

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0605.01 Jason Gelender x4330

SENATE BILL 21-238

SENATE SPONSORSHIP

Garcia and Zenzinger, Priola, Simpson, Bridges, Buckner, Coleman, Coram, Donovan, Fenberg, Fields, Jaquez Lewis, Lee, Story, Winter, Danielson, Ginal, Gonzales, Hansen, Moreno, Pettersen, Rodriguez

HOUSE SPONSORSHIP

Esgar and Gray,

Senate Committees

Transportation & Energy
Appropriations

House Committees

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Appropriations

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, SPECIFYING THE TERRITORY, GOVERNING
106 STRUCTURE, POWERS, AND DUTIES OF THE DISTRICT, AND
107 REDUCING AN APPROPRIATION.

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 or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
June 2, 2021

SENATE
Amended 3rd Reading
May 13, 2021

SENATE
Amended 2nd Reading
May 12, 2021

The bill creates the front range passenger rail district (district) for 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 commission funds are transferred to the district.

The district is authorized to exercise the powers necessary to plan, design, develop, finance, construct, operate, and maintain the system including but not limited to:

- The power, subject to the approval of the voters of the district and other specified limitations, to levy a sales and use tax and to exercise specified taxing authority common to special districts within the district and to issue bonds;
- The power, subject to the approval of the owners of property within a 2-mile radius of any existing or proposed passenger rail station, to create a station area improvement district with the authority to levy additional sales and use tax, special assessments on real property, or both, to cover the costs of construction, operation, and maintenance of the station;
- The power to enter into public-private partnerships; and
- The power to employ its own personnel or contract with public or private entities, or both, for the operation and maintenance of the system.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 22 to title
3 32 as follows:

4 **ARTICLE 22**

5 **Front Range Passenger Rail District**

6 **32-22-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 22 IS
7 THE "FRONT RANGE PASSENGER RAIL DISTRICT ACT".

8 **32-22-102. Definitions.** AS USED IN THIS ARTICLE 22, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

- 10 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE DISTRICT.
11 (2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,
12 CONTRACT, OR OTHER OBLIGATION OF THE DISTRICT AUTHORIZED BY AND
13 ISSUED PURSUANT TO THIS ARTICLE 22.

1 (3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING,
2 DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION,
3 OR RECONSTRUCTION OF A PASSENGER RAIL SYSTEM.

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

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

8 (6) "LOCAL GOVERNMENT" MEANS A COUNTY, A CITY AND
9 COUNTY, A MUNICIPALITY, AND ANY OTHER POLITICAL SUBDIVISION OF
10 THE STATE AND DOES NOT INCLUDE THE STATE OR ANY STATE
11 DEPARTMENT, DIVISION, OR OTHER AGENCY.

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

15 (8) "PASSENGER RAIL STATION" MEANS A STATION ON A
16 PASSENGER RAIL SYSTEM WHERE TRAINS STOP SO THAT PASSENGERS CAN
17 BOARD AND GET OFF OF THE TRAINS AND INCLUDES RELATED OR
18 CONNECTED INFRASTRUCTURE AND FACILITIES.

19 (9) "PASSENGER RAIL SYSTEM" MEANS A RAIL SYSTEM, INCLUDING
20 RELATED OR CONNECTED INFRASTRUCTURE AND FACILITIES, THAT IS USED
21 FOR PASSENGER SERVICE AND IS COMPETITIVE IN TERMS OF TRAVEL TIME
22 WITH OTHER MODES OF SURFACE TRANSPORTATION WITHIN THE DISTRICT.
23 A PASSENGER RAIL SYSTEM SHALL NOT BE USED TO TRANSPORT FREIGHT.

24 (10) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT
25 BETWEEN THE DISTRICT AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES
26 THAT PROVIDES FOR:

27 (a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO THE

1 CONSTRUCTION OF ALL OR A PORTION OF A PASSENGER RAIL SYSTEM IN
2 EXCHANGE FOR A PUBLIC BENEFIT CONCERNING THE SYSTEM OTHER THAN
3 ONLY A MONEY PAYMENT;

4 (b) SHARING OF RESOURCES AND THE MEANS OF CONSTRUCTING
5 ALL OR A PORTION OF A PASSENGER RAIL SYSTEM; AND

6 (c) COOPERATION IN RESEARCHING, DEVELOPING, CONSTRUCTING,
7 OPERATING, OR MAINTAINING ALL OR A PORTION OF A PASSENGER RAIL
8 SYSTEM.

9 (11) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL
10 PLANNING COMMISSION FORMED UNDER SECTION 30-28-105 THAT
11 PREPARES AND SUBMITS A TRANSPORTATION PLAN PURSUANT TO SECTION
12 43-1-1103.

13 (12) "REGIONAL TRANSPORTATION DISTRICT" MEANS THE
14 REGIONAL TRANSPORTATION DISTRICT CREATED IN SECTION 32-9-105.

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

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

1 (a) COLLABORATE WITH THE REGIONAL TRANSPORTATION DISTRICT
2 TO ENSURE INTERCONNECTIVITY WITH ANY PASSENGER RAIL SYSTEM
3 OPERATED BY OR FOR THE REGIONAL TRANSPORTATION DISTRICT;

4 (b) IF DEEMED APPROPRIATE BY THE BOARD AND BY THE BOARD OF
5 THE REGIONAL TRANSPORTATION DISTRICT, SHARE CAPITAL COSTS
6 ASSOCIATED WITH SHARED USE OF RAIL LINE INFRASTRUCTURE IN THE
7 NORTHWEST RAIL LINE CORRIDOR FOR PASSENGER TRAIN SERVICE;

8 (c) COLLABORATE WITH AMTRAK ON INTERCONNECTIVITY WITH
9 AMTRAK'S SOUTHWEST CHIEF, CALIFORNIA ZEPHYR, AND WINTER PARK
10 EXPRESS TRAINS, INCLUDING BUT NOT LIMITED TO REROUTING OF THE
11 AMTRAK SOUTHWEST CHIEF PASSENGER TRAIN;

12 (d) COORDINATE WITH THE DEPARTMENT OF TRANSPORTATION TO
13 ENSURE THAT ANY DISTRICT FRONT RANGE PASSENGER RAIL SYSTEM IS
14 WELL-INTEGRATED INTO THE STATE'S MULTIMODAL TRANSPORTATION
15 SYSTEM AND DOES NOT IMPAIR THE EFFICIENCY OR SAFETY OF OR
16 OTHERWISE ADVERSELY AFFECT EXISTING TRANSPORTATION
17 INFRASTRUCTURE OR OPERATIONS AND HOLD AT LEAST ONE JOINT
18 MEETING ANNUALLY OF THE BOARD AND THE TRANSPORTATION
19 COMMISSION CREATED IN SECTION 43- 1-106 (1);

20 (e) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD
21 AND THE BOARD OF DIRECTORS OF THE I-70 COALITION, OR A SUCCESSOR
22 ENTITY OF THE COALITION, TO ENSURE THAT ANY DISTRICT FRONT RANGE
23 PASSENGER RAIL SYSTEM INTERCONNECTS WITH ANY PASSENGER RAIL
24 SYSTEM THAT SERVES THE INTERSTATE HIGHWAY 70 MOUNTAIN
25 CORRIDOR; AND

26 (f) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD
27 AND THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION

1 DISTRICT TO DISCUSS AND RESOLVE OPERATIONAL AND
2 INTERCONNECTIVITY ISSUES.

3 (3) SUBJECT TO THE ENVIRONMENTAL REVIEW PROCESS REQUIRED
4 BY THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C.
5 SEC. 4321 ET SEQ., AND A COMPLETE ALTERNATIVES ANALYSIS, THE
6 PREFERRED ALIGNMENT FOR THE NORTHERN SEGMENT OF THE MAIN
7 NORTH-SOUTH PASSENGER RAIL LINE IS THROUGH THE NORTHWEST RAIL
8 CORRIDOR. THE DISTRICT SHALL PRIORITIZE THE INITIATION OF
9 CONSTRUCTION AND COMPLETION OF THAT CORRIDOR.

10 (4) THE AREA THAT COMPRISES THE DISTRICT EXTENDS FROM
11 WYOMING TO NEW MEXICO AND INCLUDES:

12 (a) THE ENTIRETY OF THE CITY AND COUNTY OF BROOMFIELD AND
13 THE CITY AND COUNTY OF DENVER;

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

18 (c) ALL AREAS WITHIN HUERFANO, LAS ANIMAS, AND PUEBLO
19 COUNTIES THAT ARE NOT LOCATED WITHIN THE TERRITORY OF A
20 METROPOLITAN PLANNING ORGANIZATION AND ARE LOCATED WITHIN A
21 COUNTY PRECINCT, AS DEFINED IN SECTION 1-1-104 (30), THAT IS LOCATED
22 WHOLLY OR PARTLY WITHIN FIVE MILES OF THE PUBLIC RIGHT-OF-WAY OF
23 INTERSTATE HIGHWAY 25; AND

24 (d) ALL AREAS WITHIN LARIMER AND WELD COUNTIES THAT ARE
25 NOT LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING
26 ORGANIZATION AND ARE LOCATED WITHIN A COUNTY PRECINCT, AS
27 DEFINED IN SECTION 1-1-104 (30), THAT IS NORTH OF THE CITY OF FORT

1 COLLINS AND IS LOCATED WHOLLY OR PARTLY WITHIN FIVE MILES OF THE
2 PUBLIC RIGHT-OF-WAY OF INTERSTATE HIGHWAY 25.

3 **32-22-104. Board of directors - appointment - meetings -**
4 **compensation - conflicts of interest.** (1) THE DISTRICT IS GOVERNED BY
5 A BOARD OF DIRECTORS, ALL OF WHOM SHALL REPRESENT THE RESIDENTS
6 OF THE DISTRICT, WHICH CONSISTS OF:

7 (a) (I) SIX DIRECTORS APPOINTED BY THE GOVERNOR AND
8 CONFIRMED BY THE SENATE. THE DIRECTORS APPOINTED BY THE
9 GOVERNOR SHALL SUPPORT THE PURPOSES OF THE DISTRICT AS OUTLINED
10 IN SUBSECTION (2) OF THIS SECTION, AND MUST COLLECTIVELY HAVE
11 PROFESSIONAL EXPERIENCE OR EXPERTISE IN THE FOLLOWING AREAS:

- 12 (A) TRANSPORTATION OR PUBLIC FINANCE;
- 13 (B) SUPPORTING A STATEWIDE EMPLOYEE ORGANIZATION;
- 14 (C) PASSENGER RAIL SYSTEM DEVELOPMENT OR OPERATIONS; AND
- 15 (D) ENVIRONMENTAL CONSERVATION.

16 (II) IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION
17 (1)(a)(I) OF THIS SECTION, AT LEAST ONE OF THE DIRECTORS APPOINTED BY
18 THE GOVERNOR MUST BE A RESIDENT OF A COUNTY, CITY AND COUNTY, OR
19 MUNICIPALITY THROUGH WHICH LIGHT OR COMMUTER RAIL SERVICE WAS
20 PLANNED AS PART OF THE VOTER-APPROVED FASTRACKS TRANSIT
21 EXPANSION PROGRAM OF THE REGIONAL TRANSPORTATION DISTRICT BUT
22 HAS NOT BEEN CONSTRUCTED.

23 (III) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS NO
24 LATER THAN APRIL 1, 2022, AND THE INITIAL DIRECTORS APPOINTED MAY
25 ACT AS DIRECTORS PENDING THEIR CONFIRMATION BY THE SENATE.
26 DIRECTORS APPOINTED BY THE GOVERNOR PURSUANT TO THIS SUBSECTION
27 (1)(a) ARE APPOINTED FOR FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL

1 TERMS OF THREE OF THE DIRECTORS OTHER THAN THE DIRECTOR WHO IS
2 A RESIDENT OF A COUNTY, CITY AND COUNTY, OR MUNICIPALITY THROUGH
3 WHICH LIGHT OR COMMUTER RAIL SERVICE WAS PLANNED AS PART OF THE
4 VOTER-APPROVED FASTRACKS TRANSIT EXPANSION PROGRAM OF THE
5 REGIONAL TRANSPORTATION DISTRICT BUT HAS NOT BEEN CONSTRUCTED
6 ARE TWO YEARS. THE REQUIREMENT THAT ONE DIRECTOR BE SUCH A
7 RESIDENT EXPIRES AFTER TWO FOUR-YEAR TERMS HAVE BEEN SERVED BY
8 A DIRECTOR WHO MEETS THE REQUIREMENT.

9 (b) (I) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1)(b)(II)
10 OF THIS SECTION, TEN DIRECTORS APPOINTED SUBJECT TO SENATE
11 CONFIRMATION BY METROPOLITAN PLANNING ORGANIZATIONS AND RURAL
12 TRANSPORTATION PLANNING ORGANIZATIONS THAT CONDUCT
13 TRANSPORTATION PLANNING FOR STATE TRANSPORTATION PLANNING
14 REGIONS THAT INCLUDE TERRITORY OF THE DISTRICT AS FOLLOWS:

15 (A) EACH METROPOLITAN PLANNING ORGANIZATION THAT
16 REPRESENTS MORE THAN ONE MILLION FIVE HUNDRED THOUSAND
17 RESIDENTS IN THE DISTRICT, WHICH INCLUDES THE DENVER REGIONAL
18 COUNCIL OF GOVERNMENTS, SHALL APPOINT FOUR DIRECTORS; EXCEPT
19 THAT, IF A SINGLE CITY AND COUNTY OR MUNICIPALITY HAS FIFTY-FIVE
20 PERCENT OR MORE OF THE TOTAL POPULATION OF THE METROPOLITAN
21 PLANNING ORGANIZATION'S TERRITORY, THE CITY AND COUNTY OR
22 MUNICIPALITY SHALL APPOINT ONE OF THE FOUR DIRECTORS THAT WOULD
23 OTHERWISE BE APPOINTED BY THE METROPOLITAN PLANNING
24 ORGANIZATION;

25 (B) EACH METROPOLITAN PLANNING ORGANIZATION THAT
26 REPRESENTS MORE THAN FIVE HUNDRED THOUSAND RESIDENTS, BUT
27 FEWER THAN ONE MILLION RESIDENTS IN THE DISTRICT, WHICH INCLUDES

1 THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS AND THE NORTH FRONT
2 RANGE METROPOLITAN PLANNING ORGANIZATION, SHALL APPOINT TWO
3 DIRECTORS; EXCEPT THAT, IF A SINGLE CITY AND COUNTY OR
4 MUNICIPALITY HAS FIFTY-FIVE PERCENT OR MORE OF THE TOTAL
5 POPULATION OF THE METROPOLITAN PLANNING ORGANIZATION'S
6 TERRITORY, THE CITY AND COUNTY OR MUNICIPALITY SHALL APPOINT ONE
7 OF THE FOUR DIRECTORS THAT WOULD OTHERWISE BE APPOINTED BY THE
8 METROPOLITAN PLANNING ORGANIZATION;

9 ==
10 (C) THE PUEBLO AREA COUNCIL OF GOVERNMENTS SHALL APPOINT
11 ONE DIRECTOR; AND

12 (D) THE SOUTH CENTRAL COUNCIL OF GOVERNMENTS SHALL
13 APPOINT ONE DIRECTOR.

14 (II) A DIRECTOR APPOINTED BY A METROPOLITAN PLANNING
15 ORGANIZATION OR A COUNCIL OF GOVERNMENTS PURSUANT TO
16 SUBSECTION (1)(b)(I) OF THIS SECTION MUST BE OR MUST HAVE BEEN AN
17 APPOINTED REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE
18 APPOINTING AUTHORITY AND MUST REPRESENT OR MUST HAVE
19 REPRESENTED A MEMBER LOCAL GOVERNMENT OF THE APPOINTING
20 AUTHORITY THAT IS WHOLLY OR PARTLY INCLUDED WITHIN THE DISTRICT.
21 WHEN APPOINTING SUCH A DIRECTOR, ONLY MEMBERS OF THE BOARD OF
22 DIRECTORS OF THE APPOINTING AUTHORITY WHO REPRESENT A MEMBER
23 LOCAL GOVERNMENT OF THE APPOINTING AUTHORITY THAT IS WHOLLY OR
24 PARTLY OR INCLUDED WITHIN THE DISTRICT MAY VOTE ON THE
25 APPOINTMENT. THE APPOINTING AUTHORITIES FOR SUCH DIRECTORS SHALL
26 MAKE INITIAL APPOINTMENTS NO LATER THAN MARCH 1, 2022, AND THE
27 INITIAL DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR

1 CONFIRMATION BY THE SENATE. DIRECTORS ARE APPOINTED FOR
2 FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL TERMS OF TWO OF THE
3 DIRECTORS APPOINTED PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS
4 SECTION, ONE OF THE DIRECTORS APPOINTED BY EACH METROPOLITAN
5 PLANNING ORGANIZATION PURSUANT TO SUBSECTION (1)(b)(I)(B) OF THIS
6 SECTION, ___ AND THE DIRECTOR APPOINTED PURSUANT TO SUBSECTION
7 (1)(b)(I)(D) OF THIS SECTION ARE TWO YEARS. BY A TWO-THIRDS VOTE OF
8 ITS MEMBERS, THE SENATE MAY REMOVE ANY MEMBER OF THE BOARD
9 APPOINTED PURSUANT TO SUBSECTION (1)(a) OR SUBSECTION (1)(b) OF
10 THIS SECTION FOR CAUSE.

11 (c) ONE DIRECTOR APPOINTED BY THE EXECUTIVE DIRECTOR OF
12 THE DEPARTMENT OF TRANSPORTATION WHO SHALL SERVE AT THE
13 PLEASURE OF THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL
14 MAKE THE APPOINTMENT NO LATER THAN DECEMBER 1, 2021.

15 (d) (I) IF THE RESPECTIVE RAILROADS CHOOSE TO MAKE
16 APPOINTMENTS, THREE ADVISORY NONVOTING DIRECTORS APPOINTED AS
17 DESIGNATED REPRESENTATIVES OF RAILROADS THAT OPERATE IN THE
18 STATE AS FOLLOWS:

19 (A) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER
20 OF THE BNSF RAILWAY;

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

23 (C) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER
24 OF THE NATIONAL RAILROAD PASSENGER CORPORATION, ALSO KNOWN AS
25 AMTRAK.

26 (II) THE APPOINTING AUTHORITIES FOR ANY DIRECTORS APPOINTED
27 PURSUANT TO SUBSECTION (1)(d)(I) OF THIS SECTION SHALL MAKE INITIAL

1 APPOINTMENTS NO LATER THAN DECEMBER 1, 2021. EACH SUCH DIRECTOR
2 SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY.

3 (e) ONE ADVISORY NONVOTING DIRECTOR APPOINTED BY THE
4 BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT. THE
5 BOARD OF DIRECTORS SHALL MAKE THE INITIAL APPOINTMENT NO LATER
6 THAN DECEMBER 1, 2021. THE DIRECTOR SHALL SERVE AT THE PLEASURE
7 OF THE BOARD OF DIRECTORS, BUT THE APPOINTMENT MUST BE
8 REAFFIRMED BY THE BOARD OF DIRECTORS OF THE REGIONAL
9 TRANSPORTATION DISTRICT NOT LATER THAN FOUR YEARS FROM THE DATE
10 OF THE INITIAL APPOINTMENT AND NOT LATER THAN FOUR YEARS FROM
11 THE DATE OF ANY SUBSEQUENT REAFFIRMATION.

12 (f) ONE ADVISORY NONVOTING DIRECTOR APPOINTED BY THE
13 BOARD OF DIRECTORS OF THE I-70 MOUNTAIN CORRIDOR COALITION, OR
14 ANY SUCCESSOR ENTITY TO THE COALITION. THE BOARD OF DIRECTORS
15 SHALL MAKE THE INITIAL APPOINTMENT NO LATER THAN DECEMBER 1,
16 2021. THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE BOARD OF
17 DIRECTORS, BUT THE APPOINTMENT MUST BE REAFFIRMED BY THE BOARD
18 OF DIRECTORS OF THE I-70 MOUNTAIN CORRIDOR COALITION NOT LATER
19 THAN FOUR YEARS FROM THE DATE OF THE INITIAL APPOINTMENT AND NOT
20 LATER THAN FOUR YEARS FROM THE DATE OF ANY SUBSEQUENT
21 REAFFIRMATION.

22 (g) IF THE RESPECTIVE GOVERNORS CHOOSE TO MAKE
23 APPOINTMENTS, THE FOLLOWING TWO ADVISORY NONVOTING DIRECTORS:

24 (I) A RESIDENT OF NEW MEXICO APPOINTED BY THE GOVERNOR OF
25 NEW MEXICO TO REPRESENT COMMUNITIES IN NEW MEXICO WHO SHALL
26 SERVE AT THE PLEASURE OF THE GOVERNOR OF NEW MEXICO; AND

27 (II) A RESIDENT OF WYOMING APPOINTED BY THE GOVERNOR OF

1 WYOMING TO REPRESENT COMMUNITIES IN WYOMING WHO SHALL SERVE
2 AT THE PLEASURE OF THE GOVERNOR OF WYOMING.

3 (2) (a) THE BOARD SHALL CONVENE FOR ITS FIRST MEETING NO
4 LATER THAN MAY 15, 2022, AND SHALL, AT THAT MEETING, SELECT A
5 CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERSHIP.
6 THE BOARD SHALL ALSO DETERMINE HOW TO INSTRUCT THE STATE
7 TREASURER TO COMPLETE THE TRANSFER, ON JULY 1, 2022, OF ANY
8 REMAINING BALANCE OF THE SOUTHWEST CHIEF RAIL LINE ECONOMIC
9 DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND
10 MAINTENANCE FUND, AS THAT FUND EXISTED BEFORE THE REPEAL OF
11 SECTION 43-4-1002 BY SENATE BILL 21-238, ENACTED IN 2021, TO THE
12 DISTRICT AS REQUIRED BY SECTION 43-4-1004 (1).

13 (b) (I) THE BOARD SHALL CONDUCT ALL BUSINESS AT PUBLIC
14 MEETINGS. WHENEVER PRACTICABLE, THE BOARD SHALL LIVE BROADCAST
15 ITS MEETINGS, AND THE BOARD SHALL PROVIDE REASONABLE
16 ACCOMMODATIONS TO ALLOW PERSONS WITH DISABILITIES TO ATTEND,
17 LISTEN TO, OR WATCH BOARD MEETINGS.

18 (II) THE BOARD SHALL MAKE AN AUDIO OR AUDIO-VIDEO
19 RECORDING OF EACH BOARD MEETING AVAILABLE ON THE DISTRICT'S
20 WEBSITE.

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

23 (c) A MAJORITY OF THE VOTING DIRECTORS OF THE BOARD
24 CONSTITUTES A QUORUM, AND, EXCEPT AS OTHERWISE SPECIFICALLY
25 PROVIDED IN THIS ARTICLE 22, A MAJORITY OF A QUORUM MAY MAKE
26 BINDING DECISIONS FOR THE BOARD. ADVISORY NONVOTING MEMBERS OF
27 THE BOARD MAY PARTICIPATE, IN A NONVOTING CAPACITY, IN ALL BOARD

1 MEETINGS, INCLUDING EXECUTIVE SESSIONS. BY A TWO-THIRDS VOTE OF
2 THE VOTING DIRECTORS OF ALL VOTING DIRECTORS OF THE BOARD, THE
3 BOARD MAY ADD ADDITIONAL ADVISORY NONVOTING MEMBERS TO THE
4 BOARD FOR EITHER FIXED TERMS OF FOUR YEARS OR FOR SERVICE AT THE
5 PLEASURE OF A MAJORITY OF THE VOTING DIRECTORS OF THE BOARD.

6 (d) DIRECTORS OF THE BOARD, INCLUDING ADVISORY NONVOTING
7 DIRECTORS, RECEIVE NO COMPENSATION FOR THEIR SERVICES; EXCEPT
8 THAT DIRECTORS MAY RECEIVE PER DIEM PAYMENTS FOR DAYS SPENT
9 WORKING ON DISTRICT MATTERS AND MAY BE REIMBURSED BY THE
10 DISTRICT FOR THEIR NECESSARY EXPENSES WHILE SERVING AS DIRECTORS
11 OF THE BOARD.

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

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

19 **32-22-105. Board of directors - powers and duties.**

20 (1) (a) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE
21 22, THE BOARD, ACTING BY A MAJORITY VOTE OF A QUORUM OF ITS TOTAL
22 MEMBERSHIP, SHALL EXERCISE AND PERFORM ALL POWERS, PRIVILEGES,
23 AND DUTIES VESTED IN OR IMPOSED UPON THE DISTRICT PURSUANT TO THIS
24 ARTICLE 22. THE BOARD MAY DELEGATE ANY OF ITS POWERS TO ITS
25 OFFICERS AND EMPLOYEES; EXCEPT THAT, TO ENSURE THAT THE PUBLIC
26 INTEREST IS REPRESENTED IN POLICY DECISIONS, THE BOARD SHALL NOT
27 DELEGATE ANY OF THE FOLLOWING:

- 1 (I) ADOPTION OF BOARD POLICY AND PROCEDURES;
- 2 (II) APPROVAL OF PASSENGER RAIL ROUTES AND STATION
3 LOCATIONS WITH COLLABORATION OF LOCAL GOVERNMENTS, AS PROVIDED
4 IN SECTION 32-22-106 (1)(h), WITH RESPECT TO SPECIFIC LOCATIONS;
- 5 (III) RATIFICATION OF LAND ACQUISITION BY NEGOTIATED SALE;
- 6 (IV) INSTITUTION OF AN EMINENT DOMAIN ACTION, WHICH
7 MUST BE AT A PUBLIC HEARING.
- 8 (V) INITIATING OR CONTINUING LEGAL ACTION;
- 9 (VI) ESTABLISHMENT OF FARES AND OTHER USER FEE POLICIES;
- 10 (VII) REFERRAL OF BALLOT ISSUES SEEKING VOTER APPROVAL FOR
11 THE DISTRICT TO LEVY TAXES OR ISSUE OR REFINANCE BONDS; AND
- 12 (VIII) THE POWER TO ENTER INTO CONTRACTS ON BEHALF OF THE
13 DISTRICT, INCLUDING BUT NOT LIMITED TO INTERGOVERNMENTAL
14 AGREEMENTS AND CONTRACTS FOR PUBLIC-PRIVATE PARTNERSHIPS.
- 15 (b) THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES AND
16 PROCEDURES THAT GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL
17 OPPORTUNITIES FOR PUBLIC INPUT. THE POLICIES MUST INCLUDE
18 STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY MEETING.
- 19 (2) IN ADDITION TO ALL OTHER POWERS OF THE DISTRICT GRANTED
20 BY THIS ARTICLE 22 TO BE EXERCISED BY THE BOARD ON BEHALF OF THE
21 DISTRICT, THE BOARD HAS THE FOLLOWING POWERS:
- 22 (a) TO ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM
23 AMONG ITS MEMBERSHIP;
- 24 (b) TO ADOPT BYLAWS;
- 25 (c) TO FIX THE TIME AND PLACE OF ITS MEETINGS AND, CONSISTENT
26 WITH THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, THE METHOD
27 OF PROVIDING NOTICE OF THE MEETINGS;

1 (d) TO MAKE AND PASS ORDERS AND RESOLUTIONS NECESSARY FOR
2 THE GOVERNMENT AND MANAGEMENT OF THE AFFAIRS OF THE DISTRICT
3 AND THE EXECUTION OF THE DISTRICT'S POWERS AND DUTIES;

4 (e) TO ADOPT AND USE A SEAL;

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

7 (g) TO APPOINT, HIRE, RETAIN, AND TERMINATE EMPLOYEES,
8 AGENTS, ENGINEERS, ATTORNEYS, ACCOUNTANTS, AUDITORS, FINANCIAL
9 ADVISERS, INVESTMENT BANKERS, AND OTHER PROFESSIONAL
10 CONSULTANTS;

11 (h) TO PRESCRIBE METHODS FOR AUDITING AND ALLOWING OR
12 REJECTING CLAIMS AND DEMANDS; FOR THE LETTING OF CONTRACTS FOR
13 THE CONSTRUCTION OF IMPROVEMENTS, WORKS, OR STRUCTURES; FOR THE
14 ACQUISITION OF EQUIPMENT; OR FOR THE PERFORMANCE OR FURNISHING
15 OF LABOR, MATERIALS, OR SUPPLIES THAT MAY BE REQUIRED TO CARRY
16 OUT THE PURPOSES OF THIS ARTICLE 22; AND

17 (i) TO APPOINT SUBCOMMITTEES OF THE BOARD AND ADVISORY
18 COMMITTEES AND DEFINE THE DUTIES OF SUCH SUBCOMMITTEES AND
19 ADVISORY COMMITTEES.

20 **32-22-106. District - general powers and duties - funds**
21 **created.** (1) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE
22 DISTRICT BY THIS ARTICLE 22, THE DISTRICT HAS THE FOLLOWING POWERS:

23 (a) TO HAVE PERPETUAL EXISTENCE;

24 (b) TO SUE AND BE SUED;

25 (c) (I) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH ANY
26 PERSON, INCLUDING THE UNITED STATES DEPARTMENT OF
27 TRANSPORTATION AND AMTRAK, AS NECESSARY TO EXERCISE ITS POWERS

1 AND FULFILL ITS DUTIES. THE POWER TO CONTRACT INCLUDES BUT IS NOT
2 LIMITED TO:

3 (A) THE POWER TO ENTER INTO MEMORANDUMS OF
4 UNDERSTANDING AND INTERGOVERNMENTAL AGREEMENTS WITH OTHER
5 GOVERNMENTAL ENTITIES, INCLUDING STATES THAT BORDER COLORADO,
6 AND TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS;

7 (B) THE POWER TO CONTRACT WITH THIRD PARTIES FOR THE
8 OPERATION OF PASSENGER RAIL SERVICE; AND

9 (C) THE POWER TO NEGOTIATE AND ENTER INTO AGREEMENTS
10 WITH ANY PERSON OR PUBLIC ENTITY FOR THE PROVISION OF RETAIL AND
11 COMMERCIAL GOODS AND SERVICES TO THE PUBLIC AT OR ADJACENT TO
12 PASSENGER RAIL STATIONS OR FOR THE PROVISION OF RESIDENTIAL USES
13 OR OTHER USES AT OR ADJACENT TO SUCH FACILITIES.

14 (II) ANY DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL
15 STATION OR ADJACENT PROPERTY MADE AVAILABLE BY THE DISTRICT TO
16 A THIRD PARTY FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR
17 SERVICES OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES IS
18 SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

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

21 (e) SUBJECT TO SECTION 32-22-109, TO BORROW MONEY AND
22 ISSUE DISTRICT SECURITIES EVIDENCING THE BORROWING;

23 (f) TO RECEIVE FEDERAL MONEY AND GRANTS AND COLLABORATE
24 WITH AMTRAK AND THE UNITED STATES DEPARTMENT OF
25 TRANSPORTATION;

26 (g) TO RESEARCH, DEVELOP, FINANCE, CONSTRUCT, OPERATE, AND
27 MAINTAIN AN INTERCONNECTED PASSENGER RAIL SYSTEM THAT COEXISTS

1 WITH TRANSPORTATION OF FREIGHT BY RAIL WITHIN THE DISTRICT. THIS
2 POWER INCLUDES BUT IS NOT LIMITED TO THE POWER TO:

3 (I) ENTER ONTO LAND WITHIN THE DISTRICT TO CONDUCT
4 NECESSARY SURVEYS, BORINGS, SOUNDINGS, AND EXAMINATIONS SUBJECT
5 TO THE REQUIREMENT THAT ENTRY ONTO ANY LAND OWNED BY THE
6 UNION PACIFIC RAILROAD OR THE BNSF RAILWAY MUST BE DONE IN
7 ACCORDANCE WITH THEIR RESPECTIVE AUTHORIZATION AND APPROVAL
8 PROTOCOLS;

9 (II) CONSTRUCT, MANAGE, OPERATE, AND MAINTAIN INTEGRAL
10 BUILDINGS, WORKS, AND IMPROVEMENTS;

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

13 (IV) CONSULT WITH THE DEPARTMENT OF TRANSPORTATION, THE
14 COUNTIES AND MUNICIPALITIES OF THE STATE, AFFECTED METROPOLITAN
15 PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND
16 AFFECTED TRANSIT PROVIDERS; AND

17 (V) CONSIDER CONTEXT-SENSITIVE SOLUTIONS.

18 (h) THE BOARD, WITH COLLABORATION OF LOCAL GOVERNMENTS
19 AND IN COMPLIANCE WITH LAND USE AUTHORITY, PERMITTING
20 REQUIREMENTS, AND REAL PROPERTY RIGHTS OF SUCH LOCAL
21 GOVERNMENTS WITH RESPECT TO SPECIFIC LOCATIONS, SHALL DETERMINE
22 ROUTE AND STATION LOCATIONS OF A PASSENGER RAIL SYSTEM;

23 (i) TO SPECIFY STRUCTURAL AND PERFORMANCE SPECIFICATIONS,
24 INCLUDING BUT NOT LIMITED TO SAFETY STANDARDS CONSISTENT WITH
25 FEDERAL AND STATE LAWS, REGULATIONS, AND RULES, FOR A PASSENGER
26 RAIL SYSTEM;

27 (j) TO EVALUATE AND SELECT APPROPRIATE TECHNOLOGIES FOR

1 A PASSENGER RAIL SYSTEM;

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

8 (l) TO ACCEPT REAL OR PERSONAL PROPERTY AND OTHER
9 CONVEYANCES UPON SUCH TERMS AND CONDITIONS AS THE BOARD MAY
10 APPROVE;

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

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

17 (o) TO ESTABLISH AND COLLECT FARES AND OTHER USER FEES FOR
18 THE USE OF A PASSENGER RAIL SYSTEM WITHOUT THE FARES AND FEES
19 BEING SUBJECT TO ANY SUPERVISION OR REGULATION BY ANY BOARD,
20 AGENCY, COMMISSION, OR OFFICIAL; EXCEPT THAT ANY FEES, TOLLS,
21 RATES, AND CHARGES IMPOSED FOR THE USE OF ANY PASSENGER RAIL
22 SYSTEM SHALL BE FIXED AND ADJUSTED SO THAT THE FEES, TOLLS, RATES,
23 AND CHARGES COLLECTED, ALONG WITH OTHER REVENUE, IF ANY, OF THE
24 DISTRICT ARE AT LEAST SUFFICIENT TO REPAY ANY BONDS ISSUED
25 PURSUANT TO THIS ARTICLE 22;

26 (p) UPON A MAJORITY VOTE OF THE REGISTERED VOTERS OF THE
27 DISTRICT VOTING ON THE ISSUE AS REQUIRED BY SECTION 32-22-109, TO

1 EXERCISE TAXING AUTHORITY COMMON TO SPECIAL DISTRICTS AS
2 SPECIFIED IN SECTION 32-1-1101 (1)(a) AND (1)(b);

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

1 THE DEPARTMENT FOR THE COLLECTION, ADMINISTRATION, AND
2 ENFORCEMENT OF THE TAX FOR THE PRIOR FISCAL YEAR SHALL BE REPAID.

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

6 (A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A
7 COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE
8 DISTRICT; OR

9 (B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS
10 PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE STATE OR THE
11 PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS OUTSIDE THE STATE AND IF
12 THE PERSONAL PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED
13 IN A COUNTY OF THE STATE THAT DOES NOT INCLUDE ANY AREA THAT IS
14 PART OF THE DISTRICT OR OUTSIDE THE STATE.

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

23 (s) TO ACCEPT GIFTS, GRANTS, AND DONATIONS, WHETHER CASH
24 OR IN-KIND IN NATURE, FROM PRIVATE OR PUBLIC SOURCES FOR THE
25 PURPOSES OF THIS ARTICLE 22; AND

26 (t) TO EXERCISE ANY OTHER LAWFUL RIGHTS AND POWERS
27 NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS

1 GRANTED BY THIS ARTICLE 22. THE SPECIFIC POWERS SHALL NOT BE
2 CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY AND
3 APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS ARTICLE
4 22.

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

11 **32-22-107. Station area improvement districts.** WITH THE
12 APPROVAL OF EACH COUNTY OR MUNICIPALITY HAVING JURISDICTION
13 OVER THE AREA OF SUCH A DISTRICT, THE DISTRICT MAY ESTABLISH A
14 STATION AREA IMPROVEMENT DISTRICT TO FINANCE THE CONSTRUCTION,
15 OPERATION, OR MAINTENANCE OF A STATION FOR A PASSENGER RAIL
16 SYSTEM. A STATION AREA IMPROVEMENT DISTRICT MAY CONSIST ONLY OF
17 ALL OR A PORTION OF THE AREA WITHIN A TWO-MILE RADIUS OF THE
18 STATION TO BE FUNDED BY THE STATION AREA IMPROVEMENT DISTRICT,
19 AND THE GENERAL ASSEMBLY FINDS THAT THE AREA WITHIN A TWO-MILE
20 RADIUS OF A PASSENGER RAIL STATION, OR ANY PORTION OF SUCH AN
21 AREA THAT THE BOARD MAY DESIGNATE AS A STATION AREA
22 IMPROVEMENT DISTRICT, IS AN AREA THAT WILL BE ESPECIALLY BENEFITED
23 BY THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUCH A
24 STATION. THE BOARD SHALL NOT ESTABLISH A STATION AREA
25 IMPROVEMENT DISTRICT UNLESS IT RECEIVES A PETITION SIGNED BY THE
26 OWNERS OF PROPERTY THAT WILL BEAR A MAJORITY OF THE PROPOSED
27 ASSESSMENTS AND BY A PETITION SIGNED BY THE LESSER OF A MAJORITY

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

11 **32-22-108. Bonds.** (1) THE DISTRICT MAY ISSUE BONDS FOR ANY
12 OF ITS CORPORATE PURPOSES. THE DISTRICT SHALL ISSUE BONDS
13 PURSUANT TO A RESOLUTION OF THE BOARD, AND BONDS SHALL BE
14 PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE REVENUE
15 OF THE DISTRICT AS DESIGNATED BY THE BOARD.

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

20 (a) BE EXECUTED AND DELIVERED BY THE DISTRICT AT SUCH
21 TIMES;

22 (b) BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH
23 TERMS AND MATURITIES;

24 (c) BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR
25 TO MATURITY WITH OR WITHOUT A PREMIUM;

26 (d) BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE
27 AS TO PRINCIPAL OR INTEREST OR BOTH;

1 (e) BEAR SUCH CONVERSION PRIVILEGES;

2 (f) BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT
3 EXCEEDING FORTY YEARS FROM THE DATE THEREOF;

4 (g) BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR
5 WITHOUT THE STATE;

6 (h) BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH
7 MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA
8 OR AS DETERMINED BY THE DISTRICT OR ITS AGENTS, WITHOUT REGARD TO
9 ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE
10 STATE;

11 (i) BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR
12 THE DISTRICT AND BE EVIDENCED IN SUCH MANNER;

13 (j) BE EXECUTED BY THE OFFICERS OF THE DISTRICT, INCLUDING
14 THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST
15 ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH SIGNATURES
16 MAY BE EITHER OF AN OFFICER OF THE DISTRICT OR OF AN AGENT
17 AUTHENTICATING THE SAME;

18 (k) BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED
19 INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN
20 OFFICER OF THE DISTRICT; AND

21 (l) CONTAIN ANY OTHER NECESSARY PROVISIONS NOT
22 INCONSISTENT WITH THIS ARTICLE 22.

23 (3) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT ANY
24 PRICE OR PRICES, IN ANY MANNER, AND AT ANY TIMES AS THE BOARD MAY
25 DETERMINE, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND
26 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN
27 CONNECTION WITH THE SALE OF BONDS. THE POWER TO FIX THE DATE OF

1 SALE OF BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL
2 BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
3 NECESSARY TO SELL AND DELIVER BONDS MAY BE DELEGATED TO AN
4 OFFICER OR AGENT OF THE DISTRICT. ANY OUTSTANDING BONDS MAY BE
5 REFUNDED BY THE DISTRICT PURSUANT TO ARTICLE 56 OF TITLE 11. ALL
6 BONDS AND ANY INTEREST COUPONS APPLICABLE TO BONDS ARE
7 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

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

20 (5) ANY PLEDGE OF REVENUE OR PROPERTY MADE BY THE DISTRICT
21 OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE DISTRICT
22 CONTRACTS IS VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE.
23 THE REVENUE OR PROPERTY SO PLEDGED IS IMMEDIATELY SUBJECT TO THE
24 LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT,
25 AND THE LIEN OF THE PLEDGE IS VALID AND BINDING AGAINST ALL PARTIES
26 HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
27 AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH

1 CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH
2 THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

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

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

11 **32-22-109. Taxes, assessments, and multiple-fiscal year**
12 **borrowing - voter approval required.** (1) NO ACTION BY THE DISTRICT
13 TO ESTABLISH OR INCREASE ANY TAX AND NO ACTION OF THE GOVERNING
14 BODY OF ANY STATION AREA IMPROVEMENT DISTRICT TO ESTABLISH OR
15 INCREASE ANY TAX OR ANY SPECIAL ASSESSMENT ON REAL PROPERTY
16 AUTHORIZED BY THIS ARTICLE 22 SHALL TAKE EFFECT UNLESS IT IS FIRST
17 SUBMITTED, AS APPLICABLE, TO A VOTE OF THE REGISTERED ELECTORS OF
18 THE DISTRICT OR OF THE STATION AREA IMPROVEMENT DISTRICT IN WHICH
19 THE ASSESSMENT OR TAX IS PROPOSED TO BE COLLECTED. BEFORE
20 SUBMITTING A QUESTION TO ESTABLISH ANY DISTRICT TAX TO THE
21 REGISTERED ELECTORS OF THE DISTRICT, THE DISTRICT SHALL:

22 (a) PUBLISH A PROPOSED SERVICE DEVELOPMENT PLAN, AN
23 OPERATING PLAN, AND A DETAILED FINANCING PLAN. THE SERVICE
24 DEVELOPMENT PLAN MUST IDENTIFY THE ROUTE AND PHASING OF THE
25 PASSENGER RAIL SYSTEM TO BE FUNDED BY THE TAX. THE FINANCING
26 PLAN MUST IDENTIFY COMMITTED AND POTENTIAL FINANCIAL PARTNERS,
27 INCLUDING BUT NOT LIMITED TO THE REGIONAL TRANSPORTATION

1 DISTRICT, THE FEDERAL GOVERNMENT, AMTRAK, AND PRIVATE PARTNERS;

2 AND

3 (b) ADOPT A RESOLUTION CERTIFYING THAT THE DISTRICT HAS
4 MADE EVERY REASONABLE EFFORT TO SECURE FEDERAL FUNDING TO
5 SUPPORT THE DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, OR
6 MAINTENANCE OF THE PASSENGER RAIL SYSTEM; AND

7 (c) APPROVE THE SUBMISSION OF THE QUESTION BY AN
8 AFFIRMATIVE VOTE OF TWO-THIRDS OF ALL VOTING DIRECTORS OF THE
9 BOARD.

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

15 (3) BALLOT ISSUES PROPOSED TO THE REGISTERED ELECTORS AS
16 REQUIRED BY SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE
17 SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 20 OF
18 ARTICLE X OF THE STATE CONSTITUTION. THE ACTION SHALL NOT TAKE
19 EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE
20 BALLOT ISSUE VOTE TO APPROVE THE BALLOT ISSUE. THE ELECTION SHALL
21 BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY
22 ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN
23 WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE DISTRICT IN
24 CONDUCTING THE ELECTION. THE DISTRICT SHALL PAY THE COSTS
25 INCURRED BY EACH COUNTY IN CONDUCTING SUCH AN ELECTION. NO
26 PUBLIC MONEY OF THE DISTRICT MAY BE USED TO URGE OR OPPOSE
27 PASSAGE OF A BALLOT ISSUE SUBMITTED FOR VOTER APPROVAL AS

1 REQUIRED UNDER THIS SECTION.

2 **32-22-110. District - successor to southwest chief and front**
3 **range passenger rail commission - additional authority to succeed**
4 **prior entity - assumption of rights, obligations, and liabilities.**

5 (1) THE DISTRICT IS THE SUCCESSOR TO THE CONTRACTUAL RIGHTS AND
6 OBLIGATIONS OF THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER
7 RAIL COMMISSION AS THE COMMISSION EXISTED BEFORE ITS AUTHORIZING
8 STATUTES WERE REPEALED AND THE COMMISSION WAS TERMINATED BY
9 SENATE BILL 21-238, ENACTED IN 2021, AND, TO THE EXTENT PERMITTED
10 BY FEDERAL LAW, ALSO IS THE SUCCESSOR TO THE COMMISSION FOR THE
11 PURPOSE OF PURSUING PENDING COMMISSION APPLICATIONS FOR AND
12 RECEIVING FEDERAL GRANTS.

13 (2) THE DISTRICT MAY CONTRACT WITH ANY EXISTING NONPROFIT
14 CORPORATION, AGENCY, OR OTHER ENTITY ORGANIZED TO EVALUATE THE
15 FEASIBILITY OF, ADVOCATE FOR, PROMOTE, DEVELOP, FINANCE,
16 CONSTRUCT, OPERATE, OR MAINTAIN A PASSENGER RAIL SYSTEM TO BE
17 THE SUCCESSOR TO THE CORPORATION, AGENCY, OR OTHER ENTITY. UPON
18 EXECUTION OF SUCH A CONTRACT, THE DISTRICT SHALL ASSUME ALL
19 CONTRACTUAL RIGHTS, PRIVILEGES, OBLIGATIONS, AND LIABILITIES OF THE
20 CORPORATION, AGENCY, OR OTHER ENTITY UNDER ITS EXISTING
21 CONTRACTS; EXCEPT THAT THE DISTRICT MAY NOT ASSUME ANY
22 MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DISTRICT DEBT OR OTHER
23 FINANCIAL OBLIGATION WHATSOEVER FOR WHICH VOTER APPROVAL IN
24 ADVANCE IS REQUIRED UNDER SECTION 20 (4)(b) OF ARTICLE X OF THE
25 STATE CONSTITUTION UNLESS THE CORPORATION, AGENCY, OR OTHER
26 ENTITY THAT ORIGINALLY INCURRED THE DEBT OR FINANCIAL OBLIGATION
27 OBTAINED VOTER APPROVAL BEFORE DOING SO OR THE DISTRICT OBTAINS

1 VOTER APPROVAL IN ADVANCE TO ASSUME THE DEBT OR FINANCIAL
2 OBLIGATION. THE ASSUMPTION OF OBLIGATIONS AND LIABILITIES BY THE
3 DISTRICT PURSUANT TO THIS SECTION DOES NOT CREATE ANY NEW DEBT
4 OR OBLIGATION FOR PURPOSES OF THE STATE CONSTITUTION OR THE LAWS
5 OF THE STATE.

6 **32-22-111. Agreement of the state not to limit or alter rights**
7 **of obligees.** THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS
8 OF ANY BONDS ISSUED UNDER THIS ARTICLE 22 AND WITH ANY PARTIES
9 WHO ENTER INTO CONTRACTS WITH THE DISTRICT PURSUANT TO THIS
10 ARTICLE 22 THAT THE STATE WILL NOT IMPAIR THE RIGHTS VESTED IN THE
11 DISTRICT OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH
12 THE DISTRICT CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS
13 MADE PURSUANT TO THIS ARTICLE 22. THE STATE FURTHER AGREES THAT
14 IT WILL NOT IMPAIR THE RIGHTS OR REMEDIES OF THE HOLDERS OF ANY
15 BONDS OF THE DISTRICT UNTIL THE BONDS HAVE BEEN PAID OR UNTIL
16 ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. THE DISTRICT MAY
17 INCLUDE THIS PROVISION AND UNDERTAKING FOR THE STATE IN SUCH
18 BONDS.

19 **32-22-112. Investments.** THE DISTRICT MAY INVEST OR DEPOSIT
20 ANY MONEY OF THE DISTRICT IN THE MANNER PROVIDED BY PART 6 OF
21 ARTICLE 75 OF TITLE 24. IN ADDITION, THE DISTRICT MAY DIRECT A
22 CORPORATE TRUSTEE THAT HOLDS DISTRICT MONEY TO INVEST OR DEPOSIT
23 THE MONEY IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED
24 BY SAID PART 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE
25 INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION
26 15-1-304, THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE
27 ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE

1 INVESTMENT WILL ASSIST THE DISTRICT IN THE FINANCING,
2 CONSTRUCTION, OPERATION, OR MAINTENANCE OF A PASSENGER RAIL
3 SYSTEM.

4 **32-22-113. Bonds eligible for investment.** ALL BANKS, TRUST
5 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,
6 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER
7 FIDUCIARIES MAY LEGALLY INVEST ANY MONEY WITHIN THEIR CONTROL
8 IN ANY BONDS ISSUED PURSUANT TO THIS ARTICLE 22. PUBLIC ENTITIES, AS
9 DEFINED IN SECTION 24-75-601 (1), MAY INVEST PUBLIC MONEY IN THE
10 BONDS ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS
11 ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24.

12 **32-22-114. Exemption from taxation - securities laws.** THE
13 INCOME OR OTHER REVENUE OF THE DISTRICT, ALL PROPERTIES AT ANY
14 TIME OWNED BY THE DISTRICT, ANY BONDS ISSUED BY THE DISTRICT, AND
15 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE
16 DISTRICT ARE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE
17 STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE
18 DISTRICT MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION
19 FOR INTEREST ON THE BONDS.

20 **32-22-115. No action maintainable.** AN ACTION OR PROCEEDING
21 AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS OR TO
22 QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT OR
23 PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF
24 AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS ARTICLE
25 22, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS,
26 SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY DAYS
27 AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE EFFECTIVE

1 DATE THEREOF, WHICHEVER OCCURS FIRST, AND IS THEREAFTER
2 PERPETUALLY BARRED.

3 **32-22-116. Judicial examination of powers, acts, proceedings,**
4 **or contracts of the district.** IN ITS DISCRETION, THE BOARD MAY FILE A
5 PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY
6 IN WHICH THE DISTRICT IS LOCATED WHOLLY OR IN PART SEEKING A
7 JUDICIAL EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED
8 TO THE DISTRICT, ANY REVENUE-RAISING POWER EXERCISED OR THAT MAY
9 BE EXERCISED BY THE DISTRICT, OR ANY ACT, PROCEEDING, OR CONTRACT
10 OF THE DISTRICT, WHETHER OR NOT THE CONTRACT HAS BEEN EXECUTED.
11 THE JUDICIAL EXAMINATION AND DETERMINATION SHALL BE CONDUCTED
12 IN SUBSTANTIALLY THE MANNER SET FORTH IN SECTION 32-4-540; EXCEPT
13 THAT THE NOTICE REQUIRED SHALL BE PUBLISHED ONCE A WEEK FOR
14 THREE CONSECUTIVE WEEKS AND THE HEARING SHALL BE HELD NOT LESS
15 THAN THIRTY DAYS NOR MORE THAN FORTY DAYS AFTER THE FILING OF
16 THE PETITION.

17 **32-22-117. Reporting - auditing. (1) NO LATER THAN JANUARY**
18 **31, 2024, AND NO LATER THAN EACH JANUARY 31 THEREAFTER, THE**
19 **DISTRICT SHALL PUBLISH AND PRESENT AT A JOINT MEETING OF THE**
20 **TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE**
21 **OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY**
22 **COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, A**
23 **COMPREHENSIVE ANNUAL REPORT OF ITS ACTIVITIES FOR THE PRIOR**
24 **DISTRICT FISCAL YEAR. THE DISTRICT SHALL ALSO PRESENT THE REPORT**
25 **TO EACH METROPOLITAN PLANNING ORGANIZATION AND RURAL**
26 **TRANSPORTATION PLANNING ORGANIZATION THAT APPOINTS MEMBERS TO**
27 **THE BOARD PURSUANT TO SECTION 32-22-104 (1)(b)(I).**

1 (2) IF THE VOTERS OF THE DISTRICT APPROVE AND THE DISTRICT
2 LEVIES A TAX THROUGHOUT THE DISTRICT AS AUTHORIZED BY THIS
3 ARTICLE 22, THE STATE AUDITOR SHALL CONDUCT A COMPREHENSIVE
4 FINANCIAL AUDIT OF THE DISTRICT ONCE EVERY TWO YEARS. THE DISTRICT
5 SHALL PAY THE STATE AUDITOR FOR THE COSTS OF EACH AUDIT.

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

8 **24-1-128.7. Department of transportation - creation.**

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

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

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

25 **38-1-202. Governmental entities, corporations, and persons**
26 **authorized to use eminent domain.** (1) The following governmental
27 entities, types of governmental entities, and public corporations, in

1 accordance with all procedural and other requirements specified in this
2 article 1 and articles 2 to 7 of this title 38 and to the extent and within any
3 time frame specified in the applicable authorizing statute, may exercise
4 the power of eminent domain:

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

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

13 (XL) The Colorado aeronautical board created in section
14 43-10-104, ~~C.R.S.~~, as authorized in section 43-10-106; ~~(1), C.R.S.~~ AND

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

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

19 **43-4-1004. Repeal of part - transfer of fund balance to front**
20 **range passenger rail district.** (1) ON JULY 1, 2022, THE STATE
21 TREASURER SHALL TRANSFER ANY UNENCUMBERED BALANCE OF THE FUND
22 TO THE FRONT RANGE PASSENGER RAIL DISTRICT AS INSTRUCTED BY THE
23 BOARD OF DIRECTORS OF THE DISTRICT, OR A DESIGNEE OF THE BOARD
24 PURSUANT TO SECTION 32-22-104 (2)(a).

25 (2) THIS PART 10 IS REPEALED, EFFECTIVE JULY 1, 2022.

26 

27 **SECTION 5. Effective date.** This act takes effect upon passage;

1 except that section 2 of this act takes effect May 15, 2022.

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