

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

PREAMENDED

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

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.

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; and

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, **add** (5.5),
3 (8.5), and (23.5) as follows:

4 **40-20-302. Definitions.** As used in this part 3, unless the context
5 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 (23.5) "VULNERABLE ENVIRONMENTAL CORRIDOR" MEANS A
24 CONTINUOUS SYSTEM OF OPEN SPACE THAT SERVES AS A KEY LINKAGE
25 POINT FOR HABITAT AND SPECIES, INCLUDING WILDLIFE OR ECOLOGICAL
26 CORRIDORS.

27 **SECTION 3.** In Colorado Revised Statutes, 40-20-306, **amend**

1 (1) introductory portion and (4); and **add** (5) and (6) as follows:

2 **40-20-306. Emergency notifications - accident response -**
3 **immunity from civil liability - report.** (1) Within thirty minutes after
4 discovering an emergency involving a train, unless communication is
5 impossible, the railroad operating the train shall notify the state's watch
6 center IN THE DEPARTMENT OF PUBLIC SAFETY of the emergency by
7 telephone or another agreed-upon method of communication to ensure
8 that authorities can respond swiftly and appropriately. Emergency
9 conditions that require a railroad to provide such notice include:

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

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

26 (5) (a) A CREW MEMBER OF A TRAIN OPERATED BY A RAILROAD
27 MAY COMMUNICATE WITH FIRST RESPONDERS DURING AN EMERGENCY

1 SITUATION AFTER NOTIFYING THE RAILROAD DISPATCH. A CREW MEMBER
2 HAS DISCRETION IN DETERMINING THE APPROPRIATE RESPONSE TO THE
3 EMERGENCY SITUATION, INCLUDING CUTTING THE CROSSING.

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

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

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

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

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

1 address compliance with the requirements of this part 3. Notwithstanding
2 any provision of this section, the authority of the commission ~~the~~
3 ~~department of public safety, and the department of transportation~~ to
4 engage in inspection, ~~and~~ investigation, AND REGULATION activities
5 pursuant to this section is limited to:

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

9 (6) The commission ~~the department of public safety, or the~~
10 ~~department of transportation~~ may report an alleged violation of this part
11 3 or any other safety concern to the federal railroad administration or the
12 federal surface transportation board.

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

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

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

24 (II) TRAIN CONFIGURATION;

25 (III) TRAIN WHEEL AXLE COUNT;

26 (IV) WAYSIDE DETECTOR INFORMATION, INCLUDING INFORMATION
27 REQUIRED IN WAYSIDE DETECTOR REPORTING PURSUANT TO SECTION

1 40-20-303;

2 (V) BLOCKED PUBLIC CROSSING LOCATIONS BY UNITED STATES
3 DEPARTMENT OF TRANSPORTATION INVENTORY NUMBER, DURATION OF
4 BLOCKAGE, AND REASON FOR BLOCKAGE; AND

5 (VI) MAINTENANCE ACTIVITY, INCLUDING:

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

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

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

18 (D) CROSSING EQUIPMENT MAINTENANCE, INCLUDING HOW OFTEN
19 A DEFECT IS IDENTIFIED, THE TYPE OF DEFECT IDENTIFIED, THE
20 CORRECTIVE ACTION RECOMMENDED, THE CORRECTIVE ACTION TAKEN,
21 AND WHEN CORRECTIVE ACTION, IF NECESSARY, WAS TAKEN.

22 (b) THE OFFICE OF RAIL SAFETY SHALL SUMMARIZE THE DATA
23 COLLECTED AND ANALYZED PURSUANT TO SUBSECTION (15)(a) OF THIS
24 SECTION AND INCLUDE THE SUMMARY IN THE ANNUAL REPORT REQUIRED
25 BY SUBSECTION (17)(b) OF THIS SECTION. THE OFFICE OF RAIL SAFETY
26 SHALL CONSULT WITH THE COMMUNITY RAIL SAFETY ADVISORY
27 COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE

1 REGARDING ANY DATA THAT THE OFFICE OF RAIL SAFETY DETERMINES IS
2 INFEASIBLE TO COLLECT AND SHALL PROVIDE INFORMATION TO THE
3 COMMITTEES AS TO WHY CERTAIN DATA MAY BE INFEASIBLE TO COLLECT.

4 (16) THE OFFICE OF RAIL SAFETY SHALL ENSURE THAT DATA
5 COLLECTED PURSUANT TO THIS SECTION THAT IS NOT SUBJECT TO
6 EXCEPTIONS UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
7 ARTICLE 72 OF TITLE 24, IS MADE AVAILABLE TO THE COMMUNITY RAIL
8 SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY SAFETY ADVISORY
9 COMMITTEE.

10 (17) (a) BEGINNING ON FEBRUARY 1, 2027, THE OFFICE OF RAIL
11 SAFETY, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND
12 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, SHALL CONDUCT
13 A COMPREHENSIVE ASSESSMENT OF THE STATE'S ABILITY TO RESPOND TO
14 A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS FROM RAIL
15 TRANSPORTATION. THE ASSESSMENT MUST INCLUDE:

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

19 (II) A SUMMARY OF RAILROADS' EXISTING TRAINING PROVIDED TO
20 FIRST RESPONDERS, INCLUDING THROUGH THE USE OF VIRTUAL TRAINING
21 OR MOBILE TRAINING CARS, AND RAILROADS' EFFORTS TO ENCOURAGE
22 ENROLLMENT IN THIS TRAINING;

23 (III) AN INVENTORY OF THE EQUIPMENT AVAILABLE TO DEPLOY
24 DURING AN EMERGENCY INVOLVING HAZARDOUS MATERIALS, INCLUDING
25 CURRENT LOCATIONS OF HAZMAT RESPONSE CACHES, TO IDENTIFY GAPS IN
26 HAZMAT RESPONSE RELATING TO PERSONNEL, TRAINING, AND EQUIPMENT;

27 (IV) RECOMMENDATIONS ON WAYS TO INCREASE ACCESS TO

1 TRAINING FOR VOLUNTEER FIREFIGHTERS AND INCENTIVES FOR THEM TO
2 ATTEND THE TRAINING DESCRIBED IN SECTION 40-20-310;

3 (V) A MAP THAT IDENTIFIES ENVIRONMENTALLY CRITICAL AREAS
4 OF THE STATE, VULNERABLE ENVIRONMENTAL CORRIDORS, AND
5 DISPROPORTIONALLY IMPACTED COMMUNITIES THAT ARE ADJACENT TO
6 ROUTES OPERATED BY FREIGHT TRAINS AND PROVIDES INFORMATION
7 ABOUT THE TYPES AND AMOUNTS OF HAZARDOUS MATERIALS GENERALLY
8 TRANSPORTED ALONG THESE ROUTES FOR THE PURPOSE OF DETERMINING
9 WHAT A LARGE-SCALE RELEASE COULD INVOLVE;

10 (VI) RECOMMENDATIONS ON THE TYPES AND NUMBER OF
11 ADDITIONAL CACHES OF EQUIPMENT AND MATERIALS NECESSARY TO
12 RESPOND TO ENVIRONMENTALLY CRITICAL AREAS AND VULNERABLE
13 ENVIRONMENTAL CORRIDORS FOR USE BY LOCAL FIRST RESPONDERS TO
14 CONDUCT A SAFE AND EFFECTIVE FIRST RESPONSE TO AN INCIDENT
15 INVOLVING A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS, ALONG
16 WITH RECOMMENDATIONS AS TO THE BEST LOCATIONS IN THE STATE AT
17 WHICH TO STORE EQUIPMENT AND MATERIALS READY FOR DEPLOYMENT
18 BY LOCAL FIRST RESPONDERS;

19 (VII) THE RESPONSE PLANS OF CLASS I RAILROADS, AND THE
20 RESPONSE PLANS OF OTHER EMERGENCY RESPONSE AND HEALTH ENTITIES
21 THAT ARE EXPECTED TO ARRIVE AT THE SITE OF A LARGE-SCALE
22 HAZARDOUS RELEASE PREPARED TO ASSUME RESPONSIBILITY FOR THE
23 CONTAINMENT, COLLECTION, CLEANUP, AND REMEDIATION OF THE SITE,
24 INCLUDING:

25 (A) AN ESTIMATE OF THE NUMBER OF PERSONNEL AND THE
26 AMOUNT AND TYPE OF EQUIPMENT AND MATERIALS REQUIRED TO ADDRESS
27 A LARGE-SCALE RELEASE OF HAZARDOUS MATERIALS;

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

4 (C) AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED FOR
5 PERSONNEL, EQUIPMENT, AND MATERIALS TO BE DEPLOYED TO
6 ENVIRONMENTALLY CRITICAL AREAS AND VULNERABLE ENVIRONMENTAL
7 CORRIDORS OF THE STATE; AND

8 (VIII) ANY ADDITIONAL INFORMATION THAT ASSISTS IN THE
9 DEVELOPMENT OF COMPREHENSIVE PLANS TO PROMPTLY DEPLOY THE
10 STATE'S LOCAL RESOURCES, IMMEDIATELY FOLLOWED BY THE
11 DEPLOYMENT OF CORPORATE RAILROAD RESOURCES AND THOSE OF OTHER
12 EMERGENCY RESPONSE AND HEALTH ENTITIES, TO CONTAIN AND COLLECT,
13 TO THE MAXIMUM EXTENT POSSIBLE, A LARGE-SCALE RELEASE OF
14 HAZARDOUS MATERIALS IN CRITICAL AREAS OF THE STATE.

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

21 (c) THE OFFICE OF RAIL SAFETY SHALL WORK WITH THE
22 COMMUNITY RAIL SAFETY ADVISORY COMMITTEE AND THE RAIL INDUSTRY
23 SAFETY ADVISORY COMMITTEE AND RELEVANT STATE AGENCIES ON
24 IMPLEMENTING THE RECOMMENDATIONS OF THE ASSESSMENT CONDUCTED
25 PURSUANT TO SUBSECTION (17)(a) OF THIS SECTION AND REPORT CREATED
26 PURSUANT TO SUBSECTION (17)(b) OF THIS SECTION.

27 (18) THE OFFICE OF RAIL SAFETY SHALL ASSESS THE BEST

1 PRACTICES FOR ENSURING FINANCIAL RESPONSIBILITY FOR RESPONSE,
2 CLEANUP, AND DAMAGES FROM MAJOR RAIL EVENTS, INCLUDING
3 REVIEWING BEST PRACTICES FROM OTHER STATES.

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

6 (a) COMMUNICATION WITH STATE ENTITIES, INCLUDING THE
7 DEPARTMENT OF PUBLIC SAFETY;

8 (b) COMMUNICATION ISSUES BETWEEN CREWS WORKING ON
9 TRAINS MEASURING MORE THAN EIGHT THOUSAND FIVE HUNDRED FEET IN
10 LENGTH; AND

11 (c) COMMUNICATION FROM WAYSIDE DETECTORS TO CREWS.

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

14 **40-20-311.5. Rail safety fee - rules - fund created.**

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

21 (I) A CLASS I RAILROAD;

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

24 (III) A PASSENGER RAIL SYSTEM.

25 (b) (I) ON OR BEFORE SEPTEMBER 30, 2026, THE COMMISSION
26 SHALL DETERMINE A METHODOLOGY, THROUGH RULEMAKING, FOR
27 CALCULATING THE ANNUAL FEE DESCRIBED IN SUBSECTION (1)(a) OF THIS

1 SECTION BY RULE FOR EACH RAILROAD TYPE DESCRIBED IN SUBSECTION
2 (1)(a) OF THIS SECTION OPERATING WITHIN THE STATE, TOTALING NO LESS
3 THAN THE AMOUNT REQUIRED FOR THE OFFICE OF RAIL SAFETY TO
4 ADMINISTER AND ENFORCE THIS ARTICLE 20 AND THE RAILROADS'
5 RELATED SHARE OF THE COMMISSION'S GRADE CROSSING SAFETY PROGRAM
6 RESPONSIBILITIES DESCRIBED IN SECTION 40-4-106. THE TOTAL AMOUNT
7 COLLECTED PURSUANT TO THE ANNUAL FEE MUST NOT EXCEED FOUR
8 MILLION EIGHT HUNDRED THOUSAND DOLLARS IN A CALENDAR YEAR.

9 (II) THE METHODOLOGY FOR CALCULATING THE ANNUAL FEE
10 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MAY INCLUDE IN THE
11 CALCULATION:

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

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

15 (C) THE TOTAL PUBLIC CROSSINGS.

16 (III) THE COMMISSION SHALL CONSULT WITH AND SOLICIT
17 COMMENT FROM THE COMMUNITY RAIL SAFETY ADVISORY COMMITTEE
18 AND THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE DURING THE
19 RULE-MAKING PROCESS TO ESTABLISH THE FEE CALCULATION
20 METHODOLOGY AND YEARLY CALCULATION OF THE FEE PURSUANT TO THIS
21 SUBSECTION (1).

22 (IV) (A) THE COMMISSION SHALL NOTIFY EACH RAILROAD
23 REQUIRED TO PAY THE ANNUAL FEE DESCRIBED IN SUBSECTION (1)(a) OF
24 THIS SECTION OF THE AMOUNT OF THE ANNUAL FEE FOR THE UPCOMING
25 STATE FISCAL YEAR ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE
26 EACH DECEMBER 1 THEREAFTER.

27 (B) THE COMMISSION SHALL SEND A QUARTERLY INVOICE TO EACH

1 RAILROAD REQUIRED TO PAY THE ANNUAL FEE DESCRIBED IN SUBSECTION
2 (1)(a) OF THIS SECTION ON OR BEFORE DECEMBER 1, 2026. THEREAFTER,
3 THE COMMISSION SHALL SEND A QUARTERLY INVOICE TO EACH RAILROAD
4 REQUIRED TO PAY THE ANNUAL FEE ON OR BEFORE MARCH 1, JUNE 1,
5 SEPTEMBER 1, AND DECEMBER 1 OF EACH STATE FISCAL YEAR.

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

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

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
21 JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1 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 NEGLECT 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.