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HOUSE BILL 25-1110

BY REPRESENTATIVE(S) Winter T. and Duran, Bird, Clifford, Froelich, Hamrick, Johnson, Lieder, Lindsay, Lukens, Mabrey, Mauro, Richardson, Woodrow;
also SENATOR(S) Pelton B. and Rodriguez, Ball, Cutter, Exum, Jodeh, Kipp, Michaelson Jenet, Pelton R., Sullivan, Wallace, Winter F., Coleman.

CONCERNING THE ALLOCATION OF COSTS TO MAINTAIN RAILROAD CROSSINGS IN THE STATE.

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

SECTION 1. In Colorado Revised Statutes, 40-4-106, **add** (5) and (6) as follows:

40-4-106. Rules for public safety - crossings - civil fines - allocation of expenses - definitions. (5) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSION SHALL ADOPT RULES REQUIRING THAT:

(a) UNLESS THE APPLICABLE ROAD AUTHORITY IS A LOCAL GOVERNMENT, THE TOTAL COSTS TO MAINTAIN AN EXISTING CROSSING, INCLUDING MATERIALS, LABOR, TRAFFIC CONTROL, RAILROAD FLAGGING,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

AND ANY NECESSARY PERMITS, ARE SHARED EQUALLY BETWEEN:

(I) THE RAILROAD, RAILROAD CORPORATION, RAIL FIXED GUIDEWAY, TRANSIT AGENCY, OR OWNER OF THE TRACK; AND

(II) THE ROAD AUTHORITY; AND

(b) IF THE APPLICABLE ROAD AUTHORITY IS A LOCAL GOVERNMENT, THE TOTAL COSTS TO MAINTAIN AN EXISTING CROSSING ARE APPORTIONED AS FOLLOWS:

(I) THE RAILROAD, RAILROAD CORPORATION, RAIL FIXED GUIDEWAY, TRANSIT AGENCY, OR OWNER OF THE TRACK IS RESPONSIBLE FOR THE COSTS TO MAINTAIN THE PORTION OF THE EXISTING CROSSING THAT IS BETWEEN THE ENDS OF THE RAILROAD TIES; AND

(II) THE LOCAL GOVERNMENT IS RESPONSIBLE FOR THE COSTS TO MAINTAIN THE PORTION OF THE EXISTING CROSSING THAT IS OUTSIDE OF THE ENDS OF THE RAILROAD TIES.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CROSSING" MEANS A HIGHWAY-RAIL CROSSING OR A PATHWAY CROSSING.

(b) "HIGHWAY-RAIL CROSSING" HAS THE MEANING SET FORTH IN SECTION 40-20-302 (11).

(c) (I) "MAINTAIN" MEANS ACTIONS NECESSARY TO PRESERVE AN EXISTING CROSSING AND TO KEEP THE CROSSING FROM A STATE OF DECLINE OR DISREPAIR.

(II) "MAINTAIN" DOES NOT INCLUDE THE INSTALLATION, RECONSTRUCTION, OR IMPROVEMENT AND OPERATION OF AN AUTOMATIC OR OTHER SAFETY APPLIANCE SIGNAL OR DEVICE, AS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION.

(d) "PATHWAY CROSSING" HAS THE MEANING SET FORTH IN SECTION 40-20-302 (16).

(e) "RAIL FIXED GUIDEWAY" MEANS A PERSON POSSESSING RAIL FIXED GUIDEWAY SYSTEM FACILITIES BY OWNERSHIP OR LEASE.

(f) (I) "RAIL FIXED GUIDEWAY SYSTEM" HAS THE MEANING SET FORTH IN SECTION 40-18-101 (3).

(II) "RAIL FIXED GUIDEWAY SYSTEM" INCLUDES STREET RAILROADS, STREET RAILWAYS, AND ELECTRIC RAILROADS, AS THOSE TERMS ARE USED IN ARTICLE 24 OF THIS TITLE 40.

(g) (I) "RAILROAD" MEANS EITHER OF THE FOLLOWING, AS THE CONTEXT MAY REQUIRE:

(A) FACILITIES, INCLUDING: TRACKS; TRACK ROADS; BRIDGES USED OR OPERATED IN CONNECTION WITH THE TRACKS OR TRACK ROADS; SWITCHES; SPURS; AND TERMINAL FACILITIES, FREIGHT DEPOTS, YARDS, AND GROUNDS, INCLUDING RIGHTS-OF-WAY, USED OR NECESSARY FOR THE TRANSPORTATION OF PASSENGERS OR PROPERTY; OR

(B) A PERSON POSSESSING THE FACILITIES DESCRIBED IN SUBSECTION (6)(g)(I)(A) OF THIS SECTION BY OWNERSHIP OR LEASE.

(II) "RAILROAD" DOES NOT INCLUDE RAIL FIXED GUIDEWAYS OR RAIL FIXED GUIDEWAY SYSTEMS.

(h) "RAILROAD CORPORATION" MEANS FIVE OR MORE PERSONS ASSOCIATING TO FORM A COMPANY FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A RAILROAD IN ACCORDANCE WITH SECTION 40-20-101.

(i) "ROAD AUTHORITY" MEANS A MUNICIPALITY, COUNTY, STATE AGENCY, FEDERAL AGENCY, OR OTHER GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY THAT OWNS OR MAINTAINS THE PUBLIC HIGHWAY AT A HIGHWAY-RAIL CROSSING OR THE PUBLIC PATHWAY AT A PATHWAY CROSSING.

(j) "TRANSIT AGENCY" HAS THE MEANING SET FORTH IN SECTION 40-18-101 (6).

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following

the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to costs accrued on or after the effective date of this act unless the costs accrue pursuant to an agreement entered into by the parties before the effective date of this act, which agreement provides for the distribution of the costs to be shared between the parties.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO