

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

DRAFT  
9.10.12

**BILL 10**

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LLS NO. 13-0075a.01 Nicole Myers x4326

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE: "PUC Oversight Of Rail Fixed Guideway Systems"**

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**A BILL FOR AN ACT**

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

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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>.)*

**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

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

guideway systems from inclusion on the list.

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.

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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** 40-2-109 as  
3 follows:

4           **40-2-109. Report to executive director of the department of**  
5 **revenue.** On March 1 of each year, the public utilities commission shall  
6 furnish the executive director of the department of revenue with a list of  
7 those public utilities subject to its jurisdiction, supervision, and regulation  
8 on January 1 of each year, excepting those motor carriers subject to the  
9 passenger-mile tax imposed by sections 42-3-304 to 42-3-306, C.R.S., but  
10 only so long as the cost of regulation of such motor carriers is defrayed  
11 from the proceeds of such passenger-mile tax, AND EXCEPTING THOSE  
12 RAIL FIXED GUIDEWAY SYSTEMS THAT ARE REGULATED BY THE PUBLIC  
13 UTILITIES COMMISSION PURSUANT TO PART 1 OF ARTICLE 18 OF THIS TITLE.

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

1           **40-18-102. Rail fixed guideway system safety oversight**  
2 **program - commission may establish.** The commission is authorized to  
3 establish an oversight program for the safety and security of rail fixed  
4 guideway systems in accordance with section 28 of the "Intermodal  
5 Surface Transportation Efficiency Act of 1991", 49 U.S.C. sec. 5330 AND  
6 THE "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT", 49  
7 U.S.C. SEC. 5329.

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

10           **40-18-105. Calculation and assessment of fees.** At each regular  
11 session, the general assembly shall determine the amounts to be expended  
12 by the commission FROM THE PUBLIC UTILITIES COMMISSION FIXED  
13 UTILITY FUND CREATED IN SECTION 40-2-114 for its administrative  
14 expenses under this article, including any additional FTE that may be  
15 necessary. ~~The commission shall assess fees in amounts that, in the~~  
16 ~~aggregate, equal the administrative expenses. Such fees shall be assessed~~  
17 ~~against the operators of all rail fixed guideway systems operating within~~  
18 ~~the state, and shall be apportioned on the basis of the rail miles of each~~  
19 ~~system in proportion to the total rail miles of all systems. All fees~~  
20 ~~collected under this section shall be remitted to the state treasurer, who~~  
21 ~~shall credit the same to the public utilities commission fixed utility fund~~  
22 ~~created pursuant to section 40-2-114.~~

23           **SECTION 4. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the  
28 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect  
2 unless approved by the people at the general election to be held in  
3 November 2014 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.