

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Cutter

- 1 Amend the Transportation and Energy Committee Report, dated April 26,
2 2024, page 1, strike line 8 and substitute:
- 3 "Page 8 of the reengrossed bill, strike lines 24 through 27.
- 4 Page 9 of the bill, strike lines 1 through 3 and substitute:".
- 5 Page 1 of the report, line 11, strike "40-20-313." and substitute
6 40-20-312.".
- 7 Page 1 of the report, strike lines 12 and 13.
- 8 Page 1 of the report, line 15, strike ""(8)" and substitute ""(7)".
- 9 Page 2 of the report, line 5, strike ""(20)" and substitute ""(19)".
- 10 Page 2 of the report, strike line 7 and substitute "40-20-313.".
- 11 Page 2 of the report, strike lines 9 through 17 and substitute:
- 12 "Page 11 of the bill, strike line 27.
- 13 Strike pages 12 and 13 of the bill.
- 14 Page 14 of the bill, strike lines 1 through 15 and substitute:
- 15 **"40-20-303. Wayside detector systems - obstructions at public**
16 **crossings - reports.** (1) ON OR BEFORE JANUARY 1, 2025, AND ON OR
17 BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING
18 ANY MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES
19 COMMISSION A PUBLIC REPORT THAT DISCLOSES, AT A MINIMUM, THE
20 FOLLOWING INFORMATION:
- 21 (a) AN OVERVIEW OF THE TYPES OF, GENERAL LOCATIONS OF, AND
22 SPACING BETWEEN WAYSIDE DETECTORS ON MAIN LINES IN COLORADO;
- 23 (b) A GENERAL DESCRIPTION OF HOW THE WAYSIDE DETECTOR
24 SYSTEM PROMOTES SAFETY, INCLUDING PLANS TO ADJUST OR IMPROVE THE
25 WAYSIDE DETECTOR SYSTEM OR REVIEW WAYSIDE DETECTOR
26 TECHNOLOGY;
- 27 (c) A GENERAL DESCRIPTION OF THE PROCESS BY WHICH DEFECTS
28 OR OTHER DETECTIONS ARE MANAGED IN ORDER TO PROVIDE NOTICE TO
29 TRAIN OPERATORS AND OTHERS;

1 (d) THE PERCENTAGE OF TIME THAT EACH TYPE OF WAYSIDE
2 DETECTOR WAS OPERATIONAL FOR THE PREVIOUS YEAR;
3 (e) HOW MANY DEFECTS WERE CAPTURED; AND
4 (f) ANY OTHER INFORMATION REGARDING WAYSIDE DETECTOR
5 SYSTEMS THAT THE PUBLIC UTILITIES COMMISSION DEEMS NECESSARY.
6 (2) (a) EXCEPT FOR TRAINS OR EQUIPMENT STOPPED DUE TO
7 MECHANICAL FAILURE WHERE SEPARATION OR MOVEMENT IS NOT
8 POSSIBLE, THE STATE EXPECTS THAT ANY TRAIN OR EQUIPMENT
9 OPERATING ON A MAIN LINE OR SIDING IN THE STATE SHOULD BE OPERATED
10 IN SUCH A MANNER AS TO MINIMIZE OBSTRUCTION OF EMERGENCY
11 VEHICLES AT HIGHWAY-RAIL CROSSINGS. UPON THE APPROACH OF AN
12 EMERGENCY VEHICLE TO ANY BLOCKED CROSSING, AN EMERGENCY
13 VEHICLE MAY GIVE WARNING OF ITS APPROACH BY THE SOUNDING OF
14 SIRENS, FLASHING OF LIGHTS, WAVING OF A FLAG, OR ANY OTHER WARNING
15 SUFFICIENT TO ATTRACT ATTENTION TO THE EMERGENCY VEHICLE TO
16 ALLOW THE TRAIN CREW TO SEPARATE THE TRAIN OR EQUIPMENT AND
17 CLEAR THE CROSSING WITH ALL POSSIBLE DISPATCH TO PERMIT THE
18 EMERGENCY VEHICLE TO PASS. IF A BLOCKED CROSSING IS NOT CLEARED,
19 THE ENTITY OPERATING THE EMERGENCY VEHICLE OR THE DEPARTMENT
20 OF PUBLIC SAFETY SHALL REQUEST THAT THE RAILROAD IMMEDIATELY
21 TAKE ANY ACTION, CONSISTENT WITH SAFE OPERATING PROCEDURES,
22 NECESSARY TO CLEAR THE HIGHWAY-RAIL CROSSING.
23 (b) THE DEPARTMENT OF PUBLIC SAFETY SHALL, AND OTHER
24 EMERGENCY VEHICLE OPERATORS MAY, REPORT TO THE OFFICE OF RAIL
25 SAFETY THE DETAILS OF ANY EVENT IN WHICH AN EMERGENCY VEHICLE
26 WAS STOPPED OR DELAYED BY A TRAIN BLOCKING A HIGHWAY-RAIL
27 CROSSING, ANY REQUEST THAT WAS MADE TO CLEAR THE CROSSING, THE
28 RESOLUTION OF ANY SUCH REQUEST, AND ANY EFFECTS THAT THE DELAY
29 OF THE EMERGENCY VEHICLE HAD ON THE EMERGENCY RESPONSE.
30 (c) AS USED IN THIS SUBSECTION (2), "EMERGENCY VEHICLE".

31 Page 2 of the report, line 23, strike "TAKE" and substitute "RECOMMEND".

32 Page 3 of the report, line 32, strike "BETWEEN" and substitute "WITH
33 OTHER RAILROADS OR".

34 Page 3 of the report, line 42, after "EXERCISES" insert "EACH YEAR".

35 Page 4 of the report, strike line 5 and substitute "MINUTES AFTER
36 DISCOVERING AN EMERGENCY INVOLVING A TRAIN, UNLESS
37 COMMUNICATION IS IMPOSSIBLE, THE".

38 Page 4 of the report, strike line 41 and substitute "EFFORTS".

- 1 Page 5 of the report, strike lines 6 through 11 and substitute:
- 2 "Page 15 of the bill, strike line 1 and substitute "**request for**
3 **investigation.** (1) A CREW MEMBER OF A TRAIN".
- 4 Page 15 of the bill, strike lines 11 through 14 and substitute "MAY
5 REQUEST AN INVESTIGATION FROM THE OFFICE OF RAIL SAFETY.". "
- 6 Page 5 of the report, strike line 19 and substitute:
- 7 "Page 16 of the bill, strike line 25 and substitute:
- 8 "(II) PLANNING, DESIGN, CONSTRUCTION, OR MAINTENANCE AND
9 OPERATION OF SAFETY IMPROVEMENTS ON ANY RAILROAD OR RAILROAD
10 CROSSING IN THE STATE; AND". "
- 11 Page 5 of the report, after line 24 insert:
- 12 "Page 17 of the bill, line 3, after "DEPARTMENT" insert "AND OTHER FIRST
13 RESPONDER ORGANIZATION".
- 14 Page 17 of the bill, line 6, strike "DEPARTMENT." and substitute
15 "DEPARTMENT AND OTHER FIRST RESPONDER ORGANIZATION.". "
- 16 Page 17 of the bill, line 9, strike "DANGEROUS GOODS AND". "
- 17 Page 5 of the report, strike line 29 and substitute "THE COLORADO STATE
18 PATROL.
- 19 (5) A CLASS II OR CLASS III RAILROAD MAY SATISFY THE
20 REQUIREMENTS OF THIS SECTION BY EITHER:
- 21 (a) ENTERING INTO AN AGREEMENT WITH A CLASS I RAILROAD TO
22 BE A PARTNER WITH THE CLASS I RAILROAD IN ITS PROGRAM; OR
- 23 (b) ADOPTING THE TRAINING PROGRAMS PROVIDED BY THE SHORT
24 LINE SAFETY INSTITUTE.". "
- 25 Page 6 of the report, line 5, after "**report -**" insert "**rules -**".
- 26 Page 6 of the report, strike line 7 and substitute "ENSURING FREIGHT,
27 PASSENGER, COMMUNITY, AND ENVIRONMENTAL RAIL SAFETY IN THE
28 STATE FOR THE".
- 29 Page 6 of the report, line 13, after "CFR" insert "PART".

- 1 Page 6 of the report, strike lines 33 through 35 and substitute "I
2 RAILROADS AS OF THE EFFECTIVE DATE OF THIS PART 3; AND
3 (c) PASSENGER RAILROADS."
- 4 Page 6 of the report, line 37, after "CFR" insert "PART".
- 5 Page 6 of the report, strike lines 40 and 41 and substitute:
- 6 "(5) AN INTERESTED PARTY MAY REQUEST THAT THE COMMISSION,
7 THE DEPARTMENT OF PUBLIC".
- 8 Page 7 of the report, strike lines 1 and 2 and substitute "ALLEGED
9 VIOLATION OF THIS PART 3.
- 10 (6) THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, OR THE
11 DEPARTMENT OF TRANSPORTATION MAY REPORT AN ALLEGED VIOLATION
12 OF THIS PART 3 OR ANY OTHER".
- 13 Renumber succeeding subsections accordingly.
- 14 Page 7 of the report, line 9, strike "CLASS I".
- 15 Page 7 of the report, line 11, after "OF" insert "COUNTIES, SPECIAL
16 DISTRICTS, AND".
- 17 Page 7 of the report, after line 18 insert:
- 18 "(10) THE OFFICE OF RAIL SAFETY SHALL COLLECT AND REPORT
19 INFORMATION REGARDING BLOCKED HIGHWAY-RAIL CROSSINGS IN THE
20 STATE, INCLUDING INFORMATION REGARDING EMERGENCY VEHICLES
21 AFFECTED BY BLOCKED HIGHWAY-RAIL CROSSINGS.
- 22 (11) (a) THE OFFICE OF RAIL SAFETY SHALL CREATE A STANDARD
23 PROCESS FOR INVESTIGATORS TO USE DURING INVESTIGATIONS UNDER THIS
24 SECTION FOR DETERMINING THE APPROPRIATE TIME AND METHOD FOR:
- 25 (I) GATHERING INFORMATION ABOUT AN INVESTIGATION FROM
26 RAILROADS, CONTRACTORS, OR EMPLOYEES OF RAILROADS OR FROM
27 REPRESENTATIVES OF EMPLOYEES OF RAILROADS, AND OTHERS, AS
28 DETERMINED RELEVANT BY THE OFFICE OF RAIL SAFETY; AND
- 29 (II) CONSULTING WITH RAILROADS, CONTRACTORS, OR EMPLOYEES
30 OF RAILROADS, OR WITH REPRESENTATIVES OF EMPLOYEES OF RAILROADS,
31 AND OTHERS, AS DETERMINED RELEVANT BY THE OFFICE OF RAIL SAFETY,
32 FOR TECHNICAL EXPERTISE ON THE FACTS OF AN INVESTIGATION.
- 33 (b) IN DEVELOPING THE PROCESS REQUIRED UNDER SUBSECTION
34 (11)(a) OF THIS SECTION, THE OFFICE OF RAIL SAFETY SHALL INCLUDE

1 CONSIDERATION OF HOW TO MAINTAIN THE CONFIDENTIALITY OF ANY
2 ENTITY IDENTIFIED PURSUANT TO SUBSECTION (11)(a) OF THIS SECTION IF:
3 (I) THE ENTITY REQUESTS CONFIDENTIALITY;
4 (II) THE ENTITY WAS NOT INVOLVED IN THE ACCIDENT OR
5 INCIDENT; AND
6 (III) MAINTAINING THE ENTITY'S CONFIDENTIALITY DOES NOT
7 ADVERSELY AFFECT AN INVESTIGATION BY THE OFFICE OF RAIL SAFETY.
8 (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (11)(c)(II) OF THIS
9 SECTION, THE OFFICE OF RAIL SAFETY MAY NOT DISCLOSE THE NAME OF AN
10 EMPLOYEE OF A RAILROAD WHO HAS PROVIDED INFORMATION ABOUT AN
11 ALLEGED VIOLATION OF THIS PART 3 OR MATTERS DESCRIBED IN
12 SUBSECTION (11)(c)(II) OF THIS SECTION UNLESS THE OFFICE OF RAIL
13 SAFETY OBTAINS THE EMPLOYEE'S WRITTEN CONSENT FOR SUCH
14 DISCLOSURE.
15 (II) THE OFFICE OF RAIL SAFETY SHALL DISCLOSE TO THE
16 ATTORNEY GENERAL OR THE FEDERAL RAILROAD ADMINISTRATION THE
17 NAME OF AN EMPLOYEE DESCRIBED IN SUBSECTION (11)(c)(I) OF THIS
18 SECTION IF THE MATTER IS REFERRED TO THE ATTORNEY GENERAL OR THE
19 FEDERAL RAILROAD ADMINISTRATION FOR ENFORCEMENT. BEFORE
20 MAKING SUCH A DISCLOSURE, THE OFFICE OF RAIL SAFETY SHALL PROVIDE
21 REASONABLE ADVANCE NOTICE TO THE AFFECTED EMPLOYEE AND TO A
22 DESIGNATED EMPLOYEE REPRESENTATIVE IF SUCH A REPRESENTATIVE
23 EXISTS.
24 (d) THE OFFICE OF RAIL SAFETY SHALL PROMULGATE RULES TO
25 PROTECT EMPLOYEES FROM RETALIATION FOR THEIR PARTICIPATION IN
26 INVESTIGATIONS UNDER THIS SECTION AND SHALL CREATE A MECHANISM
27 TO ACCEPT AND RESOLVE COMPLAINTS REGARDING VIOLATIONS OF THE
28 RULES, WHICH MECHANISM IS CONSISTENT WITH FEDERAL LAW.
29 (12) THE OFFICE OF RAIL SAFETY SHALL COORDINATE WITH THE
30 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF PUBLIC SAFETY,
31 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
32 DEPARTMENT OF NATURAL RESOURCES, AND STAKEHOLDERS SUCH AS
33 RAILROADS, FIRST RESPONDERS, LOCAL GOVERNMENTS, METROPOLITAN
34 PLANNING ORGANIZATIONS, AND LABOR ORGANIZATIONS TO IDENTIFY AND
35 IMPLEMENT INITIATIVES AND PRIORITIES TO REDUCE THE FREQUENCY OF
36 BLOCKED HIGHWAY-RAIL CROSSINGS, IMPROVE EMERGENCY
37 PREPAREDNESS AND RESILIENCE, AND IMPROVE RAIL SAFETY. THIS MAY
38 INCLUDE INNOVATIVE USE OF DATA AND TECHNOLOGY TO PRIORITIZE
39 ELIMINATION OR PROTECTION OF HIGHWAY-RAIL CROSSINGS, INFORMATION
40 SHARING, AND FIRST RESPONDER DECISION SUPPORT. THE OFFICE OF RAIL
41 SAFETY SHALL ALSO COORDINATE WITH THE AFOREMENTIONED ENTITIES
42 REGARDING POSSIBLE FEDERAL GRANTS TO IMPROVE RAIL AND PUBLIC
43 SAFETY."

- 1 Renumber succeeding subsections accordingly.
- 2 Page 8 of the report, strike lines 9 through 11 and substitute "OTHER
3 STATES;
4 (VIII) A REPORT CONCERNING COMMUNICATION ISSUES IMPACTING
5 RAIL LINES IN THE STATE, INCLUDING COMMUNICATION WITH STATE
6 ENTITIES SUCH AS THE DEPARTMENT OF PUBLIC SAFETY; COMMUNICATION
7 ISSUES BETWEEN CREWS WORKING LONG TRAINS; AND COMMUNICATION
8 FROM WAYSIDE DETECTORS TO CREWS; AND
9 (IX) (A) A LEGISLATIVE PROPOSAL CONCERNING THE CREATION OF
10 A FEE STRUCTURE OR OTHER REVENUE SOURCE, AN ASSESSMENT, AND A
11 GOVERNANCE BODY AND AN".
- 12 Page 8 of the report, strike line 13 and substitute "SUBSECTIONS (13)(a)(I)
13 TO (13)(a)(VIII) OF THIS SECTION, WHICH FEE".
- 14 Page 8 of the report, line 22, strike "(9)(a)" and substitute "(13)(a)".
- 15 Page 8 of the report, strike lines 27 through 29 and substitute
16 "INTERESTED STAKEHOLDERS, INCLUDING RAILROADS, UNIONS
17 REPRESENTING RAILROAD EMPLOYEES, LOCAL GOVERNMENTS OF
18 COUNTIES, SPECIAL DISTRICTS, AND MUNICIPALITIES THAT CONTAIN
19 RAILROAD LINES, THE FEDERAL RAILROAD ADMINISTRATION, FIRST
20 RESPONDER".
- 21 Page 8 of the report, line 32, strike "(9)" and substitute "(13)".
- 22 Page 9 of the report, line 10, strike "LINE," and substitute "OPERATOR,".
- 23 Page 9 of the report, strike lines 40 through 43.
- 24 Page 10 of the report, strike line 1 and substitute:
- 25 "(3) MEMBERS OF THE COMMUNITY RAIL SAFETY ADVISORY
26 COMMITTEE WHO ARE NOT COMPENSATED FOR ACTING IN OFFICIAL JOB
27 ROLES MAY RECEIVE PER DIEM COMPENSATION FROM THE OFFICE OF RAIL
28 SAFETY CREATED IN SECTION 40-20-311. MEMBERS OF THE COMMUNITY
29 RAIL SAFETY ADVISORY COMMITTEE MAY BE REIMBURSED FOR EXPENSES
30 INCURRED WHILE PERFORMING THE MEMBERS' DUTIES.".
- 31 Page 10 of the report, strike lines 14 and 15 and substitute:
- 32 "(II) ONE MEMBER WHO REPRESENTS A CLASS II OR CLASS III

- 1 RAILROAD IN THE STATE;".
- 2 Page 10 of the report, strike lines 20 through 25 and substitute:
- 3 "(V) THREE MEMBERS WITH EXPERTISE CONCERNING RAIL SAFETY,
4 RAIL OPERATIONS, EMERGENCY RESPONSE, OR TRANSPORTATION
5 REGULATION."
- 6 Page 11 of the report, line 9, strike "REPORTS" and substitute "REVIEWS".
- 7 Page 11 of the report, line 20, strike "40-20-313;" and substitute
8 "40-20-312;".
- 9 Page 11 of the report, line 22, strike "40-20-314." and substitute
10 "40-20-313.".
- 11 Page 11 of the report, line 34, after "COMMITTEE;" insert "CREATING
12 THE RAIL INDUSTRY SAFETY ADVISORY COMMITTEE;".
- 13 Strike "ON" and substitute "FOR" on: **Page 8 of the report**, line 41; and
14 **page 9 of the report**, lines 1, 3, 7, and 10.

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