

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0646.01 Jennifer Berman x3286

HOUSE BILL 19-1034

HOUSE SPONSORSHIP

Sullivan and Esgar,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT A COMMON CARRIER ENGAGED IN
102 THE TRANSPORTATION OF PROPERTY BY RAILROAD HAVE AT
103 LEAST TWO CREW MEMBERS ABOARD A FREIGHT TRAIN WHILE
104 THE FREIGHT TRAIN IS MOVING.

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 a common carrier engaged in the transportation of property by railroad to have at least 2 crew members aboard a railroad train or light engine operated in connection with carrying freight while

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the freight train or light engine is moving. A violation of the requirement is a misdemeanor, punishable by a fine of \$250 to \$1,000 for a first offense, \$1,000 to \$5,000 for a second offense committed within 3 years, or \$5,000 to \$10,000 for a third or subsequent offense committed within 3 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 40-9-101 as
3 follows:

4 **40-9-101. Application of sections.** ~~The provisions of Sections~~
5 ~~40-9-101 to 40-9-108 shall~~ 40-9-110 apply to any ~~person who is held to~~
6 ~~be a common carrier, within the meaning and purpose of said sections and~~
7 ~~to any~~ common carrier engaged in the transportation of passengers or
8 property by railroad from one point within the state to any other point
9 within the state. These sections shall ~~DO~~ not apply to the ownership or
10 operation of street transportation public utilities conducted solely as
11 common carriers in the transportation of passengers.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 40-9-110 as
13 follows:

14 **40-9-110. Railroad freight transport - number of crew**
15 **members required - penalty - legislative declaration - definition.**

16 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
17 THAT IT IS IN THE PUBLIC INTEREST TO REQUIRE THAT A COMMON CARRIER
18 ENGAGED IN THE TRANSPORTATION OF FREIGHT BY RAILROAD HAVE
19 MULTIPLE CREW MEMBERS ABOARD A RAILROAD TRAIN OR LIGHT ENGINE
20 IN ORDER TO HELP ENSURE THE PUBLIC SAFETY OF CITIZENS OF THIS STATE
21 AND THE SAFETY OF THE STATE'S WATERWAYS AND NATURAL
22 ENVIRONMENT.

23 (2) A RAILROAD TRAIN OR LIGHT ENGINE OPERATED IN

1 CONNECTION WITH CARRYING FREIGHT MUST HAVE AT LEAST TWO CREW
2 MEMBERS ABOARD WHILE THE RAILROAD TRAIN OR LIGHT ENGINE IS
3 MOVING.

4 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO:

5 (a) HELPER SERVICE;

6 (b) TRAINS THAT ARE NOT USED PRIMARILY FOR THE PURPOSE OF
7 TRANSPORTING PEOPLE OR FREIGHT FROM ONE LOCATION TO ANOTHER,
8 BUT ARE USED FOR TOURISM PURPOSES SUCH AS SCENIC, HISTORIC, OR
9 EXCURSION RIDES;

10 (c) A LOCOMOTIVE OR GROUP OF LOCOMOTIVES THAT ARE
11 TRAVELING NO MORE THAN THIRTY MILES PER HOUR OUTSIDE OF A RAIL
12 YARD AND ARE ATTACHED ONLY TO A CABOOSE;

13 (d) HOSTLER SERVICE; AND

14 (e) THE MOVEMENT OF A TRAIN FOR THE PURPOSE OF LOADING OR
15 UNLOADING FREIGHT SO LONG AS THE TRAIN IS MOVING NO MORE THAN
16 TEN MILES PER HOUR.

17 (4) A PERSON WHO WILLFULLY VIOLATES SUBSECTION (2) OF THIS
18 SECTION OR A COMMISSION ORDER ISSUED PURSUANT TO SUBSECTION (2)
19 OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION
20 THEREOF, SHALL BE PUNISHED BY A FINE OF:

21 (a) NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE
22 THAN ONE THOUSAND DOLLARS FOR A FIRST OFFENSE;

23 (b) NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN
24 FIVE THOUSAND DOLLARS FOR A SECOND OFFENSE COMMITTED WITHIN
25 THREE YEARS; OR

26 (c) NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TEN
27 THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE COMMITTED

1 WITHIN THREE YEARS.

2 (5) AS USED IN THIS SECTION:

3 (a) (I) "CREW MEMBER" MEANS AN EMPLOYEE OF THE COMMON
4 CARRIER INVOLVED IN THE OPERATION OF A RAILROAD TRAIN OR LIGHT
5 ENGINE.

6 (II) "CREW MEMBER" DOES NOT INCLUDE A HOSTLER SERVICE OR
7 UTILITY EMPLOYEE OR CONTRACTOR OF THE CARRIER.

8 (b) (I) "HELPER SERVICE" MEANS THE USE OF A LOCOMOTIVE OR A
9 GROUP OF LOCOMOTIVES TO ASSIST ANOTHER TRAIN THAT IS
10 EXPERIENCING MECHANICAL FAILURE OR LACKS THE POWER TO TRAVERSE
11 DIFFICULT TERRAIN.

12 (II) "HELPER SERVICE" INCLUDES THE TRAVEL TO OR FROM A
13 LOCATION WHERE THE ASSISTANCE IS PROVIDED.

14 (c) "HOSTLER SERVICE" MEANS THE MOVEMENT OF LOCOMOTIVES
15 THAT ARE NOT ATTACHED TO RAIL CARS WITHIN A RAIL YARD.

16 **SECTION 3. Effective date.** This act takes effect July 1, 2019.

17 **SECTION 4. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.