

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0605.01 Jason Gelender x4330

SENATE BILL 21-238

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE FRONT RANGE PASSENGER RAIL DISTRICT, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE DISTRICT FOR THE**
103 **PURPOSE OF PLANNING, DESIGNING, DEVELOPING, FINANCING,**
104 **CONSTRUCTING, OPERATING, AND MAINTAINING A PASSENGER**
105 **RAIL SYSTEM AND SPECIFYING THE TERRITORY, GOVERNING**
106 **STRUCTURE, POWERS, AND DUTIES OF THE DISTRICT.**

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>.)

The bill creates the front range passenger rail district (district) for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the purpose of planning, designing, developing, financing, constructing, operating, and maintaining an interconnected passenger rail system (system) along the front range. The district is specifically required to work collaboratively with the regional transportation district (RTD) to ensure interconnectivity with any passenger rail system operated by or for the RTD and with Amtrak on interconnectivity with Amtrak's Southwest Chief, California Zephyr, and Winter Park Express trains, including but not limited to rerouting of the Amtrak Southwest Chief passenger train. If deemed appropriate by the board of directors of the district and by the board of directors of RTD, the district may share with RTD capital costs associated with shared use of rail line infrastructure in the northwest rail line corridor for passenger train service.

The area that comprises the district extends from Wyoming to New Mexico and includes:

- The entirety of the city and county of Broomfield and the city and county of Denver;
- All areas within Adams, Arapahoe, Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, and Weld counties that are located within the territory of a metropolitan planning organization (MPO);
- All areas within Huerfano, Las Animas, and Pueblo counties that are not located within the territory of a MPO and are located within a county precinct that is located wholly or partly within 5 miles of the public right-of-way of interstate highway 25; and
- All areas within Larimer and Weld counties that are not located within the territory of a MPO and are located within a county precinct that is north of the city of Fort Collins and is located wholly or partly within 5 miles of the public right-of-way of interstate highway 25.

The district is governed by a board of directors composed of appointees of transportation planning organizations that have jurisdiction within the territory of the district, the governor, and the executive director of the department of transportation (CDOT), as well as a nonvoting representative of RTD, and, if the respective governors and chief executive officers choose to make appointments, nonvoting representatives of the BNSF Railway, the Union Pacific Railroad, Amtrak, and communities in Wyoming and New Mexico. Of the directors appointed by the governor, one must be a representative of organized labor and one must be a representative of a conservation organization with expertise in transit-oriented land use planning. The board must be fully appointed by April 1, 2022, with an earlier appointment deadline for some appointees. The board must convene for its initial meeting not later than May 15, 2022, and on that date, the existing southwest chief and front range passenger rail commission is terminated and any remaining

1 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,
2 OR RECONSTRUCTION OF A PASSENGER RAIL SYSTEM.

3 (4) "DISTRICT" MEANS THE FRONT RANGE PASSENGER RAIL
4 DISTRICT CREATED IN SECTION 32-22-103.

5 (5) "FRONT RANGE" MEANS THE AREA THAT COMPRISES THE
6 DISTRICT.

7 (6) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
8 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
9 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

10 (7) "PASSENGER RAIL STATION" MEANS A STATION ON A
11 PASSENGER RAIL SYSTEM WHERE TRAINS STOP SO THAT PASSENGERS CAN
12 BOARD AND GET OFF OF THE TRAINS AND INCLUDES RELATED OR
13 CONNECTED INFRASTRUCTURE AND FACILITIES.

14 (8) "PASSENGER RAIL SYSTEM" MEANS A RAIL SYSTEM, INCLUDING
15 RELATED OR CONNECTED INFRASTRUCTURE AND FACILITIES, THAT IS USED
16 FOR PASSENGER SERVICE AND IS COMPETITIVE IN TERMS OF TRAVEL TIME
17 WITH OTHER MODES OF SURFACE TRANSPORTATION WITHIN THE DISTRICT.
18 A PASSENGER RAIL SYSTEM MAY ALSO BE USED TO TRANSPORT FREIGHT.

19 (9) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT,
20 INCLUDING BUT NOT LIMITED TO AN OPERATING CONCESSION AGREEMENT
21 BETWEEN THE DISTRICT AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES
22 THAT PROVIDES FOR:

23 (a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO THE
24 CONSTRUCTION, OPERATION, OR MAINTENANCE OF ALL OR A PORTION OF
25 A PASSENGER RAIL SYSTEM IN EXCHANGE FOR A PUBLIC BENEFIT
26 CONCERNING THE SYSTEM OTHER THAN ONLY A MONEY PAYMENT;

27 (b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING ALL OR

1 A PORTION OF A PASSENGER RAIL SYSTEM; AND

2 (c) COOPERATION IN RESEARCHING, DEVELOPING, CONSTRUCTING,
3 OPERATING, OR MAINTAINING ALL OR A PORTION OF A PASSENGER RAIL
4 SYSTEM.

5 (10) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL
6 PLANNING COMMISSION FORMED UNDER SECTION 30-28-105 THAT
7 PREPARES AND SUBMITS A TRANSPORTATION PLAN PURSUANT TO SECTION
8 43-1-1103.

9 (11) "REGIONAL TRANSPORTATION DISTRICT" MEANS THE
10 REGIONAL TRANSPORTATION DISTRICT CREATED IN SECTION 32-9-105.

11 **32-22-103. Front range passenger rail district - creation -**
12 **purpose - boundaries.** (1) THE FRONT RANGE PASSENGER RAIL DISTRICT
13 IS HEREBY CREATED AS A BODY POLITIC AND CORPORATE AND A POLITICAL
14 SUBDIVISION OF THE STATE. THE DISTRICT IS NOT AN AGENCY OF STATE
15 GOVERNMENT AND IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY
16 ANY DEPARTMENT, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE
17 STATE.

18 (2) THE PURPOSE OF THE DISTRICT IS TO RESEARCH, DEVELOP,
19 CONSTRUCT, OPERATE, AND MAINTAIN AN INTERCONNECTED PASSENGER
20 RAIL SYSTEM WITHIN THE FRONT RANGE THAT IS COMPETITIVE IN TERMS
21 OF TRAVEL TIME FOR COMPARABLE TRIPS WITH OTHER MODES OF SURFACE
22 TRANSPORTATION. IN ADDITION TO A MAIN NORTH-SOUTH PASSENGER
23 RAIL LINE, THE DISTRICT SHALL, AS SPECIFIED IN THIS ARTICLE 22:

24 (a) COLLABORATE WITH THE REGIONAL TRANSPORTATION DISTRICT
25 TO ENSURE INTERCONNECTIVITY WITH ANY PASSENGER RAIL SYSTEM
26 OPERATED BY OR FOR THE REGIONAL TRANSPORTATION DISTRICT;

27 (b) IF DEEMED APPROPRIATE BY THE BOARD AND BY THE BOARD OF

1 THE REGIONAL TRANSPORTATION DISTRICT, SHARE CAPITAL COSTS
2 ASSOCIATED WITH SHARED USE OF RAIL LINE INFRASTRUCTURE IN THE
3 NORTHWEST RAIL LINE CORRIDOR FOR PASSENGER TRAIN SERVICE;

4 (c) COLLABORATE WITH AMTRAK ON INTERCONNECTIVITY WITH
5 AMTRAK'S SOUTHWEST CHIEF, CALIFORNIA ZEPHYR, AND WINTER PARK
6 EXPRESS TRAINS, INCLUDING BUT NOT LIMITED TO REROUTING OF THE
7 AMTRAK SOUTHWEST CHIEF PASSENGER TRAIN;

8 (d) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD
9 AND THE BOARD OF DIRECTORS OF THE I-70 COALITION, OR A SUCCESSOR
10 ENTITY OF THE COALITION, TO ENSURE THAT ANY DISTRICT FRONT RANGE
11 PASSENGER RAIL SYSTEM INTERCONNECTS WITH ANY PASSENGER RAIL
12 SYSTEM THAT SERVES THE INTERSTATE HIGHWAY 70 MOUNTAIN
13 CORRIDOR; AND

14 (e) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD
15 AND THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION
16 DISTRICT TO DISCUSS AND RESOLVE OPERATIONAL AND
17 INTERCONNECTIVITY ISSUES.

18 (3) THE AREA THAT COMPRISES THE DISTRICT EXTENDS FROM
19 WYOMING TO NEW MEXICO AND INCLUDES:

20 (a) THE ENTIRETY OF THE CITY AND COUNTY OF BROOMFIELD AND
21 THE CITY AND COUNTY OF DENVER;

22 (b) ALL AREAS WITHIN ADAMS, ARAPAHOE, BOULDER, DOUGLAS,
23 EL PASO, HUERFANO, JEFFERSON, LARIMER, LAS ANIMAS, PUEBLO, AND
24 WELD COUNTIES THAT ARE LOCATED WITHIN THE TERRITORY OF A
25 METROPOLITAN PLANNING ORGANIZATION;

26 (c) ALL AREAS WITHIN HUERFANO, LAS ANIMAS, AND PUEBLO
27 COUNTIES THAT ARE NOT LOCATED WITHIN THE TERRITORY OF A

1 METROPOLITAN PLANNING ORGANIZATION AND ARE LOCATED WITHIN A
2 COUNTY PRECINCT, AS DEFINED IN SECTION 1-1-104 (30), THAT IS LOCATED
3 WHOLLY OR PARTLY WITHIN FIVE MILES OF THE PUBLIC RIGHT-OF-WAY OF
4 INTERSTATE HIGHWAY 25; AND

5 (d) ALL AREAS WITHIN LARIMER AND WELD COUNTIES THAT ARE
6 NOT LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING
7 ORGANIZATION AND ARE LOCATED WITHIN A COUNTY PRECINCT, AS
8 DEFINED IN SECTION 1-1-104 (30), THAT IS NORTH OF THE CITY OF FORT
9 COLLINS AND IS LOCATED WHOLLY OR PARTLY WITHIN FIVE MILES OF THE
10 PUBLIC RIGHT-OF-WAY OF INTERSTATE HIGHWAY 25.

11 **32-22-104. Board of directors - appointment - meetings -**
12 **compensation - conflicts of interest.** (1) THE DISTRICT IS GOVERNED BY
13 A BOARD OF DIRECTORS, WHICH CONSISTS OF:

14 (a) SIX DIRECTORS APPOINTED BY THE GOVERNOR AND CONFIRMED
15 BY THE SENATE. OF THE DIRECTORS APPOINTED BY THE GOVERNOR, ONE
16 MUST BE A REPRESENTATIVE OF ORGANIZED LABOR AND ONE MUST BE A
17 REPRESENTATIVE OF A CONSERVATION ORGANIZATION WITH EXPERTISE IN
18 TRANSIT-ORIENTED LAND USE PLANNING. THE GOVERNOR SHALL MAKE
19 THE INITIAL APPOINTMENTS NO LATER THAN APRIL 1, 2022, AND THE
20 INITIAL DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR
21 CONFIRMATION BY THE SENATE. DIRECTORS APPOINTED BY THE
22 GOVERNOR PURSUANT TO THIS SUBSECTION (1)(a) ARE APPOINTED FOR
23 FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL TERMS OF THREE OF THE
24 DIRECTORS ARE TWO YEARS.

25 (b) (I) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1)(b)(II)
26 OF THIS SECTION, EIGHT DIRECTORS APPOINTED SUBJECT TO SENATE
27 CONFIRMATION BY METROPOLITAN PLANNING ORGANIZATIONS AND RURAL

1 TRANSPORTATION PLANNING ORGANIZATIONS THAT CONDUCT
2 TRANSPORTATION PLANNING FOR STATE TRANSPORTATION PLANNING
3 REGIONS THAT INCLUDE TERRITORY OF THE DISTRICT AS FOLLOWS:

4 (A) EACH METROPOLITAN PLANNING ORGANIZATION THAT
5 REPRESENTS MORE THAN ONE MILLION FIVE HUNDRED THOUSAND
6 RESIDENTS IN THE DISTRICT, WHICH INCLUDES THE DENVER REGIONAL
7 COUNCIL OF GOVERNMENTS, SHALL APPOINT THREE DIRECTORS;

8 (B) EACH METROPOLITAN PLANNING ORGANIZATION THAT
9 REPRESENTS MORE THAN SEVEN HUNDRED FIFTY THOUSAND RESIDENTS,
10 BUT FEWER THAN ONE MILLION RESIDENTS IN THE DISTRICT, WHICH
11 INCLUDES THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, SHALL
12 APPOINT TWO DIRECTORS;

13 (C) THE NORTH FRONT RANGE METROPOLITAN PLANNING
14 ORGANIZATION SHALL APPOINT ONE DIRECTOR;

15 (D) THE PUEBLO AREA COUNCIL OF GOVERNMENTS SHALL APPOINT
16 ONE DIRECTOR; AND

17 (E) THE SOUTH CENTRAL COUNCIL OF GOVERNMENTS SHALL
18 APPOINT ONE DIRECTOR.

19 (II) THE APPOINTING AUTHORITIES FOR THE DIRECTORS APPOINTED
20 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION SHALL MAKE INITIAL
21 APPOINTMENTS NO LATER THAN MARCH 1, 2022, AND THE INITIAL
22 DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR
23 CONFIRMATION BY THE SENATE. DIRECTORS ARE APPOINTED FOR
24 FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL TERMS OF ONE OF THE
25 DIRECTORS APPOINTED PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS
26 SECTION, ONE OF THE DIRECTORS APPOINTED PURSUANT TO SUBSECTION
27 (1)(b)(I)(B) OF THIS SECTION, THE DIRECTOR APPOINTED PURSUANT TO

1 SUBSECTION (1)(b)(I)(C) OF THIS SECTION, AND THE DIRECTOR APPOINTED
2 PURSUANT TO SUBSECTION (1)(b)(I)(E) OF THIS SECTION ARE TWO YEARS.

3 (c) ONE DIRECTOR APPOINTED BY THE EXECUTIVE DIRECTOR OF
4 THE DEPARTMENT OF TRANSPORTATION WHO SHALL SERVE AT THE
5 PLEASURE OF THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL
6 MAKE THE APPOINTMENT NO LATER THAN DECEMBER 1, 2021.

7 (d) (I) IF THE RESPECTIVE RAILROADS CHOOSE TO MAKE
8 APPOINTMENTS, THREE ADVISORY NONVOTING DIRECTORS APPOINTED AS
9 DESIGNATED REPRESENTATIVES OF RAILROADS THAT OPERATE IN THE
10 STATE AS FOLLOWS:

11 (A) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER
12 OF THE BNSF RAILWAY;

13 (B) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER
14 OF THE UNION PACIFIC RAILROAD; AND

15 (C) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER
16 OF THE NATIONAL RAILROAD PASSENGER CORPORATION, ALSO KNOWN AS
17 AMTRAK.

18 (II) THE APPOINTING AUTHORITIES FOR ANY DIRECTORS APPOINTED
19 PURSUANT TO SUBSECTION (1)(d)(I) OF THIS SECTION SHALL MAKE INITIAL
20 APPOINTMENTS NO LATER THAN DECEMBER 1, 2021. EACH SUCH DIRECTOR
21 SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY.

22 (e) ONE ADVISORY NONVOTING DIRECTOR APPOINTED BY THE
23 BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT. THE
24 BOARD OF DIRECTORS SHALL MAKE THE INITIAL APPOINTMENT NO LATER
25 THAN DECEMBER 1, 2021. THE DIRECTOR SHALL SERVE AT THE PLEASURE
26 OF THE BOARD OF DIRECTORS, BUT THE APPOINTMENT MUST BE
27 REAFFIRMED BY THE BOARD OF DIRECTORS OF THE REGIONAL

1 TRANSPORTATION DISTRICT NOT LATER THAN FOUR YEARS FROM THE DATE
2 OF THE INITIAL APPOINTMENT AND NOT LATER THAN FOUR YEARS FROM
3 THE DATE OF ANY SUBSEQUENT REAFFIRMATION.

4 (f) IF THE RESPECTIVE GOVERNORS CHOOSE TO MAKE
5 APPOINTMENTS, THE FOLLOWING TWO ADVISORY NONVOTING DIRECTORS:

6 (I) A RESIDENT OF NEW MEXICO APPOINTED BY THE GOVERNOR OF
7 NEW MEXICO TO REPRESENT COMMUNITIES IN NEW MEXICO WHO SHALL
8 SERVE AT THE PLEASURE OF THE GOVERNOR OF NEW MEXICO; AND

9 (II) A RESIDENT OF WYOMING APPOINTED BY THE GOVERNOR OF
10 WYOMING TO REPRESENT COMMUNITIES IN WYOMING WHO SHALL SERVE
11 AT THE PLEASURE OF THE GOVERNOR OF WYOMING.

12 (2) (a) THE BOARD SHALL CONVENE FOR ITS FIRST MEETING NO
13 LATER THAN MAY 15, 2022, AND SHALL, AT THAT MEETING, SELECT A
14 CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERSHIP.
15 THE BOARD SHALL ALSO DETERMINE HOW TO INSTRUCT THE STATE
16 TREASURER TO COMPLETE THE TRANSFER, NO LATER THAN JUNE 15, 2022,
17 OF ANY REMAINING BALANCE OF THE SOUTHWEST CHIEF RAIL LINE
18 ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR
19 AND MAINTENANCE FUND, AS THAT FUND EXISTED BEFORE THE REPEAL OF
20 SECTION 43-4-1002 BY SENATE BILL 21-_____, ENACTED IN 2021, TO THE
21 DISTRICT.

22 (b) (I) THE BOARD SHALL CONDUCT ALL BUSINESS AT PUBLIC
23 MEETINGS. WHENEVER PRACTICABLE, THE BOARD SHALL LIVE BROADCAST
24 ITS MEETINGS, AND THE BOARD SHALL PROVIDE REASONABLE
25 ACCOMMODATIONS TO ALLOW PERSONS WITH DISABILITIES TO ATTEND,
26 LISTEN TO, OR WATCH BOARD MEETINGS.

27 (II) THE BOARD SHALL MAKE AN AUDIO OR AUDIO-VIDEO

1 RECORDING OF EACH BOARD MEETING AVAILABLE ON THE DISTRICT'S
2 WEBSITE.

3 (III) THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24 APPLY
4 TO ALL BOARD MEETINGS.

5 (c) A MAJORITY OF THE VOTING DIRECTORS OF THE BOARD
6 CONSTITUTES A QUORUM, AND A MAJORITY OF A QUORUM MAY MAKE
7 BINDING DECISIONS FOR THE BOARD. ADVISORY NONVOTING MEMBERS OF
8 THE BOARD MAY PARTICIPATE, IN A NONVOTING CAPACITY, IN ALL BOARD
9 MEETINGS, INCLUDING EXECUTIVE SESSIONS. BY A TWO-THIRDS VOTE OF
10 THE VOTING DIRECTORS OF THE BOARD, THE BOARD MAY ADD ADDITIONAL
11 ADVISORY NONVOTING MEMBERS TO THE BOARD FOR EITHER FIXED TERMS
12 OF FOUR YEARS OR FOR SERVICE AT THE PLEASURE OF A MAJORITY OF THE
13 VOTING DIRECTORS OF THE BOARD.

14 (d) DIRECTORS OF THE BOARD, INCLUDING ADVISORY NONVOTING
15 DIRECTORS, RECEIVE NO COMPENSATION FOR THEIR SERVICES; EXCEPT
16 THAT DIRECTORS MAY RECEIVE PER DIEM PAYMENTS FOR DAYS SPENT
17 WORKING ON DISTRICT MATTERS AND MAY BE REIMBURSED BY THE
18 DISTRICT FOR THEIR NECESSARY EXPENSES WHILE SERVING AS DIRECTORS
19 OF THE BOARD.

20 (e) A DIRECTOR OF THE BOARD SHALL DISQUALIFY HIMSELF OR
21 HERSELF FROM VOTING ON ANY ISSUE WITH RESPECT TO WHICH HE OR SHE
22 HAS A CONFLICT OF INTEREST, UNLESS THE DIRECTOR HAS DISCLOSED THE
23 CONFLICT OF INTEREST IN COMPLIANCE WITH SECTION 18-8-308.

24 (f) DIRECTORS OF THE BOARD AND OFFICERS AND EMPLOYEES OF
25 THE DISTRICT ARE PUBLIC EMPLOYEES FOR PURPOSES OF THE "COLORADO
26 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

27 **32-22-105. Board of directors - powers and duties.**

1 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1)(a), THE
2 BOARD, ACTING BY A MAJORITY VOTE OF A QUORUM OF ITS TOTAL
3 MEMBERSHIP, SHALL EXERCISE AND PERFORM ALL POWERS, PRIVILEGES,
4 AND DUTIES VESTED IN OR IMPOSED UPON THE DISTRICT PURSUANT TO THIS
5 ARTICLE 22. THE BOARD MAY DELEGATE ANY OF ITS POWERS TO ITS
6 OFFICERS AND EMPLOYEES; EXCEPT THAT, TO ENSURE THAT THE PUBLIC
7 INTEREST IS REPRESENTED IN POLICY DECISIONS, THE BOARD SHALL NOT
8 DELEGATE ANY OF THE FOLLOWING:

- 9 (I) ADOPTION OF BOARD POLICY AND PROCEDURES;
- 10 (II) APPROVAL OF PASSENGER RAIL ROUTES AND STATION
11 LOCATIONS WITH COLLABORATION OF LOCAL GOVERNMENTS WITH
12 RESPECT TO SPECIFIC LOCATIONS;
- 13 (III) RATIFICATION OF LAND ACQUISITION BY NEGOTIATED SALE;
- 14 (IV) INSTITUTION OF AN EMINENT DOMAIN ACTION, WHICH MAY BE
15 AT A PUBLIC HEARING OR IN EXECUTIVE SESSION;
- 16 (V) INITIATING OR CONTINUING LEGAL ACTION;
- 17 (VI) ESTABLISHMENT OF FARES AND OTHER USER FEE POLICIES;
- 18 (VII) REFERRAL OF BALLOT ISSUES SEEKING VOTER APPROVAL FOR
19 THE DISTRICT TO LEVY TAXES OR ISSUE OR REFINANCE BONDS; AND
- 20 (VIII) THE POWER TO ENTER INTO CONTRACTS ON BEHALF OF THE
21 DISTRICT, INCLUDING BUT NOT LIMITED TO INTERGOVERNMENTAL
22 AGREEMENTS AND CONTRACTS FOR PUBLIC-PRIVATE PARTNERSHIPS.

23 (b) THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES AND
24 PROCEDURES THAT GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL
25 OPPORTUNITIES FOR PUBLIC INPUT. THE POLICIES MUST INCLUDE
26 STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY MEETING.

27 (2) IN ADDITION TO ALL OTHER POWERS OF THE DISTRICT GRANTED

1 BY THIS ARTICLE 22 TO BE EXERCISED BY THE BOARD ON BEHALF OF THE
2 DISTRICT, THE BOARD HAS THE FOLLOWING POWERS:

3 (a) TO ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM
4 AMONG ITS MEMBERSHIP;

5 (b) TO ADOPT BYLAWS;

6 (c) TO FIX THE TIME AND PLACE OF ITS MEETINGS AND, CONSISTENT
7 WITH THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, THE METHOD
8 OF PROVIDING NOTICE OF THE MEETINGS;

9 (d) TO MAKE AND PASS ORDERS AND RESOLUTIONS NECESSARY FOR
10 THE GOVERNMENT AND MANAGEMENT OF THE AFFAIRS OF THE DISTRICT
11 AND THE EXECUTION OF THE DISTRICT'S POWERS AND DUTIES;

12 (e) TO ADOPT AND USE A SEAL;

13 (f) TO MAINTAIN OFFICES AT ANY PLACE OR PLACES WITHIN THE
14 DISTRICT THAT IT MAY DESIGNATE;

15 (g) TO APPOINT, HIRE, RETAIN, AND TERMINATE EMPLOYEES,
16 AGENTS, ENGINEERS, ATTORNEYS, ACCOUNTANTS, AUDITORS, FINANCIAL
17 ADVISERS, INVESTMENT BANKERS, AND OTHER PROFESSIONAL
18 CONSULTANTS;

19 (h) TO PRESCRIBE METHODS FOR AUDITING AND ALLOWING OR
20 REJECTING CLAIMS AND DEMANDS; FOR THE LETTING OF CONTRACTS FOR
21 THE CONSTRUCTION OF IMPROVEMENTS, WORKS, OR STRUCTURES; FOR THE
22 ACQUISITION OF EQUIPMENT; OR FOR THE PERFORMANCE OR FURNISHING
23 OF LABOR, MATERIALS, OR SUPPLIES THAT MAY BE REQUIRED TO CARRY
24 OUT THE PURPOSES OF THIS ARTICLE 22; AND

25 (i) TO APPOINT SUBCOMMITTEES OF THE BOARD AND ADVISORY
26 COMMITTEES AND DEFINE THE DUTIES OF SUCH SUBCOMMITTEES AND
27 ADVISORY COMMITTEES.

1 **32-22-106. District - general powers and duties - funds**

2 **created.** (1) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE
3 DISTRICT BY THIS ARTICLE 22, THE DISTRICT HAS THE FOLLOWING POWERS:

- 4 (a) TO HAVE PERPETUAL EXISTENCE;
- 5 (b) TO SUE AND BE SUED;
- 6 (c) (I) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH ANY
7 PERSON, INCLUDING THE UNITED STATES DEPARTMENT OF
8 TRANSPORTATION AND AMTRAK, AS NECESSARY TO EXERCISE ITS POWERS
9 AND FULFILL ITS DUTIES. THE POWER TO CONTRACT INCLUDES BUT IS NOT
10 LIMITED TO:

11 (A) THE POWER TO ENTER INTO MEMORANDUMS OF
12 UNDERSTANDING AND INTERGOVERNMENTAL AGREEMENTS WITH OTHER
13 GOVERNMENTAL ENTITIES, INCLUDING STATES THAT BORDER COLORADO,
14 AND TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS; AND

15 (B) THE POWER TO NEGOTIATE AND ENTER INTO AGREEMENTS
16 WITH ANY PERSON OR PUBLIC ENTITY FOR THE PROVISION OF RETAIL AND
17 COMMERCIAL GOODS AND SERVICES TO THE PUBLIC AT OR ADJACENT TO
18 PASSENGER RAIL STATIONS OR FOR THE PROVISION OF RESIDENTIAL USES
19 OR OTHER USES AT OR ADJACENT TO SUCH FACILITIES.

20 (II) ANY DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL
21 STATION OR ADJACENT PROPERTY MADE AVAILABLE BY THE DISTRICT TO
22 A THIRD PARTY FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR
23 SERVICES OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES IS
24 SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

25 (d) TO DEPOSIT AND INVEST DISTRICT MONEY AS AUTHORIZED BY
26 PART 6 OF ARTICLE 75 OF TITLE 24;

27 (e) SUBJECT TO SECTION 32-22-109, TO BORROW MONEY AND

1 ISSUE DISTRICT SECURITIES EVIDENCING THE BORROWING;

2 (f) TO RECEIVE FEDERAL MONEY AND GRANTS AND COLLABORATE
3 WITH AMTRAK AND THE UNITED STATES DEPARTMENT OF
4 TRANSPORTATION;

5 (g) TO RESEARCH, DEVELOP, FINANCE, CONSTRUCT, OPERATE, AND
6 MAINTAIN AN INTERCONNECTED PASSENGER RAIL SYSTEM THAT COEXISTS
7 WITH TRANSPORTATION OF FREIGHT BY RAIL WITHIN THE DISTRICT. THIS
8 POWER INCLUDES BUT IS NOT LIMITED TO THE POWER TO:

9 (I) ENTER ONTO LAND WITHIN THE DISTRICT TO CONDUCT
10 NECESSARY SURVEYS, BORINGS, SOUNDINGS, AND EXAMINATIONS SUBJECT
11 TO THE REQUIREMENT THAT ENTRY ONTO ANY LAND OWNED BY THE
12 UNION PACIFIC RAILROAD OR THE BNSF RAILWAY MUST BE DONE IN
13 ACCORDANCE WITH THEIR RESPECTIVE AUTHORIZATION AND APPROVAL
14 PROTOCOLS;

15 (II) CONSTRUCT, MANAGE, OPERATE, AND MAINTAIN INTEGRAL
16 BUILDINGS, WORKS, AND IMPROVEMENTS;

17 (III) HOLD PUBLIC HEARINGS AT WHICH TESTIMONY FROM
18 INTERESTED MEMBERS OF THE PUBLIC IS ALLOWED;

19 (IV) CONSULT WITH THE DEPARTMENT OF TRANSPORTATION, THE
20 COUNTIES AND MUNICIPALITIES OF THE STATE, AFFECTED METROPOLITAN
21 PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND
22 AFFECTED TRANSIT PROVIDERS; AND

23 (V) CONSIDER CONTEXT-SENSITIVE SOLUTIONS.

24 (h) THE BOARD, WITH COLLABORATION OF LOCAL GOVERNMENTS
25 WITH RESPECT TO SPECIFIC LOCATIONS, SHALL DETERMINE ROUTE AND
26 STATION LOCATIONS OF A PASSENGER RAIL SYSTEM;

27 (i) TO SPECIFY STRUCTURAL AND PERFORMANCE SPECIFICATIONS,

1 INCLUDING BUT NOT LIMITED TO SAFETY STANDARDS CONSISTENT WITH
2 FEDERAL AND STATE LAWS, REGULATIONS, AND RULES, FOR A PASSENGER
3 RAIL SYSTEM;

4 (j) TO EVALUATE AND SELECT APPROPRIATE TECHNOLOGIES FOR
5 A PASSENGER RAIL SYSTEM;

6 (k) TO PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE,
7 CONDEMN, OR OTHERWISE LAWFULLY ACQUIRE, TO SELL, LEASE, LEASE
8 WITH AN OPTION TO PURCHASE, CONCESSION LEASE, OR OTHERWISE
9 LAWFULLY DISPOSE OF, AND TO MORTGAGE OR PLEDGE REAL OR PERSONAL
10 PROPERTY AND ANY INTEREST THEREIN, INCLUDING EASEMENTS,
11 RIGHTS-OF-WAY, AND CONCESSION LEASES;

12 (l) TO ACCEPT REAL OR PERSONAL PROPERTY AND OTHER
13 CONVEYANCES UPON SUCH TERMS AND CONDITIONS AS THE BOARD MAY
14 APPROVE;

15 (m) TO ISSUE REQUESTS FOR PROPOSALS AND AWARD CONTRACTS
16 TO PRIVATE SECTOR BUSINESS ENTITIES FOR PERFORMANCE OF ANY
17 COMPONENT OF THE DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION,
18 OPERATION, OR MAINTENANCE OF A PASSENGER RAIL SYSTEM;

19 (n) TO ESTABLISH TIMELINES FOR THE DEVELOPMENT AND
20 CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

21 (o) TO ESTABLISH AND COLLECT FARES AND OTHER USER FEES FOR
22 THE USE OF A PASSENGER RAIL SYSTEM WITHOUT THE FARES AND FEES
23 BEING SUBJECT TO ANY SUPERVISION OR REGULATION BY ANY BOARD,
24 AGENCY, COMMISSION, OR OFFICIAL; EXCEPT THAT ANY FEES, TOLLS,
25 RATES, AND CHARGES IMPOSED FOR THE USE OF ANY PASSENGER RAIL
26 SYSTEM SHALL BE FIXED AND ADJUSTED SO THAT THE FEES, TOLLS, RATES,
27 AND CHARGES COLLECTED, ALONG WITH OTHER REVENUE, IF ANY, OF THE

1 DISTRICT ARE AT LEAST SUFFICIENT TO REPAY ANY BONDS ISSUED
2 PURSUANT TO THIS ARTICLE 22;

3 (p) UPON A MAJORITY VOTE OF THE REGISTERED VOTERS OF THE
4 DISTRICT VOTING ON THE ISSUE AS REQUIRED BY SECTION 32-22-109, TO
5 EXERCISE TAXING AUTHORITY COMMON TO SPECIAL DISTRICTS AS
6 SPECIFIED IN SECTION 32-1-1101 (1)(a) AND (1)(b);

7 (q) (I) UPON A MAJORITY VOTE OF THE REGISTERED VOTERS OF THE
8 DISTRICT VOTING ON THE ISSUE AS REQUIRED BY SECTION 32-22-109, TO
9 LEVY A SALES TAX OR A USE TAX, OR BOTH, THROUGHOUT THE DISTRICT
10 AT A MAXIMUM RATE OF EIGHT-TENTHS OF ONE PERCENT UPON EVERY
11 TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES OR
12 USE TAX IS LEVIED BY THE STATE. THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT OF REVENUE SHALL COLLECT, ADMINISTER, AND ENFORCE
14 THE SALES OR USE TAX, TO THE EXTENT FEASIBLE, IN THE MANNER
15 PROVIDED IN SECTION 29-2-106. THE EXECUTIVE DIRECTOR SHALL MAKE
16 MONTHLY DISTRIBUTIONS OF THE TAX COLLECTIONS TO THE DISTRICT,
17 WHICH SHALL APPLY THE PROCEEDS SOLELY TO THE DEVELOPMENT,
18 FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A
19 PASSENGER RAIL SYSTEM. THE DEPARTMENT SHALL RETAIN AN AMOUNT
20 NOT TO EXCEED THE NET INCREMENTAL COST OF THE COLLECTION,
21 ADMINISTRATION, AND ENFORCEMENT OF THE SALES TAX OR USE TAX, OR
22 BOTH, AND SHALL TRANSMIT THE AMOUNT TO THE STATE TREASURER, WHO
23 SHALL CREDIT IT TO THE FRONT RANGE PASSENGER RAIL DISTRICT SALES
24 AND USE TAX FUND, WHICH FUND IS HEREBY CREATED. ALL MONEY SO
25 RETAINED IS HEREBY CONTINUOUSLY APPROPRIATED FROM THE FUND TO
26 THE DEPARTMENT TO THE EXTENT NECESSARY FOR THE DEPARTMENT'S
27 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THIS SUBSECTION

1 (1)(q). ANY MONEY REMAINING IN THE FUND ATTRIBUTABLE TO TAXES
2 COLLECTED IN THE PRIOR FISCAL YEAR SHALL BE TRANSMITTED TO THE
3 DISTRICT; EXCEPT THAT, BEFORE THE TRANSMISSION TO THE DISTRICT OF
4 SUCH MONEY, ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO
5 THE DEPARTMENT FOR THE COLLECTION, ADMINISTRATION, AND
6 ENFORCEMENT OF THE TAX FOR THE PRIOR FISCAL YEAR SHALL BE REPAID.

7 (II) A SALES OR USE TAX, OR BOTH, LEVIED PURSUANT TO
8 SUBSECTION (1)(q)(I) OF THIS SECTION SHALL NOT BE LEVIED ON THE SALE
9 OF TANGIBLE PERSONAL PROPERTY:

10 (A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A
11 COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE
12 DISTRICT; OR

13 (B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS
14 PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE STATE OR THE
15 PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS OUTSIDE THE STATE AND IF
16 THE PERSONAL PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED
17 OUTSIDE THE STATE.

18 (r) TO DIRECTLY PROVIDE RETAIL AND COMMERCIAL GOODS AND
19 SERVICES AT PASSENGER RAIL STATIONS, INCLUDING BUT NOT LIMITED TO
20 THE SALE OF PASSENGER RAIL TICKETS, TOKENS, PASSES, AND OTHER
21 ITEMS DIRECTLY AND NECESSARILY RELATED TO THE OPERATION OF A
22 PASSENGER RAIL SYSTEM, SUBJECT TO THE LIMITATION THAT ANY
23 DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL STATION FOR THE
24 PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES BY THE
25 DISTRICT IS SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

26 (s) TO ACCEPT GIFTS, GRANTS, AND DONATIONS, WHETHER CASH
27 OR IN-KIND IN NATURE, FROM PRIVATE OR PUBLIC SOURCES FOR THE

1 PURPOSES OF THIS ARTICLE 22; AND

2 (t) TO EXERCISE ANY OTHER LAWFUL RIGHTS AND POWERS
3 NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS
4 GRANTED BY THIS ARTICLE 22. THE SPECIFIC POWERS SHALL NOT BE
5 CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY AND
6 APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS ARTICLE
7 22.

8 (2) IF THE STATE CONTRIBUTES FUNDING FOR THE CONSTRUCTION
9 OF A PASSENGER RAIL SYSTEM, THE CONSTRUCTION BIDDING PROVISIONS
10 OF ARTICLE 92 OF TITLE 24 SHALL APPLY, BUT NOTHING IN THIS
11 SUBSECTION (2) AFFECTS THE ABILITY OF THE DISTRICT, THE STATE, OR
12 ANY OTHER ENTITY TO ENTER INTO DESIGN-BUILD CONTRACTS AS
13 PERMITTED BY STATE LAW.

14 **32-22-107. Station area improvement districts.** WITH THE
15 APPROVAL OF EACH COUNTY OR MUNICIPALITY HAVING JURISDICTION
16 OVER THE AREA OF SUCH A DISTRICT, THE DISTRICT MAY ESTABLISH A
17 STATION AREA IMPROVEMENT DISTRICT TO FINANCE THE CONSTRUCTION,
18 OPERATION, OR MAINTENANCE OF A STATION FOR A PASSENGER RAIL
19 SYSTEM. A STATION AREA IMPROVEMENT DISTRICT MAY CONSIST ONLY OF
20 ALL OR A PORTION OF THE AREA WITHIN A TWO-MILE RADIUS OF THE
21 STATION TO BE FUNDED BY THE STATION AREA IMPROVEMENT DISTRICT,
22 AND THE GENERAL ASSEMBLY FINDS THAT THE AREA WITHIN A TWO-MILE
23 RADIUS OF A PASSENGER RAIL STATION, OR ANY PORTION OF SUCH AN
24 AREA THAT THE BOARD MAY DESIGNATE AS A STATION AREA
25 IMPROVEMENT DISTRICT, IS AN AREA THAT WILL BE ESPECIALLY BENEFITED
26 BY THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUCH A
27 STATION. THE BOARD SHALL NOT ESTABLISH A STATION AREA

1 IMPROVEMENT DISTRICT UNLESS IT RECEIVES A PETITION SIGNED BY THE
2 OWNERS OF PROPERTY THAT WILL BEAR A MAJORITY OF THE PROPOSED
3 ASSESSMENTS AND BY A PETITION SIGNED BY THE LESSER OF A MAJORITY
4 OF THE REGISTERED ELECTORATE IN THE PROPOSED STATION AREA
5 IMPROVEMENT DISTRICT OR ONE THOUSAND REGISTERED ELECTORS IN THE
6 PROPOSED STATION AREA IMPROVEMENT DISTRICT. THE METHOD OF
7 CREATING A STATION AREA IMPROVEMENT DISTRICT, MAKING
8 IMPROVEMENTS, ASSESSING THE COSTS OF IMPROVEMENTS MADE AGAINST
9 PROPERTY, AND LEVYING A SALES TAX SHALL BE AS PROVIDED IN PART 6
10 OF ARTICLE 20 OF TITLE 30; EXCEPT THAT THE BOARD SHALL PERFORM THE
11 DUTIES OF THE BOARD OF COUNTY COMMISSIONERS UNDER SAID PART 6
12 AND THE IMPROVEMENTS SHALL BE LIMITED TO THE CONSTRUCTION,
13 OPERATION, OR MAINTENANCE OF A PASSENGER RAIL STATION.

14 **32-22-108. Bonds.** (1) THE DISTRICT MAY ISSUE BONDS FOR ANY
15 OF ITS CORPORATE PURPOSES. THE DISTRICT SHALL ISSUE BONDS
16 PURSUANT TO A RESOLUTION OF THE BOARD, AND BONDS SHALL BE
17 PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE REVENUE
18 OF THE DISTRICT AS DESIGNATED BY THE BOARD.

19 (2) AS PROVIDED IN THE RESOLUTION OF THE BOARD UNDER WHICH
20 BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST
21 INDENTURE BETWEEN THE DISTRICT AND ANY COMMERCIAL BANK OR
22 TRUST COMPANY HAVING FULL TRUST POWERS, BONDS MAY:

23 (a) BE EXECUTED AND DELIVERED BY THE DISTRICT AT SUCH
24 TIMES;

25 (b) BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH
26 TERMS AND MATURITIES;

27 (c) BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR

1 TO MATURITY WITH OR WITHOUT A PREMIUM;

2 (d) BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE

3 AS TO PRINCIPAL OR INTEREST OR BOTH;

4 (e) BEAR SUCH CONVERSION PRIVILEGES;

5 (f) BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT

6 EXCEEDING FORTY YEARS FROM THE DATE THEREOF;

7 (g) BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR

8 WITHOUT THE STATE;

9 (h) BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH

10 MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA

11 OR AS DETERMINED BY THE DISTRICT OR ITS AGENTS, WITHOUT REGARD TO

12 ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE

13 STATE;

14 (i) BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR

15 THE DISTRICT AND BE EVIDENCED IN SUCH MANNER;

16 (j) BE EXECUTED BY THE OFFICERS OF THE DISTRICT, INCLUDING

17 THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST

18 ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH SIGNATURES

19 MAY BE EITHER OF AN OFFICER OF THE DISTRICT OR OF AN AGENT

20 AUTHENTICATING THE SAME;

21 (k) BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED

22 INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN

23 OFFICER OF THE DISTRICT; AND

24 (l) CONTAIN ANY OTHER NECESSARY PROVISIONS NOT

25 INCONSISTENT WITH THIS ARTICLE 22.

26 (3) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT ANY

27 PRICE OR PRICES, IN ANY MANNER, AND AT ANY TIMES AS THE BOARD MAY

1 DETERMINE, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND
2 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN
3 CONNECTION WITH THE SALE OF BONDS. THE POWER TO FIX THE DATE OF
4 SALE OF BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL
5 BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
6 NECESSARY TO SELL AND DELIVER BONDS MAY BE DELEGATED TO AN
7 OFFICER OR AGENT OF THE DISTRICT. ANY OUTSTANDING BONDS MAY BE
8 REFUNDED BY THE DISTRICT PURSUANT TO ARTICLE 56 OF TITLE 11. ALL
9 BONDS AND ANY INTEREST COUPONS APPLICABLE TO BONDS ARE
10 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

11 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
12 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE REVENUE
13 OF THE DISTRICT, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND
14 ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS
15 AS THE DISTRICT DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND
16 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN
17 PROVISIONS THAT THE DISTRICT DEEMS APPROPRIATE FOR THE SECURITY
18 OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO,
19 PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT
20 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT
21 OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE
22 PRICE.

23 (5) ANY PLEDGE OF REVENUE OR PROPERTY MADE BY THE DISTRICT
24 OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE DISTRICT
25 CONTRACTS IS VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE.
26 THE REVENUE OR PROPERTY SO PLEDGED IS IMMEDIATELY SUBJECT TO THE
27 LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT,

1 AND THE LIEN OF THE PLEDGE IS VALID AND BINDING AGAINST ALL PARTIES
2 HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
3 AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH
4 CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH
5 THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

6 (6) NEITHER THE DIRECTORS OF THE BOARD, EMPLOYEES OF THE
7 DISTRICT, OR ANY PERSON EXECUTING THE BONDS IS LIABLE PERSONALLY
8 FOR BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY
9 BY REASON OF THE ISSUANCE OF BONDS.

10 (7) THE DISTRICT MAY PURCHASE ITS BONDS OUT OF ANY
11 AVAILABLE FUNDS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL THE
12 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE
13 HOLDERS OF THE BONDS.

14 **32-22-109. Taxes, assessments, and multiple-fiscal year**
15 **borrowing - voter approval required.** (1) NO ACTION BY THE DISTRICT
16 TO ESTABLISH OR INCREASE ANY TAX AND NO ACTION OF THE GOVERNING
17 BODY OF ANY STATION AREA IMPROVEMENT DISTRICT TO ESTABLISH OR
18 INCREASE ANY TAX OR ANY SPECIAL ASSESSMENT ON REAL PROPERTY
19 AUTHORIZED BY THIS ARTICLE 22 SHALL TAKE EFFECT UNLESS IT IS FIRST
20 SUBMITTED, AS APPLICABLE, TO A VOTE OF THE REGISTERED ELECTORS OF
21 THE DISTRICT OR OF THE STATION AREA IMPROVEMENT DISTRICT IN WHICH
22 THE ASSESSMENT OR TAX IS PROPOSED TO BE COLLECTED.

23 (2) NO ACTION BY THE DISTRICT CREATING A MULTIPLE-FISCAL
24 YEAR DEBT OR OTHER FINANCIAL OBLIGATION THAT IS SUBJECT TO
25 SECTION 20 (4)(b) OF ARTICLE X OF THE STATE CONSTITUTION SHALL TAKE
26 EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED
27 ELECTORS OF THE DISTRICT.

1 (3) BALLOT ISSUES PROPOSED TO THE REGISTERED ELECTORS AS
2 REQUIRED BY SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE
3 SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 20 OF
4 ARTICLE X OF THE STATE CONSTITUTION. THE ACTION SHALL NOT TAKE
5 EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE
6 BALLOT ISSUE VOTE TO APPROVE THE BALLOT ISSUE. THE ELECTION SHALL
7 BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY
8 ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN
9 WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE DISTRICT IN
10 CONDUCTING THE ELECTION. THE DISTRICT SHALL PAY THE COSTS
11 INCURRED BY EACH COUNTY IN CONDUCTING SUCH AN ELECTION. NO
12 PUBLIC MONEY OF THE DISTRICT MAY BE USED TO URGE OR OPPOSE
13 PASSAGE OF A BALLOT ISSUE SUBMITTED FOR VOTER APPROVAL AS
14 REQUIRED UNDER THIS SECTION.

15 **32-22-110. District - successor to southwest chief and front**
16 **range passenger rail commission - additional authority to succeed**
17 **prior entity - assumption of rights, obligations, and liabilities.**

18 (1) THE DISTRICT IS THE SUCCESSOR TO THE CONTRACTUAL RIGHTS AND
19 OBLIGATIONS OF THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER
20 RAIL COMMISSION AS THE COMMISSION EXISTED BEFORE ITS AUTHORIZING
21 STATUTES WERE REPEALED AND THE COMMISSION WAS TERMINATED BY
22 SENATE BILL 21-_____, ENACTED IN 2021, AND, TO THE EXTENT
23 PERMITTED BY FEDERAL LAW, ALSO IS THE SUCCESSOR TO THE
24 COMMISSION FOR THE PURPOSE OF PURSUING PENDING COMMISSION
25 APPLICATIONS FOR AND RECEIVING FEDERAL GRANTS.

26 (2) THE DISTRICT MAY CONTRACT WITH ANY EXISTING NONPROFIT
27 CORPORATION, AGENCY, OR OTHER ENTITY ORGANIZED TO EVALUATE THE

1 FEASIBILITY OF, ADVOCATE FOR, PROMOTE, DEVELOP, FINANCE,
2 CONSTRUCT, OPERATE, OR MAINTAIN A PASSENGER RAIL SYSTEM TO BE
3 THE SUCCESSOR TO THE CORPORATION, AGENCY, OR OTHER ENTITY. UPON
4 EXECUTION OF SUCH A CONTRACT, THE DISTRICT SHALL ASSUME ALL
5 CONTRACTUAL RIGHTS, PRIVILEGES, OBLIGATIONS, AND LIABILITIES OF THE
6 CORPORATION, AGENCY, OR OTHER ENTITY UNDER ITS EXISTING
7 CONTRACTS; EXCEPT THAT THE DISTRICT MAY NOT ASSUME ANY
8 MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DISTRICT DEBT OR OTHER
9 FINANCIAL OBLIGATION WHATSOEVER FOR WHICH VOTER APPROVAL IN
10 ADVANCE IS REQUIRED UNDER SECTION 20 (4)(b) OF ARTICLE X OF THE
11 STATE CONSTITUTION UNLESS THE CORPORATION, AGENCY, OR OTHER
12 ENTITY THAT ORIGINALLY INCURRED THE DEBT OR FINANCIAL OBLIGATION
13 OBTAINED VOTER APPROVAL BEFORE DOING SO OR THE DISTRICT OBTAINS
14 VOTER APPROVAL IN ADVANCE TO ASSUME THE DEBT OR FINANCIAL
15 OBLIGATION. THE ASSUMPTION OF OBLIGATIONS AND LIABILITIES BY THE
16 DISTRICT PURSUANT TO THIS SECTION DOES NOT CREATE ANY NEW DEBT
17 OR OBLIGATION FOR PURPOSES OF THE STATE CONSTITUTION OR THE LAWS
18 OF THE STATE.

19 **32-22-111. Agreement of the state not to limit or alter rights**
20 **of obligees.** THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS
21 OF ANY BONDS ISSUED UNDER THIS ARTICLE 22 AND WITH ANY PARTIES
22 WHO ENTER INTO CONTRACTS WITH THE DISTRICT PURSUANT TO THIS
23 ARTICLE 22 THAT THE STATE WILL NOT IMPAIR THE RIGHTS VESTED IN THE
24 DISTRICT OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH
25 THE DISTRICT CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS
26 MADE PURSUANT TO THIS ARTICLE 22. THE STATE FURTHER AGREES THAT
27 IT WILL NOT IMPAIR THE RIGHTS OR REMEDIES OF THE HOLDERS OF ANY

1 BONDS OF THE DISTRICT UNTIL THE BONDS HAVE BEEN PAID OR UNTIL
2 ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. THE DISTRICT MAY
3 INCLUDE THIS PROVISION AND UNDERTAKING FOR THE STATE IN SUCH
4 BONDS.

5 **32-22-112. Investments.** THE DISTRICT MAY INVEST OR DEPOSIT
6 ANY MONEY OF THE DISTRICT IN THE MANNER PROVIDED BY PART 6 OF
7 ARTICLE 75 OF TITLE 24. IN ADDITION, THE DISTRICT MAY DIRECT A
8 CORPORATE TRUSTEE THAT HOLDS DISTRICT MONEY TO INVEST OR DEPOSIT
9 THE MONEY IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED
10 BY SAID PART 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE
11 INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION
12 15-1-304, THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE
13 ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE
14 INVESTMENT WILL ASSIST THE DISTRICT IN THE FINANCING,
15 CONSTRUCTION, OPERATION, OR MAINTENANCE OF A PASSENGER RAIL
16 SYSTEM.

17 **32-22-113. Bonds eligible for investment.** ALL BANKS, TRUST
18 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,
19 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER
20 FIDUCIARIES MAY LEGALLY INVEST ANY MONEY WITHIN THEIR CONTROL
21 IN ANY BONDS ISSUED PURSUANT TO THIS ARTICLE 22. PUBLIC ENTITIES, AS
22 DEFINED IN SECTION 24-75-601 (1), MAY INVEST PUBLIC MONEY IN THE
23 BONDS ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS
24 ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24.

25 **32-22-114. Exemption from taxation - securities laws.** THE
26 INCOME OR OTHER REVENUE OF THE DISTRICT, ALL PROPERTIES AT ANY
27 TIME OWNED BY THE DISTRICT, ANY BONDS ISSUED BY THE DISTRICT, AND

1 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE
2 DISTRICT ARE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE
3 STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE
4 DISTRICT MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION
5 FOR INTEREST ON THE BONDS.

6 **32-22-115. No action maintainable.** AN ACTION OR PROCEEDING
7 AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS OR TO
8 QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT OR
9 PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF
10 AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS ARTICLE
11 22, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS,
12 SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY DAYS
13 AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE EFFECTIVE
14 DATE THEREOF, WHICHEVER OCCURS FIRST, AND IS THEREAFTER
15 PERPETUALLY BARRED.

16 **32-22-116. Judicial examination of powers, acts, proceedings,**
17 **or contracts of the district.** IN ITS DISCRETION, THE BOARD MAY FILE A
18 PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY
19 IN WHICH THE DISTRICT IS LOCATED WHOLLY OR IN PART SEEKING A
20 JUDICIAL EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED
21 TO THE DISTRICT, ANY REVENUE-RAISING POWER EXERCISED OR THAT MAY
22 BE EXERCISED BY THE DISTRICT, OR ANY ACT, PROCEEDING, OR CONTRACT
23 OF THE DISTRICT, WHETHER OR NOT THE CONTRACT HAS BEEN EXECUTED.
24 THE JUDICIAL EXAMINATION AND DETERMINATION SHALL BE CONDUCTED
25 IN SUBSTANTIALLY THE MANNER SET FORTH IN SECTION 32-4-540; EXCEPT
26 THAT THE NOTICE REQUIRED SHALL BE PUBLISHED ONCE A WEEK FOR
27 THREE CONSECUTIVE WEEKS AND THE HEARING SHALL BE HELD NOT LESS

1 THAN THIRTY DAYS NOR MORE THAN FORTY DAYS AFTER THE FILING OF
2 THE PETITION.

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

5 **24-1-128.7. Department of transportation - creation.**

6 ~~(8) (a) The southwest chief and front range passenger rail commission~~
7 ~~created in section 43-4-1001 (2)(a) shall exercise its powers and perform~~
8 ~~its duties and functions as if the same were transferred by a **type 1**~~
9 ~~transfer, as defined in section 24-1-105, to the department of~~
10 ~~transportation.~~

11 ~~(b) The southwest chief rail line economic development, rural~~
12 ~~tourism, and infrastructure repair and maintenance commission created~~
13 ~~in section 43-4-1001 (4) prior to the repeal and reenactment of said~~
14 ~~section by Senate Bill 17-153, enacted in 2017, and its powers, duties,~~
15 ~~and functions are transferred by a **type 3** transfer, as defined in section~~
16 ~~24-1-105, to the southwest chief and front range passenger rail~~
17 ~~commission created in section 43-4-1001 (2)(a) and the southwest chief~~
18 ~~rail line economic development, rural tourism, and infrastructure repair~~
19 ~~and maintenance commission is abolished.~~

20 **SECTION 3.** In Colorado Revised Statutes, 38-1-202, **amend**
21 (1)(f)(XXXIX) and (1)(f)(XL); and **add** (1)(f)(XLI) as follows:

22 **38-1-202. Governmental entities, corporations, and persons**
23 **authorized to use eminent domain.** (1) The following governmental
24 entities, types of governmental entities, and public corporations, in
25 accordance with all procedural and other requirements specified in this
26 article 1 and articles 2 to 7 of this title 38 and to the extent and within any
27 time frame specified in the applicable authorizing statute, may exercise

1 the power of eminent domain:

2 (f) The following types of single purpose districts, special
3 districts, authorities, boards, commissions, and other governmental
4 entities that serve limited governmental purposes or that may exercise
5 eminent domain for limited purposes on behalf of a county, city and
6 county, city, or town:

7 (XXXIX) A regional transportation authority created pursuant to
8 section 43-4-603, ~~C.R.S.~~, as authorized in section 43-4-604 (1)(a)(IV);
9 ~~C.R.S.~~; and

10 (XL) The Colorado aeronautical board created in section
11 43-10-104, ~~C.R.S.~~, as authorized in section 43-10-106; ~~(1)~~, ~~C.R.S.~~ AND

12 (XLI) THE FRONT RANGE PASSENGER RAIL DISTRICT CREATED IN
13 SECTION 32-22-103 (1), AS AUTHORIZED IN SECTION 32-22-106 (1)(k).

14 **SECTION 4.** In Colorado Revised Statutes, **add** 43-4-1004 as
15 follows:

16 **43-4-1004. Repeal of part - transfer of fund balance to front**
17 **range passenger rail district.** (1) SECTION 43-4-1001 IS REPEALED,
18 EFFECTIVE FEBRUARY 15, 2022.

19 (2) FOLLOWING THE REPEAL OF SECTION 43-4-1001, THE STATE
20 TREASURER SHALL TRANSFER ANY UNENCUMBERED BALANCE OF THE FUND
21 TO THE FRONT RANGE PASSENGER RAIL DISTRICT AS INSTRUCTED BY THE
22 BOARD OF DIRECTORS OF THE DISTRICT, OR A DESIGNEE OF THE BOARD
23 PURSUANT TO SECTION 32-22-104 (2)(a).

24 (3) THIS PART 10 IS REPEALED, EFFECTIVE JUNE 15, 2022.

25 **SECTION 5. Effective date.** This act takes effect upon passage;
26 except that section 2 of this act takes effect May 15, 2022.

27 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.