

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 07-0066.02 Jason Gelender

SENATE BILL 07-006

SENATE SPONSORSHIP

Takis, Isgar, May R., and Williams

HOUSE SPONSORSHIP

Kerr J., Borodkin, Green, McFadyen, Pommer, and Rose

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE ABOLITION OF A REDUNDANT,**
102 **NONSIGNALIZED, AND UNATTENDED AT-GRADE RAILROAD**
103 **CROSSING WITHOUT A HEARING BEFORE THE PUBLIC UTILITIES**
104 **COMMISSION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Allows the affected railroad corporation (corporation), the public utilities commission (commission), the department of transportation (department), or the local government responsible for supervising and maintaining the

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

highway or road at any crossing at grade of any public highway or road over the tracks of a corporation to abolish the crossing without a hearing before the commission as required under existing law if:

The crossing is without gates, signals, alarm bells, or warning personnel and is located within a specified distance of a crossing with gates, signals, alarm bells, or warning personnel;

The crossing is not the only crossing that provides access to property; and

No less than a specified number of days prior to the proposed abolition date, the corporation, commission, department, or local government posts conspicuous notice of the proposed abolition at the crossing and gives written notice of the proposed abolition to the other interested entities.

Allows a timely objection to the abolition to be filed that includes a written statement by a professional engineer licensed to practice in Colorado indicating that the engineer is familiar with the new expedited abolition provisions and all relevant aspects of the crossing and has examined the crossing and believes that it is safe as designed. If a timely proper objection is filed, allows abolition of a crossing only after a hearing before the commission as authorized by existing law.

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

2 **SECTION 1.** 40-4-106 (3) (a), Colorado Revised Statutes, is
3 amended to read:

4 **40-4-106. Rules for public safety - crossings - allocation of**
5 **expenses.** (3) (a) (I) The commission also has power upon its own
6 motion or upon complaint and after hearing, of which all the parties in
7 interest including the owners of adjacent property shall have due notice,
8 to order any crossing constructed at grade or at the same or different
9 levels, to be relocated, altered, or abolished, according to plans and
10 specifications to be approved and upon just and reasonable terms and
11 conditions to be prescribed by the commission, and to prescribe the terms
12 upon which the separation should be made and the proportion in which
13 the expense of the alteration or abolition of the crossing or the separation

1 of the grade should be divided between the railroad corporations affected
2 or between the corporation and the state, county, municipality, or public
3 authority in interest.

4 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
5 THIS PARAGRAPH (a), THE AFFECTED RAILROAD CORPORATION, THE
6 COMMISSION, THE DEPARTMENT OF TRANSPORTATION, OR THE LOCAL
7 GOVERNMENT RESPONSIBLE FOR SUPERVISING AND MAINTAINING THE
8 INTERSECTING PUBLIC HIGHWAY OR ROAD MAY ABOLISH ANY CROSSING AT
9 GRADE OF ANY PUBLIC HIGHWAY OR ROAD OVER THE TRACKS OF A
10 CORPORATION IF:

11 (A) THE CROSSING IS WITHOUT GATES, SIGNALS, ALARM BELLS, OR
12 WARNING PERSONNEL AND IS LOCATED WITHIN ONE-QUARTER MILE OF A
13 CROSSING WITH GATES, SIGNALS, ALARM BELLS, OR WARNING PERSONNEL
14 OR A SEPARATED GRADE CROSSING;

15 (B) THE CROSSING IS NOT THE ONLY CROSSING THAT PROVIDES
16 ACCESS TO PROPERTY;

17 (C) NO LESS THAN SIXTY DAYS PRIOR TO THE PROPOSED ABOLITION
18 DATE, THE RAILROAD CORPORATION, COMMISSION, DEPARTMENT OF
19 TRANSPORTATION, OR LOCAL GOVERNMENT POSTS CONSPICUOUS NOTICE
20 OF THE PROPOSED ABOLITION AT THE CROSSING AND GIVES WRITTEN
21 NOTICE OF THE PROPOSED ABOLITION TO ALL OTHER ENTITIES AUTHORIZED
22 TO INITIATE ABOLITION OF THE CROSSING PURSUANT TO THIS
23 SUBPARAGRAPH (II); AND

24 (D) NEITHER ANY ENTITY GIVEN NOTICE NOR ANY OTHER
25 INTERESTED PARTY FILES AN OBJECTION TO THE ABOLITION PURSUANT TO
26 SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

27 (III) A CROSSING SHALL NOT BE ABOLISHED PURSUANT TO

1 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) IF AN ENTITY GIVEN NOTICE
2 PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (II) OF THIS
3 PARAGRAPH (a) OR ANY OTHER INTERESTED PARTY, WITHIN SIXTY DAYS
4 OF RECEIVING SUCH NOTICE, FILES WITH THE COMMISSION AND PROVIDES
5 TO THE ENTITY THAT GAVE NOTICE OF THE PROPOSED ABOLITION A
6 WRITTEN OBJECTION TO THE ABOLITION. THE WRITTEN OBJECTION SHALL
7 INCLUDE A STATEMENT BY A PROFESSIONAL ENGINEER LICENSED TO
8 PRACTICE IN COLORADO THAT INDICATES THAT THE ENGINEER IS FAMILIAR
9 WITH THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a)
10 AND ALL RELEVANT ASPECTS OF THE CROSSING AND HAS EXAMINED THE
11 CROSSING AND BELIEVES THAT IT IS SAFE AS DESIGNED. HOWEVER,
12 NOTHING IN THIS SUBPARAGRAPH (III) SHALL PRECLUDE THE ABOLITION OF
13 THE CROSSING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

14 **SECTION 2. Effective date.** This act shall take effect at 12:01
15 a.m. on the day following the expiration of the ninety-day period after
16 final adjournment of the general assembly that is allowed for submitting
17 a referendum petition pursuant to article V, section 1 (3) of the state
18 constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007);
19 except that, if a referendum petition is filed against this act or an item,
20 section, or part of this act within such period, then the act, item, section,
21 or part, if approved by the people, shall take effect on the date of the
22 official declaration of the vote thereon by proclamation of the governor.