

*Colorado Legislative Council Staff Fiscal Note*

**STATE and LOCAL  
REVISED FISCAL IMPACT**

(replaces fiscal note dated January 17, 2013)

**Drafting Number:** LLS 13-0075

**Date:** March 8, 2013

**Prime Sponsor(s):** Rep. Scott  
Sen. Schwartz

**Bill Status:** Senate Transportation

**Fiscal Analyst:** Clare Pramuk (303-866-2677)

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

| <b>Fiscal Impact Summary</b>   | <b>FY 2013-2014</b>                 | <b>FY 2014-2015</b> |
|--|-------------------------------------|---------------------|
| <b>State Revenue</b><br>Cash Funds<br>Public Utilities Fixed Utilities Fund  | See State Revenue and Expenditures. |                     |
| <b>State Expenditures</b><br>Cash Funds<br>Public Utilities Fixed Utilities Fund   |                                     |                     |
| <b>FTE Position Change</b>   |                                     |                     |
| <b>Effective Date:</b> August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed. |                                     |                     |
| <b>Appropriation Summary for FY 2013-2014:</b> None required.  |                                     |                     |
| <b>Local Government Impact:</b> See Local Government Impact section.   |                                     |                     |

**Summary of Legislation**

The *reengrossed bill* conforms Colorado law with new federal requirements that prohibit the Public Utilities Commission (PUC), in the Department of Regulatory Agencies (DORA), from assessing administrative fees on any rail fixed guideway system that it regulates. This provision takes effect after the PUC director notifies the revisor of statutes that federal grant moneys available under the "Moving Ahead for Progress in the 21st Century Act" have been awarded to the state. The only rail fixed guideway system in Colorado is the Regional Transportation District (RTD) rail system. Under federal law, the PUC oversees system safety by auditing the system and relevant records including vehicle, signal, and track maintenance. The PUC is authorized to continue to assess RTD and pay its administrative expenses from the Fixed Utilities Fund (FUF) for regulation of the RTD rail system until federal grant moneys are awarded. The bill also exempts the PUC from annual reporting on the RTD rail system to the Department of Revenue.

### **State Revenue and Expenditures**

**Current revenue and expenditures of approximately \$115,000 per year will not change under this bill.** The fiscal note assumes that the existing oversight program for the safety and security of rail fixed guideway systems will comply with new federal requirements so no change in expenditures is expected. To comply with the federal requirement that the regulated system not cover the cost of its regulation, the source of revenue to the FUF will change from fees assessed on the RTD rail system to federal grant moneys.

### **Local Government Impact**

RTD currently pays approximately \$115,000 annually to the PUC for administrative expenses. This bill eliminates that payment and reduces RTD expenditures by \$115,000 after the federal grant moneys are awarded to the state. The fiscal note does not estimate when those moneys will be awarded.

### **Departments Contacted**

Regional Transportation District

Regulatory Agencies

Revenue