

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0711.01 Jennifer Berman x3286

HOUSE BILL 16-1136

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HOUSE SPONSORSHIP

**Esgar**, Danielson, Winter, Melton, Garnett, Mitsch Bush, Tyler, Lebsock, Duran, Primavera

SENATE SPONSORSHIP

**Garcia**,

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**House Committees**  
Transportation & Energy

**Senate Committees**

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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.

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**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://www.leg.state.co.us/billsummaries>.)*

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 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.

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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~~ 40-9-108.5 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** 40-9-108.5 as  
13 follows:

14           **40-9-108.5. 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 OF THE STATE TO REQUIRE THAT A  
18 COMMON CARRIER ENGAGED IN THE TRANSPORTATION OF FREIGHT BY  
19 RAILROAD HAVE MULTIPLE CREW MEMBERS ABOARD A RAILROAD TRAIN  
20 OR LIGHT ENGINE IN ORDER TO HELP ENSURE THE PUBLIC SAFETY OF  
21 COLORADO'S CITIZENS AND THE SAFETY OF ITS 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) A PERSON WHO WILLFULLY VIOLATES SUBSECTION (2) OF THIS  
5 SECTION OR A COMMISSION ORDER ISSUED PURSUANT TO SUBSECTION (2)  
6 OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION  
7 THEREOF, SHALL BE PUNISHED BY A FINE OF:

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

10 (b) NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN  
11 FIVE THOUSAND DOLLARS FOR A SECOND OFFENSE COMMITTED WITHIN  
12 THREE YEARS; OR

13 (c) NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TEN  
14 THOUSAND DOLLARS FOR A THIRD OFFENSE, OR ANY SUBSEQUENT  
15 OFFENSE, COMMITTED WITHIN THREE YEARS.

16 (4) (a) AS USED IN THIS SECTION, "CREW MEMBER" MEANS AN  
17 EMPLOYEE OF THE COMMON CARRIER INVOLVED IN THE OPERATION OF A  
18 RAILROAD TRAIN OR LIGHT ENGINE.

19 (b) "CREW MEMBER" DOES NOT INCLUDE A HOSTLER SERVICE OR  
20 UTILITY EMPLOYEE OR CONTRACTOR OF THE CARRIER.

21 **SECTION 3. Effective date.** This act takes effect July 1, 2016.

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