ACTION TAKEN, AND WHEN
13 CORRECTIVE ACTION, IF NECESSARY, WAS TAKEN; AND

14 (D) CROSSING EQUIPMENT MAINTENANCE, INCLUDING HOW OFTEN
15 A DEFECT IS IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE
16 CORRECTIVE ACTION RECOMMENDED, THE CORRECTIVE ACTION TAKEN,
17 AND WHEN CORRECTIVE ACTION, IF NECESSARY, WAS TAKEN.

18 (b) THE OFFICE OF RAIL SAFETY SHALL SUMMARIZE THE DATA
19 COLLECTED AND ANALYZED PURSUANT TO SUBSECTION (15)(a) OF THIS
20 SECTION AND INCLUDE THE SUMMARY IN THE ANNUAL REPORT REQUIRED
21 BY SUBSECTION (17)(b) OF THIS SECTION. THE OFFICE OF RAIL SAFETY
22 SHALL CONSULT WITH THE COMMUNITY RAIL SAFETY ADVISORY
23 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE
24 REGARDING ANY DATA THAT THE OFFICE OF RAIL SAFETY DETERMINES IS
25 INFEASIBLE TO COLLECT AND SHALL PROVIDE INFORMATION TO THE
26 COMMITTEES AS TO WHY CERTAIN DATA MAY BE INFEASIBLE TO COLLECT.

27 (16) THE OFFICE OF RAIL SAFETY SHALL ENSURE THAT DATA

1 COLLECTED PURSUANT TO THIS SECTION THAT IS NOT SUBJECT TO
2 EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
3 ARTICLE 72 OF TITLE 24, IS MADE AVAILABLE TO THE COMMUNITY RAIL
4 SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
5 COMMITTEE.

6 (17) (a) THE OFFICE OF RAIL SAFETY, IN COORDINATION WITH THE
7 DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF PUBLIC HEALTH
8 AND ENVIRONMENT, SHALL CONDUCT A COMPREHENSIVE ASSESSMENT OF
9 THE STATE'S ABILITY TO RESPOND TO A LARGE-SCALE RELEASE OF
10 HAZARDOUS MATERIALS FROM RAIL TRANSPORTATION. THE ASSESSMENT
11 MUST INCLUDE:

12 (I) A DETERMINATION OF THE NUMBER OF FIRST RESPONDERS WHO
13 ARE TRAINED TO RESPOND TO AN EMERGENCY INVOLVING HAZARDOUS
14 MATERIALS, THEIR LOCATIONS, AND THEIR TRAINING LEVELS;

15 (II) AN INVENTORY OF THE EQUIPMENT AVAILABLE TO DEPLOY
16 DURING AN EMERGENCY INVOLVING HAZARDOUS MATERIALS, INCLUDING
17 CURRENT LOCATIONS OF HAZMAT RESPONSE CACHES, TO IDENTIFY GAPS IN
18 HAZMAT RESPONSE RELATING TO PERSONNEL, TRAINING, AND EQUIPMENT;

19 (III) RECOMMENDATIONS ON WAYS TO INCREASE ACCESS TO
20 TRAINING FOR VOLUNTEER FIREFIGHTERS AND INCENTIVES FOR THEM TO
21 ATTEND THE TRAINING DESCRIBED IN SECTION 40-20-310;

22 (IV) A MAP THAT IDENTIFIES ENVIRONMENTALLY CRITICAL AREAS
23 OF THE STATE, VULNERABLE ENVIRONMENTAL CORRIDORS, AND
24 DISPROPORTIONALLY IMPACTED COMMUNITIES THAT ARE ADJACENT TO
25 ROUTES OPERATED BY FREIGHT TRAINS AND PROVIDES INFORMATION
26 ABOUT THE TYPES AND AMOUNTS OF HAZARDOUS MATERIALS GENERALLY
27 TRANSPORTED ALONG THESE ROUTES FOR THE PURPOSE OF DETERMINING

1 WHAT A LARGE-SCALE RELEASE COULD INVOLVE;

2 (V) RECOMMENDATIONS ON THE TYPES AND NUMBER OF
3 ADDITIONAL CACHES OF EQUIPMENT AND MATERIALS NECESSARY TO
4 RESPOND TO ENVIRONMENTALLY CRITICAL AREAS AND VULNERABLE
5 ENVIRONMENTAL CORRIDORS FOR USE BY LOCAL FIRST RESPONDERS TO
6 CONDUCT A SAFE AND EFFECTIVE FIRST RESPONSE TO AN INCIDENT
7 INVOLVING A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS, ALONG
8 WITH RECOMMENDATIONS AS TO THE BEST LOCATIONS IN THE STATE AT
9 WHICH TO STORE EQUIPMENT AND MATERIALS READY FOR DEPLOYMENT
10 BY LOCAL FIRST RESPONDERS;

11 (VI) THE RESPONSE PLANS OF CLASS I RAILROADS, AND THE
12 RESPONSE PLANS OF OTHER EMERGENCY RESPONSE AND HEALTH ENTITIES
13 THAT ARE EXPECTED TO ARRIVE AT THE SITE OF A LARGE-SCALE
14 HAZARDOUS RELEASE PREPARED TO ASSUME RESPONSIBILITY FOR THE
15 CONTAINMENT, COLLECTION, CLEANUP, AND REMEDIATION OF THE SITE,
16 INCLUDING:

17 (A) AN ESTIMATE OF THE NUMBER OF PERSONNEL AND THE
18 AMOUNT AND TYPE OF EQUIPMENT AND MATERIALS REQUIRED TO ADDRESS
19 A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS;

20 (B) A DESCRIPTION OF THE BEST ROUTES AND THE BEST MODES OF
21 TRANSPORTATION TO BE USED TO TRANSPORT PERSONNEL, EQUIPMENT,
22 AND MATERIALS TO CRITICAL AREAS OF THE STATE; AND

23 (C) AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED FOR
24 PERSONNEL, EQUIPMENT, AND MATERIALS TO BE DEPLOYED TO
25 ENVIRONMENTALLY CRITICAL AREAS AND VULNERABLE ENVIRONMENTAL
26 CORRIDORS OF THE STATE; AND

27 (VII) ANY ADDITIONAL INFORMATION THAT ASSISTS IN THE

1 DEVELOPMENT OF COMPREHENSIVE PLANS TO PROMPTLY DEPLOY THE
2 STATE'S LOCAL RESOURCES, IMMEDIATELY FOLLOWED BY THE
3 DEPLOYMENT OF CORPORATE RAILROAD RESOURCES AND THOSE OF OTHER
4 EMERGENCY RESPONSE AND HEALTH ENTITIES, TO CONTAIN AND COLLECT,
5 TO THE MAXIMUM EXTENT POSSIBLE, A LARGE-SCALE RELEASE OF
6 HAZARDOUS MATERIALS IN CRITICAL AREAS OF THE STATE.

7 (b) ON OR BEFORE DECEMBER 15, 2026, THE OFFICE OF RAIL
8 SAFETY SHALL REPORT TO THE TRANSPORTATION, HOUSING, AND LOCAL
9 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
10 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR
11 SUCCESSOR COMMITTEES, SUMMARIZING THE ASSESSMENT CONDUCTED
12 PURSUANT TO SUBSECTION (17)(a) OF THIS SECTION.

13 (c) THE OFFICE OF RAIL SAFETY SHALL WORK WITH THE
14 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY
15 SAFETY ADVISORY COMMITTEE AND RELEVANT STATE AGENCIES ON
16 IMPLEMENTING THE RECOMMENDATIONS OF THE ASSESSMENT CONDUCTED
17 PURSUANT TO SUBSECTION (17)(a) OF THIS SECTION AND REPORT CREATED
18 PURSUANT TO SUBSECTION (17)(b) OF THIS SECTION.

19 (18) THE OFFICE OF RAIL SAFETY SHALL ASSESS THE BEST
20 PRACTICES FOR ENSURING FINANCIAL RESPONSIBILITY FOR RESPONSE,
21 CLEANUP, AND DAMAGES FROM MAJOR RAIL EVENTS, INCLUDING
22 REVIEWING BEST PRACTICES FROM OTHER STATES.

23 (19) THE OFFICE OF RAIL SAFETY SHALL MONITOR AND ASSESS
24 COMMUNICATION ISSUES IMPACTING RAIL LINES IN THE STATE, INCLUDING:

25 (a) COMMUNICATION WITH STATE ENTITIES, INCLUDING THE
26 DEPARTMENT OF PUBLIC SAFETY;

27 (b) COMMUNICATION ISSUES BETWEEN CREWS WORKING ON

1 TRAINS MEASURING MORE THAN EIGHT THOUSAND FIVE HUNDRED FEET IN
2 LENGTH; AND

3 (c) COMMUNICATION FROM WAYSIDE DETECTORS TO CREWS.

4 **SECTION 5.** In Colorado Revised Statutes, **add** 40-20-311.5 as
5 follows:

6 **40-20-311.5. Rail safety fee - rules - fund created.** (1) (a) THE
7 FOLLOWING TYPES OF RAILROADS SHALL PAY AN ANNUAL FEE TO COVER
8 THE OFFICE OF RAIL SAFETY'S AND THE COMMISSION'S DIRECT AND
9 INDIRECT COSTS OF IMPLEMENTING THE REQUIREMENTS OF THIS ARTICLE
10 20:

11 (I) A CLASS I RAILROAD;

12 (II) A RAILROAD OPERATING ANY LINE THAT WAS USED BY CLASS
13 I RAILROADS AS OF JULY 1, 2024; AND

14 (III) A PASSENGER RAILROAD.

15 (b) (I) THE COMMISSION SHALL DETERMINE A METHODOLOGY FOR
16 CALCULATING THE ANNUAL FEE DESCRIBED IN SUBSECTION (1)(a) OF THIS
17 SECTION BY RULE FOR EACH RAILROAD TYPE DESCRIBED IN SUBSECTION
18 (1)(a) OF THIS SECTION OPERATING WITHIN THE STATE, TOTALING NO LESS
19 THAN THE AMOUNT REQUIRED FOR THE OFFICE OF RAIL SAFETY TO
20 ADMINISTER AND ENFORCE THIS ARTICLE 20 AND THE RAILROADS'
21 RELATED SHARE OF THE COMMISSION'S GRADE CROSSING SAFETY PROGRAM
22 RESPONSIBILITIES DESCRIBED IN SECTION 40-4-106.

23 (II) THE METHODOLOGY FOR CALCULATING THE ANNUAL FEE
24 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MUST INCLUDE IN THE
25 CALCULATION:

26 (A) THE TOTAL TRAIN MILES TRAVELED IN COLORADO ANNUALLY;

27 (B) THE TOTAL GROSS TON-MILES OF FREIGHT TRAIN CARS,

1 CONTENTS, AND CABOOSES; AND

2 (C) THE TOTAL PUBLIC CROSSINGS.

3 (III) THE COMMISSION SHALL CONSULT WITH AND SOLICIT
4 COMMENT FROM THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
5 AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE DURING THE
6 RULE-MAKING PROCESS TO ESTABLISH THE FEE CALCULATION
7 METHODOLOGY AND YEARLY CALCULATION OF THE FEE PURSUANT TO THIS
8 SUBSECTION (1).

9 (2) THE STATE TREASURER SHALL CREDIT THE FEES COLLECTED
10 PURSUANT TO THIS ARTICLE 20 TO THE OFFICE OF RAIL SAFETY FUND,
11 WHICH FUND IS CREATED IN THE STATE TREASURY. THE MONEY IN THE
12 FUND IS CONTINUOUSLY APPROPRIATED TO THE OFFICE OF RAIL SAFETY
13 FOR THE PURPOSES SET FORTH IN THIS ARTICLE 20 AND FOR
14 ADMINISTERING THE RAILROADS' SHARE OF THE COMMISSION'S GRADE
15 CROSSING SAFETY PROGRAM RESPONSIBILITIES OUTLINED IN SECTION
16 40-4-106. ALL INTEREST EARNED FROM THE DEPOSIT AND INVESTMENT OF
17 MONEY IN THE FUND IS CREDITED TO THE FUND.

18 (3) (a) EACH RAILROAD SUBJECT TO THE FEE DESCRIBED IN
19 SUBSECTION (1)(a) OF THIS SECTION SHALL PAY THE FEE TO THE
20 COMMISSION IN EQUAL QUARTERLY INSTALLMENTS ON OR BEFORE JULY
21 15, OCTOBER 15, JANUARY 15, AND APRIL 15 OF EACH STATE FISCAL
22 YEAR.

23 (b) IF A RAILROAD DOES NOT PAY THE FEE BEFORE A QUARTERLY
24 DEADLINE DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, THE
25 COMMISSION SHALL CHARGE THE RAILROAD A PENALTY OF TEN PERCENT
26 OF THE INSTALLMENT DUE PLUS INTEREST AT THE RATE OF ONE PERCENT
27 PER MONTH ON THE AMOUNT OF THE UNPAID INSTALLMENT UNTIL THE

1 FULL AMOUNT OF THE INSTALLMENT, PENALTY, AND INTEREST HAS BEEN
2 PAID.

3 (c) UPON FAILURE, REFUSAL, OR NEGLIGENCE OF ANY RAILROAD TO
4 PAY THE FEE OR ANY PENALTY OR INTEREST, THE ATTORNEY GENERAL
5 SHALL COMMENCE AN ACTION ON BEHALF OF THE STATE TO COLLECT THE
6 AMOUNT DUE.

7 **SECTION 6.** In Colorado Revised Statutes, 40-2-109, **add**
8 (2)(a)(III) as follows:

9 **40-2-109. Report to executive director of the department of**
10 **revenue.** (2) (a) On March 1 of each year, the public utilities commission
11 shall furnish the executive director of the department of revenue with a
12 list of those public utilities subject to its jurisdiction, supervision, and
13 regulation on January 1 of each year. The provisions of this subsection (2)
14 shall not apply to:

15 (III) RAILROADS IDENTIFIED IN SECTION 40-20-311 (3) FOR
16 INSPECTION AND INVESTIGATION ACTIVITIES PURSUANT TO PART 3 OF
17 ARTICLE 20 OF THIS TITLE 40.

18 **SECTION 7. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.