

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 17-0552.02 Jason Gelender x4330

SENATE BILL 17-153

SENATE SPONSORSHIP

Garcia and Crowder, Kefalas

HOUSE SPONSORSHIP

Esgar, Bridges, Rosenthal

Senate Committees

Local Government
Finance

House Committees

Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING ESTABLISHMENT OF THE SOUTHWEST CHIEF AND FRONT**
102 **RANGE PASSENGER RAIL COMMISSION TO OVERSEE THE**
103 **PRESERVATION AND EXPANSION OF AMTRAK SOUTHWEST CHIEF**
104 **RAIL SERVICE IN COLORADO AND FACILITATE THE**
105 **DEVELOPMENT AND OPERATION OF A FRONT RANGE PASSENGER**
106 **RAIL SYSTEM THAT PROVIDES PASSENGER RAIL SERVICE IN AND**
107 **ALONG THE INTERSTATE 25 CORRIDOR.**

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://leg.colorado.gov>.)

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.

SENATE
3rd Reading Unamended
February 23, 2017

SENATE
2nd Reading Unamended
February 22, 2017

The bill replaces the existing southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission (old commission), the current statutory authorization for which expires on July 1, 2017, with an expanded southwest chief and front range passenger rail commission (new commission). The new commission must:

- ! Assume the old commission's powers and duties and its mission of preserving existing Amtrak southwest chief rail line service in the state, extending such service to Pueblo, and exploring the benefits of extending such service to Walsenburg; and
- ! Facilitate the future of front range passenger rail and specifically develop and present by December 1, 2017, to the local government committees of the house of representatives and the senate, draft legislation to facilitate the development of a front range passenger rail system that provides passenger rail service in and along the interstate 25 corridor.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1-128.7, **add** (8)
3 as follows:

4 **24-1-128.7. Department of transportation - creation - repeal.**

5 (8) (a) THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL
6 COMMISSION CREATED IN SECTION 43-4-1001 (2)(a) SHALL EXERCISE ITS
7 POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE
8 TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,
9 TO THE DEPARTMENT OF TRANSPORTATION.

10 (b) THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT,
11 RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE
12 COMMISSION CREATED IN SECTION 43-4-1001 (4) PRIOR TO THE REPEAL
13 AND REENACTMENT OF SAID SECTION BY SENATE BILL 17-153, ENACTED
14 IN 2017, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY

1 A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE SOUTHWEST
2 CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION CREATED IN
3 SECTION 43-4-1001 (2)(a) AND THE SOUTHWEST CHIEF RAIL LINE
4 ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR
5 AND MAINTENANCE COMMISSION IS ABOLISHED.

6 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
7 **with amendments,** 43-4-1001 as follows:

8 **43-4-1001. Southwest chief and front range passenger rail**
9 **service in Colorado - commission - membership and powers -**
10 **definitions.** (1) AS USED IN THIS PART 10, UNLESS THE CONTEXT
11 OTHERWISE REQUIRES:

12 (a) "COMMISSION" MEANS THE SOUTHWEST CHIEF AND FRONT
13 RANGE PASSENGER RAIL COMMISSION CREATED IN SUBSECTION (2)(a) OF
14 THIS SECTION.

15 (b) "FRONT RANGE PASSENGER RAIL SYSTEM" MEANS A RAIL
16 SYSTEM THAT TRANSPORTS PASSENGERS ALONG THE FRONT RANGE AND
17 THAT MAY INCLUDE STOPS AT THE CITIES OF FORT COLLINS, LOVELAND,
18 LONGMONT, BOULDER, DENVER, CASTLE ROCK, COLORADO SPRINGS,
19 AND PUEBLO, AND INCLUDES ANY APPURTENANT EQUIPMENT, BUILDINGS,
20 OR FACILITIES.

21 (c) "FUND" MEANS THE SOUTHWEST CHIEF RAIL LINE ECONOMIC
22 DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND
23 MAINTENANCE FUND CREATED IN SECTION 43-4-1002.

24 (2) (a) THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL
25 COMMISSION IS CREATED IN THE DEPARTMENT OF TRANSPORTATION. THE
26 COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
27 THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**

1 TRANSFER, AS DEFINED IN SECTION 24-1-105. THE COMMISSION CONSISTS
2 OF THE FOLLOWING ELEVEN COMMISSIONERS:

3 (I) FIVE COMMISSIONERS APPOINTED BY THE GOVERNOR AS
4 FOLLOWS:

5 (A) TWO PUBLIC RAIL TRANSPORTATION ADVOCATES;

6 (B) TWO REPRESENTATIVES OF CLASS I FREIGHT RAILROADS THAT
7 SERVE COLORADO; AND

8 (C) ONE RESIDENT OF HUERFANO, LAS ANIMAS, OTERO,
9 PROWERS, OR PUEBLO COUNTY WHO HAS PUBLICLY ADVOCATED FOR
10 PUBLIC RAIL;

11 (II) ONE COMMISSIONER FROM EACH OF THE FOLLOWING
12 METROPOLITAN PLANNING ORGANIZATIONS, AS DEFINED IN SECTION
13 43-1-1102 (4), AND REGIONAL PLANNING COMMISSIONS, AS DEFINED IN
14 SECTION 43-1-1102 (5), APPOINTED BY THE GOVERNING BODY OF EACH
15 ORGANIZATION OR COMMISSION:

16 (A) THE NORTH FRONT RANGE METROPOLITAN PLANNING
17 ORGANIZATION;

18 (B) THE DENVER REGIONAL COUNCIL OF GOVERNMENTS;

19 (C) THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS;

20 (D) THE PUEBLO AREA COUNCIL OF GOVERNMENTS; AND

21 (E) THE SOUTH CENTRAL COUNCIL OF GOVERNMENTS; AND

22 (III) ONE COMMISSIONER WHO IS A REPRESENTATIVE OF THE
23 REGIONAL TRANSPORTATION DISTRICT CREATED AND EXISTING PURSUANT
24 TO ARTICLE 9 OF TITLE 32, APPOINTED BY THE BOARD OF THE DISTRICT.

25 (b) IN ADDITION TO THE ELEVEN COMMISSIONERS, THE
26 COMMISSION INCLUDES THE FOLLOWING TWO APPOINTED ADVISORS, WHO
27 SHALL ATTEND COMMISSION MEETINGS AND ADVISE THE COMMISSION BUT

1 ARE NOT VOTING MEMBERS OF THE COMMISSION:

2 (I) AN EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION,
3 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT; AND

4 (II) AN EMPLOYEE OF AMTRAK, APPOINTED BY THE PRESIDENT OF
5 AMTRAK.

6 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(c)(II)
7 OF THIS SECTION, APPOINTING AUTHORITIES SHALL APPOINT THE INITIAL
8 COMMISSIONERS AND APPOINTED ADVISORS OF THE COMMISSION NO LATER
9 THAN JULY 1, 2017, FOR TERMS COMMENCING ON THAT DATE.
10 COMMISSIONERS APPOINTED PURSUANT TO SUBSECTION (2)(a) OF THIS
11 SECTION SHALL SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT THE
12 INITIAL TERMS OF ONE OF THE COMMISSIONERS APPOINTED PURSUANT TO
13 SUBSECTION (2)(a)(I)(A) OF THIS SECTION, ONE OF THE COMMISSIONERS
14 APPOINTED PURSUANT TO SECTION (2)(a)(I)(B) OF THIS SECTION, AND THE
15 COMMISSIONERS APPOINTED PURSUANT TO SUBSECTIONS (2)(a)(II)(A),
16 (2)(a)(II)(C), AND (2)(a)(II)(E) OF THIS SECTION ARE TWO YEARS. THE
17 COMMISSION SHALL ELECT A CHAIR FROM ITS MEMBERS AT ITS FIRST
18 MEETING.

19 (II) COMMISSIONERS APPOINTED PURSUANT TO SUBSECTION
20 (2)(a)(II) OF THIS SECTION SHALL BE APPOINTED NO LATER THAN MAY 15,
21 2017, FOR TERMS COMMENCING ON JULY 1, 2017.

22 (d) COMMISSIONERS SERVE WITHOUT COMPENSATION BUT RECEIVE
23 REIMBURSEMENT FOR EXPENSES.

24 (3) (a) THE MISSION OF THE COMMISSION IS:

25 (I) TO ASSUME AND COMPLETE THE MISSION OF THE SOUTHWEST
26 CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND
27 INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION, AS IT EXISTED

1 PRIOR TO JULY 1, 2017, BY CONTINUING TO COORDINATE AND OVERSEE
2 EFFORTS BY THE STATE AND LOCAL GOVERNMENTS AND COOPERATE WITH
3 THE STATES OF KANSAS AND NEW MEXICO, AMTRAK, AND THE BNSF
4 RAILWAY TO ENSURE THAT THE TRACK REPAIRS AND UPGRADES REQUIRED
5 FOR THE CONTINUATION OF EXISTING SOUTHWEST CHIEF RAIL SERVICE IN
6 COLORADO ARE COMPLETED, THAT SUCH SERVICE IS EXTENDED TO
7 PUEBLO, AND THAT THE BENEFITS OF EXTENDING SUCH SERVICE TO
8 WALSENBURG ARE FULLY EXPLORED; AND

9 (II) TO FACILITATE THE FUTURE OF FRONT RANGE PASSENGER RAIL
10 AND, IN SO DOING, TO SPECIFICALLY DEVELOP DRAFT LEGISLATION TO
11 FACILITATE THE DEVELOPMENT OF A FRONT RANGE PASSENGER RAIL
12 SYSTEM THAT PROVIDES PASSENGER RAIL SERVICE IN AND ALONG THE
13 INTERSTATE 25 CORRIDOR AND THAT IS A WELL-INTEGRATED COMPONENT
14 OF A MODERN, EFFICIENT, AND COST-EFFECTIVE MULTIMODAL
15 TRANSPORTATION SYSTEM.

16 (b) IN FURTHERANCE OF ITS MISSION, AND IN ADDITION TO ITS
17 SPECIFIC OBLIGATION TO PREPARE DRAFT LEGISLATION AS SET FORTH IN
18 SUBSECTION (3)(c) OF THIS SECTION AND ITS AUTHORITY TO EXERCISE ANY
19 OTHER POWERS AND PERFORM ANY OTHER DUTIES SPECIFIED IN THIS PART
20 10, THE COMMISSION HAS THE FOLLOWING POWERS:

21 (I) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
22 THE CONDUCT OF ITS BUSINESS;

23 (II) TO ACCEPT CONTRIBUTIONS TO AND EXPEND MONEY FROM THE
24 FUND AS AUTHORIZED BY SECTION 43-4-1002;

25 (III) TO ENTER INTO MEMORANDUMS OF UNDERSTANDING AND
26 INTERGOVERNMENTAL AGREEMENTS WITH AGENCIES AND POLITICAL
27 SUBDIVISIONS OF THE STATE;

- 1 (IV) TO CONTRACT FOR NECESSARY SERVICES;
2 (V) TO ENTER INTO MULTISTAGE AGREEMENTS;
3 (VI) TO FACILITATE THE FUTURE OF FRONT RANGE PASSENGER
4 RAIL; AND
5 (VII) TO HAVE AND EXERCISE ALL POWERS NECESSARY OR
6 INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
7 GRANTED IN THIS PART 10.

8 (c) THE COMMISSION SHALL PREPARE DRAFT LEGISLATION TO
9 FACILITATE THE DEVELOPMENT OF A FRONT RANGE PASSENGER RAIL
10 SYSTEM THAT PROVIDES PASSENGER RAIL SERVICE IN AND ALONG THE
11 INTERSTATE 25 CORRIDOR AND THAT IS A WELL-INTEGRATED COMPONENT
12 OF A MODERN, EFFICIENT, AND COST-EFFECTIVE MULTIMODAL
13 TRANSPORTATION SYSTEM. THE COMMISSION SHALL PRESENT THE DRAFT
14 LEGISLATION TO THE LOCAL GOVERNMENT COMMITTEES OF THE HOUSE OF
15 REPRESENTATIVES AND THE SENATE NO LATER THAN DECEMBER 1, 2017.
16 THE DRAFT LEGISLATION MAY INCLUDE ANY PROVISIONS THAT THE
17 COMMISSION DEEMS NECESSARY TO FACILITATE THE DEVELOPMENT OF A
18 FRONT RANGE PASSENGER RAIL SYSTEM.

19 **SECTION 3.** In Colorado Revised Statutes, 43-4-1002, **amend**
20 (1); and **repeal** (2) as follows:

21 **43-4-1002. Southwest chief rail line economic development,**
22 **rural tourism, and infrastructure repair and maintenance fund -**
23 **creation - use of fund.** (1) The southwest chief rail line economic
24 development, rural tourism, and infrastructure repair and maintenance
25 fund is created in the state treasury. The fund consists of any moneys
26 including but not limited to any gifts, grants, or donations, received by the
27 state from the federal government, local governments, public-private

1 partnerships, or any other person, or as a result of any voter-approved
2 ballot measure, that are dedicated for the purposes of ensuring that the
3 Amtrak southwest chief rail line continues to pass through Colorado and
4 that an additional stop in Pueblo is added to the line, and any other
5 moneys that the general assembly may appropriate or transfer to the fund.
6 Interest and income earned on the deposit and investment of moneys in
7 the fund and all unencumbered and unexpended moneys in the fund at the
8 end of any fiscal year remain in the fund. Subject to annual appropriation
9 by the general assembly, the commission may expend moneys from the
10 fund for its ~~administrative and staffing~~, ADMINISTRATIVE, STAFFING, AND
11 ANY OTHER OPERATING expenses and for the costs of any necessary
12 studies. Subject to annual appropriation, ~~and the limitations set forth in~~
13 ~~subsection (2) of this section~~, the commission may also expend moneys
14 from the fund for rail replacement or other improvements to the portion
15 of the ~~Burlington Northern and Santa Fe~~ BNSF railway line used to
16 provide existing Amtrak southwest chief rail line service in Colorado and
17 to pay costs associated with the expansion of southwest chief rail line
18 service to include a stop in Pueblo.

19 (2) ~~The commission may only expend moneys from the fund for~~
20 ~~the purposes of rail replacement or other improvements or for costs~~
21 ~~associated with the expansion of southwest chief rail line service to~~
22 ~~include a stop in Pueblo if:~~

23 (a) ~~Amtrak confirms in writing that the southwest chief rail line~~
24 ~~will continue to stop in Lamar, La Junta, and Trinidad, that the southwest~~
25 ~~chief rail line will add a regular stop in Pueblo within five years from the~~
26 ~~date the commission first expends moneys for those purposes from the~~
27 ~~fund, and that Amtrak will explore the potential benefits, including but~~

1 not limited to benefits of increased tourism and other economic benefits,
2 of also adding a regular stop in Walsenburg; and

3 ~~(b) The states of Kansas and New Mexico, Amtrak, and the~~
4 ~~Burlington Northern and Santa Fe railway commit in writing to expend~~
5 ~~an average aggregate amount of at least fifteen million two hundred~~
6 ~~thousand dollars per year for each of the ten years beginning with the year~~
7 ~~in which the commission first expends moneys for those purposes from~~
8 ~~the fund.~~

9 **SECTION 4.** In Colorado Revised Statutes, **repeal** 43-4-1003 as
10 follows:

11 **43-4-1003. Repeal of part.** ~~This part 10 is repealed, effective July~~
12 ~~1, 2017.~~

13 **SECTION 5. Effective date.** (1) Except as otherwise provided
14 in subsection (2) of this section, this act takes effect upon passage.

15 (2) Sections 1 and 2 of this act take effect July 1, 2017; except that
16 section 43-4-1001 (2)(c), Colorado Revised Statutes, as enacted in section
17 2 of this act, takes effect upon passage.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.