

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

ENGROSSED

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

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
Appropriations

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.

SENATE
Amended 2nd Reading
April 22, 2025

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; ==

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 (f) Railroads should not face multiple fee structures to support rail
22 safety. A new office of rail safety fund should provide a single funding
23 source for the office of rail safety and the regulation of highway-rail
24 grade crossing safety for subject railroads.

25 (2) Therefore, the general assembly declares that Colorado must
26 fund the office of rail safety to fulfill its mandate of ensuring that rail
27 operations in Colorado meet the highest standards of safety and

1 reliability.

2 **SECTION 2.** In Colorado Revised Statutes, 40-20-302, **amend**
3 **(9); and add** (5.5), (8.5), and (23.5) as follows:

4 **40-20-302. Definitions - repeal.** As used in this part 3, unless the
5 context otherwise requires:

6 (5.5) "CORRECTIVE ACTION" MEANS AN ACTIVITY CONDUCTED TO
7 ENSURE THAT A RAILROAD TRACK, A CAR, A LOCOMOTIVE, CROSSING
8 EQUIPMENT, SIGNAL EQUIPMENT, OR OTHER FACILITY OF A RAILROAD IS IN
9 GOOD CONDITION AND THAT A TRAIN RUNS SAFELY AND SMOOTHLY.

10 (8.5) "ENVIRONMENTALLY CRITICAL AREA" MEANS AN AREA OR
11 FEATURE THAT IS OF SIGNIFICANT ECOLOGICAL VALUE, INCLUDING A:

12 (a) STREAM CORRIDOR;

13 (b) HEADWATER;

14 (c) WETLAND;

15 (d) FEDERAL, STATE, OR LOCALLY DESIGNATED PUBLIC LAND OR
16 NATURAL AREA SITE;

17 (e) NATURAL HERITAGE PRIORITY SITE;

18 (f) HABITAT OF ENDANGERED OR THREATENED SPECIES;

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

20 (h) STEEP SLOPE;

21 (i) GEOLOGICAL HERITAGE SITE; OR

22 (j) GROUNDWATER RECHARGE AREA.

23 **(9)(a) "Fund" means the rail district maintenance and safety fund**
24 **created in section 40-20-309.**

25 **(b) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 2025.**

26 (23.5) "VULNERABLE ENVIRONMENTAL CORRIDOR" MEANS A
27 CONTINUOUS SYSTEM OF OPEN SPACE THAT SERVES AS A KEY LINKAGE

1 POINT FOR HABITAT AND SPECIES, INCLUDING WILDLIFE OR ECOLOGICAL
2 CORRIDORS.

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

5 **40-20-306. Emergency notifications - accident response -**
6 **immunity from civil liability - report.** (1) Within thirty minutes after
7 discovering an emergency involving a train, unless communication is
8 impossible, the railroad operating the train shall notify the state's watch
9 center IN THE DEPARTMENT OF PUBLIC SAFETY of the emergency by
10 telephone or another agreed-upon method of communication to ensure
11 that authorities can respond swiftly and appropriately. Emergency
12 conditions that require a railroad to provide such notice include:

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

23 (b) WITHIN THIRTY DAYS AFTER RECEIVING THE EMERGENCY
24 NOTIFICATION DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION, THE
25 OFFICE OF RAIL SAFETY SHALL NOTIFY THE COMMUNITY RAIL SAFETY
26 ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
27 COMMITTEE OF THE INCIDENT. THE NOTIFICATION MUST INCLUDE THE

1 INFORMATION LISTED IN SUBSECTION (2) OF THIS SECTION.

2 (5) (a) SUBJECT TO FEDERAL REGULATIONS AND THE MOST RECENT
3 EDITION OF THE "GENERAL CODE OF OPERATING RULES" PUBLISHED BY
4 THE GENERAL CODE OF OPERATING RULES COMMITTEE, A CREW MEMBER
5 OF A TRAIN OPERATED BY A RAILROAD MAY COMMUNICATE WITH FIRST
6 RESPONDERS DURING AN EMERGENCY SITUATION AFTER NOTIFYING THE
7 RAILROAD DISPATCH. A CREW MEMBER HAS DISCRETION IN DETERMINING
8 THE APPROPRIATE RESPONSE TO THE EMERGENCY SITUATION, INCLUDING
9 CUTTING THE CROSSING.

10 (b) A RAILROAD EMPLOYEE OR A CREW MEMBER OF A TRAIN
11 OPERATED BY A RAILROAD IS IMMUNE FROM CIVIL LIABILITY AND IS NOT
12 LIABLE IN CIVIL DAMAGES FOR ACTIONS TAKEN IN GOOD FAITH IN THE
13 COURSE OF A RESPONSE TO AN EMERGENCY SITUATION PURSUANT TO
14 SUBSECTION (5)(a) OF THIS SECTION.

15 (6) (a) ON OR BEFORE FEBRUARY 1, 2026, AND ON OR BEFORE
16 FEBRUARY 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
17 PROVIDE A REPORT TO THE TRANSPORTATION, HOUSING, AND LOCAL
18 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
19 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR
20 SUCCESSOR COMMITTEES, CONTAINING THE DETAILS OF THE INFORMATION
21 REPORTED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

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

25 **SECTION 4. In Colorado Revised Statutes, 40-20-308, amend**
26 **(3) as follows:**

27 **40-20-308. Violations - penalties - rules. (3) The public utilities**

1 commission shall transfer all fines collected pursuant to subsections (1)
2 and (2) of this section to the state treasurer, who shall credit the fines to
3 the STATE HIGHWAY fund CREATED IN SECTION 43-1-219.

4 **SECTION 5.** In Colorado Revised Statutes, 40-20-309, **add** (4)
5 and (5) as follows:

6 **40-20-309. Rail district maintenance and safety fund - created**
7 **- repeal.** (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
8 AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2025, TO THE
9 STATE HIGHWAY FUND CREATED IN SECTION 43-1-219.

10 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

11 **SECTION 6.** In Colorado Revised Statutes, **add** 40-20-309.5 as
12 follows:

13 **40-20-309.5. Penalties collected and credited to the state**
14 **highway fund - expenditure.** (1) MONEY CREDITED OR TRANSFERRED
15 TO THE STATE HIGHWAY FUND PURSUANT TO SECTIONS 40-20-308 (3) AND
16 40-20-309 (4) MUST BE EXPENDED BY THE TRANSIT AND RAIL DIVISION IN
17 THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF:

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

20 (b) PLANNING, DESIGN, CONSTRUCTION, OR MAINTENANCE AND
21 OPERATION OF SAFETY IMPROVEMENTS ON ANY RAILROAD OR RAILROAD
22 CROSSING IN THE STATE; AND

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

25 (2) MONEY CREDITED OR TRANSFERRED TO THE STATE HIGHWAY
26 FUND PURSUANT TO SECTIONS 40-20-308 (3) AND 40-20-309 (4) IS NOT
27 INTENDED TO INCREASE THE NUMBER OF FULL-TIME EMPLOYEES OF THE

1 DEPARTMENT OF TRANSPORTATION.

2 **SECTION 7.** In Colorado Revised Statutes, 40-20-311, **amend**
3 (3) introductory portion, (5), (6), and (9); and **add** (15), (16), (17), (18),
4 and (19) as follows:

5 **40-20-311. Office of rail safety - agreement with federal**
6 **railroad administration - duties of commission - inspections -**
7 **information gathering - reports - rules - repeal.** (3) The commission
8 ~~the department of public safety, and the department of transportation shall~~
9 ~~engage in inspection and investigation activities~~ HAS AUTHORITY TO
10 ENGAGE IN INSPECTION, INVESTIGATION, AND ENFORCEMENT ACTIVITIES,
11 as described in 49 CFR 212, to address compliance with the requirements
12 of this part 3 FEDERAL RAILROAD SAFETY LAWS AND REGULATIONS.

13 Notwithstanding any provision of this section, the authority of the
14 commission ~~the department of public safety, and the department of~~
15 ~~transportation~~ to engage in inspection, ~~and~~ investigation, AND
16 ENFORCEMENT activities pursuant to this section is limited to:

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

20 (6) The commission ~~the department of public safety, or the~~
21 ~~department of transportation~~ may report an alleged violation of this part
22 3 or any other safety concern to the federal railroad administration or the
23 federal surface transportation board.

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

27 (15) (a) THE OFFICE OF RAIL SAFETY SHALL COLLECT AND

1 ANALYZE DATA TO CREATE A MORE COMPREHENSIVE UNDERSTANDING OF
2 RAIL SAFETY. THE OFFICE OF RAIL SAFETY SHALL WORK TO COMPILE
3 EXISTING DATA COLLECTED BY THE FEDERAL RAILROAD ADMINISTRATION
4 AND COMPILE ADDITIONAL DATA ON COVERED RAILROADS AND FACILITIES,
5 INCLUDING:

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

8 (II) TRAIN CONFIGURATION;

9 (III) TRAIN WHEEL AXLE COUNT;

10 (IV) WAYSIDE DETECTOR INFORMATION, INCLUDING INFORMATION
11 REQUIRED IN WAYSIDE DETECTOR REPORTING PURSUANT TO SECTION
12 40-20-303;

13 (V) BLOCKED PUBLIC CROSSING LOCATIONS BY UNITED STATES
14 DEPARTMENT OF TRANSPORTATION INVENTORY NUMBER, DURATION OF
15 BLOCKAGE, AND REASON FOR BLOCKAGE; AND

16 (VI) MAINTENANCE ACTIVITY, INCLUDING:

17 (A) CAR AND LOCOMOTIVE MAINTENANCE, INCLUDING HOW OFTEN
18 A DEFECT IS IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE
19 CORRECTIVE ACTION RECOMMENDED, THE CORRECTIVE ACTION TAKEN,
20 AND WHEN CORRECTIVE ACTION, IF NECESSARY, WAS TAKEN;

21 (B) TRACK MAINTENANCE, INCLUDING HOW OFTEN A DEFECT IS
22 IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE CORRECTIVE ACTION
23 RECOMMENDED, THE CORRECTIVE ACTION TAKEN, AND WHEN CORRECTIVE
24 ACTION, IF NECESSARY, WAS TAKEN;

25 (C) SIGNAL EQUIPMENT MAINTENANCE, INCLUDING HOW OFTEN A
26 DEFECT IS IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE CORRECTIVE
27 ACTION RECOMMENDED, THE CORRECTIVE ACTION TAKEN, AND WHEN

1 CORRECTIVE ACTION, IF NECESSARY, WAS TAKEN; AND

2 (D) CROSSING EQUIPMENT 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) THE OFFICE OF RAIL SAFETY SHALL SUMMARIZE THE DATA
7 COLLECTED AND ANALYZED PURSUANT TO SUBSECTION (15)(a) OF THIS
8 SECTION AND INCLUDE THE SUMMARY IN THE ANNUAL REPORT REQUIRED
9 BY SUBSECTION (17)(b) OF THIS SECTION. THE OFFICE OF RAIL SAFETY MAY
10 DETERMINE THAT CERTAIN DATA IS INFEASIBLE TO COLLECT. THE OFFICE
11 OF RAIL SAFETY SHALL CONSULT WITH THE COMMUNITY RAIL SAFETY
12 ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
13 COMMITTEE REGARDING ANY DATA THAT THE OFFICE OF RAIL SAFETY
14 DETERMINES IS INFEASIBLE TO COLLECT AND SHALL PROVIDE
15 INFORMATION TO THE COMMITTEES AS TO WHY CERTAIN DATA MAY BE
16 INFEASIBLE TO COLLECT.

17 (16) THE OFFICE OF RAIL SAFETY SHALL ENSURE THAT DATA
18 COLLECTED PURSUANT TO THIS SECTION THAT IS NOT SUBJECT TO
19 EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
20 ARTICLE 72 OF TITLE 24, IS MADE AVAILABLE TO THE COMMUNITY RAIL
21 SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
22 COMMITTEE.

23 (17) (a) BEGINNING ON FEBRUARY 1, 2027, THE OFFICE OF RAIL
24 SAFETY, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND
25 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL CONDUCT
26 A COMPREHENSIVE ASSESSMENT OF THE STATE'S ABILITY TO RESPOND TO
27 A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS FROM RAIL

1 TRANSPORTATION. THE ASSESSMENT MUST INCLUDE:

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

5 (II) A SUMMARY OF RAILROADS' EXISTING TRAINING PROVIDED TO
6 FIRST RESPONDERS, INCLUDING THROUGH THE USE OF VIRTUAL TRAINING
7 OR MOBILE TRAINING CARS, AND RAILROADS' EFFORTS TO ENCOURAGE
8 ENROLLMENT IN THIS TRAINING;

9 (III) AN INVENTORY OF THE EQUIPMENT AVAILABLE TO DEPLOY
10 DURING AN EMERGENCY INVOLVING HAZARDOUS MATERIALS, INCLUDING
11 CURRENT LOCATIONS OF HAZMAT RESPONSE CACHES, TO IDENTIFY GAPS IN
12 HAZMAT RESPONSE RELATING TO PERSONNEL, TRAINING, AND EQUIPMENT;

13 (IV) RECOMMENDATIONS ON WAYS TO INCREASE ACCESS TO
14 TRAINING FOR VOLUNTEER FIREFIGHTERS AND INCENTIVES FOR THEM TO
15 ATTEND THE TRAINING DESCRIBED IN SECTION 40-20-310;

16 (V) A MAP THAT IDENTIFIES ENVIRONMENTALLY CRITICAL AREAS
17 OF THE STATE, VULNERABLE ENVIRONMENTAL CORRIDORS, AND
18 DISPROPORTIONALLY IMPACTED COMMUNITIES THAT ARE ADJACENT TO
19 ROUTES OPERATED BY FREIGHT TRAINS AND PROVIDES INFORMATION
20 ABOUT THE TYPES AND AMOUNTS OF HAZARDOUS MATERIALS GENERALLY
21 TRANSPORTED ALONG THESE ROUTES FOR THE PURPOSE OF DETERMINING
22 WHAT A LARGE-SCALE RELEASE COULD INVOLVE;

23 (VI) RECOMMENDATIONS ON THE TYPES AND NUMBER OF
24 ADDITIONAL CACHES OF EQUIPMENT AND MATERIALS NECESSARY TO
25 RESPOND TO ENVIRONMENTALLY CRITICAL AREAS AND VULNERABLE
26 ENVIRONMENTAL CORRIDORS FOR USE BY LOCAL FIRST RESPONDERS TO
27 CONDUCT A SAFE AND EFFECTIVE FIRST RESPONSE TO AN INCIDENT

1 INVOLVING A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS, ALONG
2 WITH RECOMMENDATIONS AS TO THE BEST LOCATIONS IN THE STATE AT
3 WHICH TO STORE EQUIPMENT AND MATERIALS READY FOR DEPLOYMENT
4 BY LOCAL FIRST RESPONDERS;

5 (VII) THE RESPONSE PLANS OF CLASS I RAILROADS, AND THE
6 RESPONSE PLANS OF OTHER EMERGENCY RESPONSE AND HEALTH ENTITIES
7 THAT ARE EXPECTED TO ARRIVE AT THE SITE OF A LARGE-SCALE
8 HAZARDOUS RELEASE PREPARED TO ASSUME RESPONSIBILITY FOR THE
9 CONTAINMENT, COLLECTION, CLEANUP, AND REMEDIATION OF THE SITE,
10 INCLUDING:

11 (A) AN ESTIMATE OF THE NUMBER OF PERSONNEL AND THE
12 AMOUNT AND TYPE OF EQUIPMENT AND MATERIALS REQUIRED TO ADDRESS
13 A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS;

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

17 (C) AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED FOR
18 PERSONNEL, EQUIPMENT, AND MATERIALS TO BE DEPLOYED TO
19 ENVIRONMENTALLY CRITICAL AREAS AND VULNERABLE ENVIRONMENTAL
20 CORRIDORS OF THE STATE; AND

21 (VIII) ANY ADDITIONAL INFORMATION THAT ASSISTS IN THE
22 DEVELOPMENT OF COMPREHENSIVE PLANS TO PROMPTLY DEPLOY THE
23 STATE'S LOCAL RESOURCES, IMMEDIATELY FOLLOWED BY THE
24 DEPLOYMENT OF CORPORATE RAILROAD RESOURCES AND THOSE OF OTHER
25 EMERGENCY RESPONSE AND HEALTH ENTITIES, TO CONTAIN AND COLLECT,
26 TO THE MAXIMUM EXTENT POSSIBLE, A LARGE-SCALE RELEASE OF
27 HAZARDOUS MATERIALS IN CRITICAL AREAS OF THE STATE.

1 (b) ON OR BEFORE DECEMBER 15, 2027, THE OFFICE OF RAIL
2 SAFETY SHALL REPORT TO THE TRANSPORTATION, HOUSING, AND LOCAL
3 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
4 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR
5 SUCCESSOR COMMITTEES, SUMMARIZING THE ASSESSMENT CONDUCTED
6 PURSUANT TO SUBSECTION (17)(a) OF THIS SECTION.

7 (c) THE OFFICE OF RAIL SAFETY SHALL WORK WITH THE
8 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY
9 SAFETY ADVISORY COMMITTEE AND RELEVANT STATE AGENCIES ON
10 IMPLEMENTING THE RECOMMENDATIONS OF THE ASSESSMENT CONDUCTED
11 PURSUANT TO SUBSECTION (17)(a) OF THIS SECTION AND REPORT CREATED
12 PURSUANT TO SUBSECTION (17)(b) OF THIS SECTION.

13 (18) THE OFFICE OF RAIL SAFETY SHALL ASSESS THE BEST
14 PRACTICES FOR ENSURING FINANCIAL RESPONSIBILITY FOR RESPONSE,
15 CLEANUP, AND DAMAGES FROM MAJOR RAIL EVENTS, INCLUDING
16 REVIEWING BEST PRACTICES FROM OTHER STATES.

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

19 (a) COMMUNICATION WITH STATE ENTITIES, INCLUDING THE
20 DEPARTMENT OF PUBLIC SAFETY;

21 (b) COMMUNICATION ISSUES BETWEEN CREWS WORKING ON
22 TRAINS MEASURING MORE THAN EIGHT THOUSAND FIVE HUNDRED FEET IN
23 LENGTH; AND

24 (c) COMMUNICATION FROM WAYSIDE DETECTORS TO CREWS.

25 **SECTION 8.** In Colorado Revised Statutes, **add** 40-20-311.5 as
26 follows:

27 **40-20-311.5. Rail safety fee - rules - fund created.**

1 (1)(a) BEGINNING ON OR BEFORE JANUARY 1, 2027, AND SUBJECT TO THE
2 DEADLINES DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, THE
3 FOLLOWING TYPES OF RAILROADS SHALL PAY AN ANNUAL FEE TO COVER
4 THE OFFICE OF RAIL SAFETY'S AND THE COMMISSION'S DIRECT AND
5 INDIRECT COSTS OF IMPLEMENTING THE REQUIREMENTS OF THIS ARTICLE
6 20:

7 (I) A CLASS I RAILROAD;

8 (II) A RAILROAD OPERATING ANY LINE THAT WAS USED BY CLASS
9 I RAILROADS AS OF JULY 1, 2024, EXCEPT FOR A CLASS II RAILROAD OR A
10 CLASS III RAILROAD UTILIZING TRACKAGE RIGHTS OR HAULAGE RIGHTS IN
11 EFFECT AS OF JULY 1, 2024, TO OPERATE ON A LINE OWNED BY A CLASS I
12 RAILROAD; AND

13 (III) A PASSENGER RAIL SYSTEM.

14 (b) (I) ON OR BEFORE SEPTEMBER 30, 2026, THE COMMISSION
15 SHALL DETERMINE A METHODOLOGY, THROUGH RULE-MAKING, 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. THE TOTAL AMOUNT
23 COLLECTED PURSUANT TO THE ANNUAL FEE MUST NOT EXCEED FOUR
24 MILLION EIGHT HUNDRED THOUSAND DOLLARS IN A CALENDAR YEAR.

25 (II) THE METHODOLOGY FOR CALCULATING THE ANNUAL FEE
26 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MAY INCLUDE IN THE
27 CALCULATION:

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

2 (B) THE TOTAL GROSS TON-MILES OF FREIGHT TRAIN CARS,
3 CONTENTS, AND CABOOSES; AND

4 (C) THE TOTAL PUBLIC CROSSINGS.

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

11 (IV) (A) THE COMMISSION SHALL NOTIFY EACH RAILROAD
12 REQUIRED TO PAY THE ANNUAL FEE DESCRIBED IN SUBSECTION (1)(a) OF
13 THIS SECTION OF THE AMOUNT OF THE ANNUAL FEE FOR THE UPCOMING
14 STATE FISCAL YEAR ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE
15 EACH DECEMBER 1 THEREAFTER.

16 (B) THE COMMISSION SHALL SEND A QUARTERLY INVOICE TO EACH
17 RAILROAD REQUIRED TO PAY THE ANNUAL FEE DESCRIBED IN SUBSECTION
18 (1)(a) OF THIS SECTION ON OR BEFORE DECEMBER 1, 2026. THEREAFTER,
19 THE COMMISSION SHALL SEND A QUARTERLY INVOICE TO EACH RAILROAD
20 REQUIRED TO PAY THE ANNUAL FEE ON OR BEFORE MARCH 1, JUNE 1,
21 SEPTEMBER 1, AND DECEMBER 1 OF EACH STATE FISCAL YEAR.

22 (2) (a) THE STATE TREASURER SHALL CREDIT THE FEES COLLECTED
23 PURSUANT TO THIS ARTICLE 20 TO THE OFFICE OF RAIL SAFETY FUND,
24 WHICH FUND IS CREATED IN THE STATE TREASURY. THE MONEY IN THE
25 FUND IS ANNUALLY APPROPRIATED TO THE OFFICE OF RAIL SAFETY FOR THE
26 PURPOSES SET FORTH IN THIS ARTICLE 20 AND FOR ADMINISTERING THE
27 RAILROADS' SHARE OF THE COMMISSION'S GRADE CROSSING SAFETY

1 PROGRAM RESPONSIBILITIES OUTLINED IN SECTION 40-4-106. ALL
2 INTEREST EARNED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
3 FUND IS CREDITED TO THE FUND.

4 (b) THE OFFICE OF RAILROAD SAFETY SHALL NOT EXPEND MONEY
5 FROM THE RAIL SAFETY FUND ON EQUIPMENT OR HIRING STAFF UNTIL
6 FEBRUARY 1, 2027.

7 (3) (a) EACH RAILROAD SUBJECT TO THE FEE DESCRIBED IN
8 SUBSECTION (1)(a) OF THIS SECTION SHALL PAY THE FEE TO THE
9 COMMISSION IN EQUAL QUARTERLY INSTALLMENTS ON OR BEFORE
10 JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1 OF EACH STATE FISCAL
11 YEAR.

12 (b) IF A RAILROAD DOES NOT PAY THE FEE BEFORE A QUARTERLY
13 DEADLINE DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, THE
14 COMMISSION SHALL CHARGE THE RAILROAD A PENALTY OF TEN PERCENT
15 OF THE INSTALLMENT DUE PLUS INTEREST AT THE RATE OF ONE PERCENT
16 PER MONTH ON THE AMOUNT OF THE UNPAID INSTALLMENT UNTIL THE
17 FULL AMOUNT OF THE INSTALLMENT, PENALTY, AND INTEREST HAS BEEN
18 PAID.

19 (c) UPON FAILURE, REFUSAL, OR NEGLECT OF ANY RAILROAD TO
20 PAY THE FEE OR ANY PENALTY OR INTEREST, THE ATTORNEY GENERAL
21 SHALL COMMENCE AN ACTION ON BEHALF OF THE STATE TO COLLECT THE
22 AMOUNT DUE.

23 SECTION 9. In Colorado Revised Statutes, 40-20-313, amend
24 (3) as follows:

25 40-20-313. Rail industry safety advisory committee -
26 membership - duties - rail safety plan - repeal. (3) Members of the rail
27 industry safety advisory committee serve without compensation but must

be reimbursed from money in the fund for actual and necessary expenses incurred in the performance of the members' duties pursuant to this section WHO ARE NOT COMPENSATED FOR ACTING IN OFFICIAL JOB ROLES MAY RECEIVE PER DIEM COMPENSATION FROM THE OFFICE OF RAIL SAFETY CREATED IN SECTION 40-20-311. MEMBERS OF THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE MAY BE REIMBURSED FOR EXPENSES INCURRED WHILE PERFORMING THEIR DUTIES.

SECTION 10. In Colorado Revised Statutes, 40-2-109, **add** (2)(a)(III) as follows:

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

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

SECTION 11. In Colorado Revised Statutes, 43-1-220, **add** (3) as follows:

43-1-220. Sources of funds - assumption of obligations. (3) ALL MONEY CREDITED OR TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO SECTIONS 40-20-308 (3) AND 40-20-309 (4) MUST BE EXPENDED BY THE TRANSIT AND RAIL DIVISION IN THE DEPARTMENT OF TRANSPORTATION FOR PURPOSES DESCRIBED IN SECTION 40-20-309.5 (1).

SECTION 12. Severability. If any provision of this act or the application of this act to any person or circumstance is held invalid, the

1 invalidity does not affect other provisions or applications of the act that
2 can be given effect without the invalid provision or application, and to
3 this end the provisions of this act are declared to be severable.

4 **SECTION 13. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.