

# INDUSTRY RAIL SAFETY ADVISORY COMMITTEE

## MEETING AGENDA

### Information of Meeting

**Date:** Monday, November 4, 2024

**Time:** 3:00 pm - 4:30 pm

**Location:** Virtual via Zoom

**Facilitator:** Sheryl Trent

### Join Zoom Meeting

<https://us06web.zoom.us/j/89316636194?pwd=930M7hCz7sbYHAFmOff9Dj26BCcdw.1>

**Meeting ID:** 893 1663 6194

**Passcode:** 283851

### Agenda

3:00 pm Welcome

3:02 pm Housekeeping/Administrative Items (*Information*)

- Review and Approval of Industry Committee Minutes from 10.28.24
- Community Committee Minutes from 10.31.24
- Joint Agenda Topics:
  - Section IV
  - Section V
  - Section IX (B)

3:05 pm **Section VII**, An Assessment of Best Practices for Ensuring Financial Responsibility for Response, Cleanup, and Damages from Major Rail Events, Which Assessment Reviews Best Practices from Other States (*Information Presentation, Discussion on Final Language*)

- Possible presentation/discussion with RR legal counsel

### **Current Draft Language:**

Existing statute is in place through C.R.S. 29-22-104 that addresses financial responsibility for the emergency response to a hazardous materials incident and the Committee recommends those statutes are followed. Financial responsibility related to the cleanup and repair extending beyond the initial emergency response to a hazardous materials incident and other incident types may need to be handled through other existing or forthcoming statutes and rules.

3:20 pm **Section VIII**, A Report Concerning Communication Issues Impacting Rail Lines in The State, Including Communication with State Entities Such as The Department of Public Safety; Communication Issues Between Crews Working Long Trains; and Communication from Wayside Detectors to Crews; And (*Information Presentation, Discussion on Final Language*)

- Possible presentation/discussion with RR communication expert

**Current Draft Language:**

Railroads and first responders should ensure marketing and training around contact information for dispatch on all rail lines to report non-emergency and emergency incidents. The railroads and first responders should explore options for real-time two-way communication (not by phone) between first responders and train dispatch. For trains over 8,500 feet (long trains)... For wayside detectors...

Note: this section does not apply to short lines as they do not operate trains over 8,500 feet long and are not required to have wayside detectors.

3:35 pm Review of Final Language

**Section I**, An Assessment of The Staffing Levels and Equipment Necessary To Ensure Railroads' Compliance with Federal and State Rules and Regulations and Minimize Rail Safety Risks for Railroads, Facilities, Workers, and Communities That Include Rail Lines:

The FRA recommendations regarding staffing are appropriate for Colorado given the current understanding and operations but would need to be reviewed periodically for adequacy. With regard to equipment for staff, specialized equipment such as vehicles, technology, tools and personal protective equipment would be necessary.

**Section II**, An Indication That Public Data Not Subject to Exceptions Under The "Colorado Open Records Act", Part 2 Of Article 72 Of Title 24, Will Be Shared with the Community Rail Safety Advisory Committee and The Rail Industry Safety Advisory Committee

Public data not subject to exceptions under the "Colorado Open Records Act", Part 2 Of Article 72 of Title 24, will be shared with the Community Rail Safety Advisory Committee and the Rail Industry Safety Advisory Committee. Data that might have confidential considerations will have to be processed through the CORA process. For additional public data sharing that will be created moving forward, resources may be necessary to

provide that data in the most accessible way possible, and further refinement and discussions about what data exists, what data can be shared, and how that data should be shared is needed.

**Section V**, A Quantification of The Adequate Levels of Investment Necessary To Reduce Highway-Rail Crossing Incidents and Other Risks;

The Committee recognizes that, given the limited time frame for conversation, it is not possible to offer a full quantification of adequate levels of investment. Further study and conversation are required, and the Class I railroad public project team can be actively involved in those meetings. We would recommend that the approach and focus for rail safety be organized into three areas:

1. **Education:** this includes school curriculum, drivers' education, drivers' license renewal, signage, and marketing. Education is a lower cost and long-term approach to increasing awareness of rail, pedestrian, and vehicular safety at crossings and in high traffic areas. In addition to the staffing levels for inspections and compliance, the committee would strongly encourage and support education campaigns to include staffing Operation Lifesaver, PSA's, events, officers on the train and general outreach efforts to inform the public about safety and railroads.
2. **Engineering:** we recommend continuing to coordinate identifying priority projects across the state based on data, developing a budget for those projects, and funding those projects in priority order. The state, local governments and railroads should prioritize identifying and funding grade separations when a city, county or state street crosses a main rail line, particularly along emergency routes. Engineering is a significant investment but is the only way to profoundly affect public safety.
3. **Enforcement:** this includes increasing penalties and increasing funding for staffing at the local law enforcement level. Currently penalties are tied to the level of infraction across the state, but a specific focus on the motor vehicle, pedestrian and bicycle safety aspects of enforcement is recommended.

**Section VI**, Mechanisms for Ensuring Equitable Input from Members of The Public to State Agencies Regarding Rail Safety;

Members of the public and businesses should be able to communicate directly to both the railroad and to the Office of Rail Safety. Recommended methods of communication include: a specific hotline (such as 311) that is on each rail crossing as well as marketed to the public; a report from each railroad to the Office of Rail Safety regarding public complaints including the specific location of that complaint and the resolution to the complaint; marketing and outreach of existing PUC website; and community meetings

and listening sessions statewide.

4:00 pm **Section IX (B)**, The Report Must Include A Recommendation As To Which State Agency Would Host The Proposed Governance Body To Ensure Proper Compliance With State And Federal Law, Equitable Access To Community And Worker Organizations, And Enforcement Of Safety Requirements. (*Discussion and Direction*)

The Office of Rail Safety should be hosted within the \_\_\_\_\_ and the governance body should consist of \_\_\_\_\_

4:15 pm **Section IX (A)**, A Legislative Proposal Concerning the Creation of a Fee Structure or other Revenue Source, An Assessment, And A Governance Body and An Office of Rail Safety to Address the Needs Described in Subsections (13) (a) (I) to (13) (a) (III) of This Section, Which Fee Structure, Assessment, And Governance Body can Be Introduced As Legislation As Soon As The 2025 Regular Legislative Session and Begin Operating No Later than January 1, 2027.

*What do you need to know to draft language on November 12<sup>th</sup>?*

4:20 pm Look Ahead to Next Meetings and Open Discussion  
*What topics are we not talking about that we should?*

November 12<sup>th</sup>

Final Approval of:

- Section VII
- Section VIII
- Section IX (Governance Body)

Section III (*Discussion and Direction*)

Section IX - Revenue Source and Assessment (*Discussion and Direction*)

What information do you have to share?

What information do you need?

Reminder: Joint Meeting is November 7<sup>th</sup>