

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

PREAMENDED

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

LLS NO. 13-0075.01 Nicole Myers x4326

HOUSE BILL 13-1103

HOUSE SPONSORSHIP

Scott, Fischer, Priola, Tyler, Williams

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE PUBLIC UTILITY COMMISSION'S**
102 **OVERSIGHT OF RAIL FIXED GUIDEWAY SYSTEM SAFETY.**

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>.)

Transportation Legislation Review Committee. The public utilities commission (commission) is currently required to provide the executive director of the department of revenue with a list of the public utilities subject to its jurisdiction. The bill exempts certain rail fixed guideway systems from inclusion on the list.

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.*

Current law authorizes the commission to establish an oversight program for the safety and security of rail fixed guideway systems pursuant to the federal "Intermodal Surface Transportation Efficiency Act of 1991". In addition, the bill authorizes the commission to establish the oversight program pursuant to the new federal "Moving Ahead for Progress in the 21st Century Act" (new federal Act).

Current law allows the commission to assess fees to cover its administrative costs in connection with the oversight of rail fixed guideway systems. However, the new federal Act prohibits the commission from fixing fees against any rail fixed guideway system that it regulates. To comply with the new federal Act, the bill eliminates the authority of the commission to assess fees to cover administrative expenses and eliminates the requirement that all fees collected be remitted to the state treasurer and credited to the public utilities commission fixed utility fund. In addition, the bill clarifies that the commission may still expend moneys from the public utilities commission fixed utility fund to cover administrative expenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 40-2-109 as
3 follows:

4 **40-2-109. Report to executive director of the department of**
5 **revenue - repeal.** (1) (a) On March 1 of each year, the public utilities
6 commission shall furnish the executive director of the department of
7 revenue with a list of those public utilities subject to its jurisdiction,
8 supervision, and regulation on January 1 of each year, excepting those
9 motor carriers subject to the passenger-mile tax imposed by sections
10 42-3-304 to 42-3-306, C.R.S., but only so long as the cost of regulation
11 of such motor carriers is defrayed from the proceeds of such
12 passenger-mile tax.

13 (b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE UPON THE
14 RECEIPT BY THE REVISOR OF STATUTES OF THE WRITTEN NOTICE FROM THE
15 DIRECTOR OF THE PUBLIC UTILITIES COMMISSION REQUIRED PURSUANT TO
16 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

1 (2) (a) ON MARCH 1 OF EACH YEAR, THE PUBLIC UTILITIES
2 COMMISSION SHALL FURNISH THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF REVENUE WITH A LIST OF THOSE PUBLIC UTILITIES
4 SUBJECT TO ITS JURISDICTION, SUPERVISION, AND REGULATION ON
5 JANUARY 1 OF EACH YEAR. THE PROVISIONS OF THIS SUBSECTION (2)
6 SHALL NOT APPLY TO:

7 (I) MOTOR CARRIERS SUBJECT TO THE PASSENGER-MILE TAX
8 IMPOSED BY SECTIONS 42-3-304 TO 42-3-306, C.R.S., SO LONG AS THE
9 COST OF REGULATION OF SUCH MOTOR CARRIERS IS DEFRAYED FROM THE
10 PROCEEDS OF SUCH PASSENGER-MILE TAX; AND

11 (II) RAILFIXED GUIDEWAY SYSTEMS THAT ARE REGULATED BY THE
12 PUBLIC UTILITIES COMMISSION PURSUANT TO PART 1 OF ARTICLE 18 OF
13 THIS TITLE.

14 (b) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL
15 PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES ONCE THE
16 FEDERAL GRANT MONEYS MADE AVAILABLE UNDER THE "MOVING AHEAD
17 FOR PROGRESS IN THE 21ST CENTURY ACT", 49 U.S.C. SEC. 5329, HAVE
18 BEEN AWARDED TO THE STATE. THIS SUBSECTION (2) TAKES EFFECT UPON
19 THE RECEIPT BY THE REVISOR OF STATUTES OF SUCH WRITTEN NOTICE.

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-18-102 as
21 follows:

22 **40-18-102. Rail fixed guideway system safety oversight**
23 **program - commission may establish.** The commission is authorized to
24 establish an oversight program for the safety and security of rail fixed
25 guideway systems in accordance with section 28 of the "Intermodal
26 Surface Transportation Efficiency Act of 1991", 49 U.S.C. sec. 5330 AND
27 THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49

1 U.S.C. SEC. 5329.

2 **SECTION 3.** In Colorado Revised Statutes, **amend** 40-18-105 as
3 follows:

4 **40-18-105. Calculation and assessment of fees - repeal.**

5 (1) (a) At each regular session, the general assembly shall determine the
6 amounts to be expended by the commission for its administrative
7 expenses under this article, including any additional FTE that may be
8 necessary. The commission shall assess fees in amounts that, in the
9 aggregate, equal the administrative expenses. Such fees shall be assessed
10 against the operators of all rail fixed guideway systems operating within
11 the state, and shall be apportioned on the basis of the rail miles of each
12 system in proportion to the total rail miles of all systems. All fees
13 collected under this section shall be remitted to the state treasurer, who
14 shall credit the same to the public utilities commission fixed utility fund
15 created pursuant to section 40-2-114.

16 (b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE UPON THE
17 RECEIPT BY THE REVISOR OF STATUTES OF THE WRITTEN NOTICE FROM THE
18 DIRECTOR OF THE PUBLIC UTILITIES COMMISSION REQUIRED PURSUANT TO
19 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

20 (2) (a) AT EACH REGULAR SESSION, THE GENERAL ASSEMBLY
21 SHALL DETERMINE THE AMOUNTS TO BE EXPENDED BY THE COMMISSION
22 FROM THE PUBLIC UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN
23 SECTION 40-2-114 FOR ITS ADMINISTRATIVE EXPENSES UNDER THIS
24 ARTICLE, INCLUDING ANY ADDITIONAL FTE THAT MAY BE NECESSARY.

25 (b) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION SHALL
26 PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES ONCE THE
27 FEDERAL GRANT MONEYS MADE AVAILABLE UNDER THE "MOVING AHEAD

1 FOR PROGRESS IN THE 21ST CENTURY ACT", 49 U.S.C. SEC. 5329, HAVE
2 BEEN AWARDED TO THE STATE. THIS SUBSECTION (2) TAKES EFFECT UPON
3 THE RECEIPT BY THE REVISOR OF STATUTES OF SUCH WRITTEN NOTICE.

4 **SECTION 4. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2014 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.