

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

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

HOUSE SPONSORSHIP

Esgar and Gray,

Senate Committees

Transportation & Energy
Appropriations

House Committees

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.

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

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

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

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

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

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

1 (b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING ALL OR
2 A PORTION OF A PASSENGER RAIL SYSTEM; AND

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

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

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

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

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

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

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

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

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

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

23 (f) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD
24 AND THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION
25 DISTRICT TO DISCUSS AND RESOLVE OPERATIONAL AND
26 INTERCONNECTIVITY ISSUES.

27 (3) THE AREA THAT COMPRISES THE DISTRICT EXTENDS FROM

1 WYOMING TO NEW MEXICO AND INCLUDES:

2 (a) THE ENTIRETY OF THE CITY AND COUNTY OF BROOMFIELD AND
3 THE CITY AND COUNTY OF DENVER;

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

8 (c) ALL AREAS WITHIN HUERFANO, LAS ANIMAS, AND PUEBLO
9 COUNTIES THAT ARE NOT LOCATED WITHIN THE TERRITORY OF A
10 METROPOLITAN PLANNING ORGANIZATION AND ARE LOCATED WITHIN A
11 COUNTY PRECINCT, AS DEFINED IN SECTION 1-1-104 (30), THAT IS LOCATED
12 WHOLLY OR PARTLY WITHIN FIVE MILES OF THE PUBLIC RIGHT-OF-WAY OF
13 INTERSTATE HIGHWAY 25; AND

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

20 **32-22-104. Board of directors - appointment - meetings -**
21 **compensation - conflicts of interest.** (1) THE DISTRICT IS GOVERNED BY
22 A BOARD OF DIRECTORS, WHICH CONSISTS OF:

23 (a) SIX DIRECTORS APPOINTED BY THE GOVERNOR AND CONFIRMED
24 BY THE SENATE. OF THE DIRECTORS APPOINTED BY THE GOVERNOR, ONE
25 MUST BE A REPRESENTATIVE OF ORGANIZED LABOR AND ONE MUST BE A
26 REPRESENTATIVE OF A CONSERVATION ORGANIZATION WITH EXPERTISE IN
27 TRANSIT-ORIENTED LAND USE PLANNING. THE GOVERNOR SHALL MAKE

1 THE INITIAL APPOINTMENTS NO LATER THAN APRIL 1, 2022, AND THE
2 INITIAL DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR
3 CONFIRMATION BY THE SENATE. DIRECTORS APPOINTED BY THE
4 GOVERNOR PURSUANT TO THIS SUBSECTION (1)(a) ARE APPOINTED FOR
5 FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL TERMS OF THREE OF THE
6 DIRECTORS ARE TWO YEARS.

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

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

17 (B) EACH METROPOLITAN PLANNING ORGANIZATION THAT
18 REPRESENTS MORE THAN SEVEN HUNDRED FIFTY THOUSAND RESIDENTS,
19 BUT FEWER THAN ONE MILLION RESIDENTS IN THE DISTRICT, WHICH
20 INCLUDES THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, SHALL
21 APPOINT TWO DIRECTORS;

22 (C) THE NORTH FRONT RANGE METROPOLITAN PLANNING
23 ORGANIZATION SHALL APPOINT ONE DIRECTOR;

24 (D) THE PUEBLO AREA COUNCIL OF GOVERNMENTS SHALL APPOINT
25 ONE DIRECTOR; AND

26 (E) THE SOUTH CENTRAL COUNCIL OF GOVERNMENTS SHALL
27 APPOINT ONE DIRECTOR.

1 (II) THE APPOINTING AUTHORITIES FOR THE DIRECTORS APPOINTED
2 PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION SHALL MAKE INITIAL
3 APPOINTMENTS NO LATER THAN MARCH 1, 2022, AND THE INITIAL
4 DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR
5 CONFIRMATION BY THE SENATE. DIRECTORS ARE APPOINTED FOR
6 FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL TERMS OF ONE OF THE
7 DIRECTORS APPOINTED PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS
8 SECTION, ONE OF THE DIRECTORS APPOINTED PURSUANT TO SUBSECTION
9 (1)(b)(I)(B) OF THIS SECTION, THE DIRECTOR APPOINTED PURSUANT TO
10 SUBSECTION (1)(b)(I)(C) OF THIS SECTION, AND THE DIRECTOR APPOINTED
11 PURSUANT TO SUBSECTION (1)(b)(I)(E) OF THIS SECTION ARE TWO YEARS.

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

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

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

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

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

27 (II) THE APPOINTING AUTHORITIES FOR ANY DIRECTORS APPOINTED

1 PURSUANT TO SUBSECTION (1)(d)(I) OF THIS SECTION SHALL MAKE INITIAL
2 APPOINTMENTS NO LATER THAN DECEMBER 1, 2021. EACH SUCH DIRECTOR
3 SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY.

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

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

15 (I) A RESIDENT OF NEW MEXICO APPOINTED BY THE GOVERNOR OF
16 NEW MEXICO TO REPRESENT COMMUNITIES IN NEW MEXICO WHO SHALL
17 SERVE AT THE PLEASURE OF THE GOVERNOR OF NEW MEXICO; AND

18 (II) A RESIDENT OF WYOMING APPOINTED BY THE GOVERNOR OF
19 WYOMING TO REPRESENT COMMUNITIES IN WYOMING WHO SHALL SERVE
20 AT THE PLEASURE OF THE GOVERNOR OF WYOMING.

21 (2) (a) THE BOARD SHALL CONVENE FOR ITS FIRST MEETING NO
22 LATER THAN MAY 15, 2022, AND SHALL, AT THAT MEETING, SELECT A
23 CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERSHIP.
24 THE BOARD SHALL ALSO DETERMINE HOW TO INSTRUCT THE STATE
25 TREASURER TO COMPLETE THE TRANSFER, NO LATER THAN JUNE 15, 2022,
26 OF ANY REMAINING BALANCE OF THE SOUTHWEST CHIEF RAIL LINE
27 ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR

1 AND MAINTENANCE FUND, AS THAT FUND EXISTED BEFORE THE REPEAL OF
2 SECTION 43-4-1002 BY SENATE BILL 21-238, ENACTED IN 2021, TO THE
3 DISTRICT.

4 (b) (I) THE BOARD SHALL CONDUCT ALL BUSINESS AT PUBLIC
5 MEETINGS. WHENEVER PRACTICABLE, THE BOARD SHALL LIVE BROADCAST
6 ITS MEETINGS, AND THE BOARD SHALL PROVIDE REASONABLE
7 ACCOMMODATIONS TO ALLOW PERSONS WITH DISABILITIES TO ATTEND,
8 LISTEN TO, OR WATCH BOARD MEETINGS.

9 (II) THE BOARD SHALL MAKE AN AUDIO OR AUDIO-VIDEO
10 RECORDING OF EACH BOARD MEETING AVAILABLE ON THE DISTRICT'S
11 WEBSITE.

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

14 (c) A MAJORITY OF THE VOTING DIRECTORS OF THE BOARD
15 CONSTITUTES A QUORUM, AND A MAJORITY OF A QUORUM MAY MAKE
16 BINDING DECISIONS FOR THE BOARD. ADVISORY NONVOTING MEMBERS OF
17 THE BOARD MAY PARTICIPATE, IN A NONVOTING CAPACITY, IN ALL BOARD
18 MEETINGS, INCLUDING EXECUTIVE SESSIONS. BY A TWO-THIRDS VOTE OF
19 THE VOTING DIRECTORS OF THE BOARD, THE BOARD MAY ADD ADDITIONAL
20 ADVISORY NONVOTING MEMBERS TO THE BOARD FOR EITHER FIXED TERMS
21 OF FOUR YEARS OR FOR SERVICE AT THE PLEASURE OF A MAJORITY OF THE
22 VOTING DIRECTORS OF THE BOARD.

23 (d) DIRECTORS OF THE BOARD, INCLUDING ADVISORY NONVOTING
24 DIRECTORS, RECEIVE NO COMPENSATION FOR THEIR SERVICES; EXCEPT
25 THAT DIRECTORS MAY RECEIVE PER DIEM PAYMENTS FOR DAYS SPENT
26 WORKING ON DISTRICT MATTERS AND MAY BE REIMBURSED BY THE
27 DISTRICT FOR THEIR NECESSARY EXPENSES WHILE SERVING AS DIRECTORS

1 OF THE BOARD.

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

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

9 **32-22-105. Board of directors - powers and duties.**

10 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1)(a), THE
11 BOARD, ACTING BY A MAJORITY VOTE OF A QUORUM OF ITS TOTAL
12 MEMBERSHIP, SHALL EXERCISE AND PERFORM ALL POWERS, PRIVILEGES,
13 AND DUTIES VESTED IN OR IMPOSED UPON THE DISTRICT PURSUANT TO THIS
14 ARTICLE 22. THE BOARD MAY DELEGATE ANY OF ITS POWERS TO ITS
15 OFFICERS AND EMPLOYEES; EXCEPT THAT, TO ENSURE THAT THE PUBLIC
16 INTEREST IS REPRESENTED IN POLICY DECISIONS, THE BOARD SHALL NOT
17 DELEGATE ANY OF THE FOLLOWING:

18 (I) ADOPTION OF BOARD POLICY AND PROCEDURES;

19 (II) APPROVAL OF PASSENGER RAIL ROUTES AND STATION
20 LOCATIONS WITH COLLABORATION OF LOCAL GOVERNMENTS WITH
21 RESPECT TO SPECIFIC LOCATIONS;

22 (III) RATIFICATION OF LAND ACQUISITION BY NEGOTIATED SALE;

23 (IV) INSTITUTION OF AN EMINENT DOMAIN ACTION, WHICH MAY BE
24 AT A PUBLIC HEARING OR IN EXECUTIVE SESSION;

25 (V) INITIATING OR CONTINUING LEGAL ACTION;

26 (VI) ESTABLISHMENT OF FARES AND OTHER USER FEE POLICIES;

27 (VII) REFERRAL OF BALLOT ISSUES SEEKING VOTER APPROVAL FOR

1 THE DISTRICT TO LEVY TAXES OR ISSUE OR REFINANCE BONDS; AND

2 (VIII) THE POWER TO ENTER INTO CONTRACTS ON BEHALF OF THE
3 DISTRICT, INCLUDING BUT NOT LIMITED TO INTERGOVERNMENTAL
4 AGREEMENTS AND CONTRACTS FOR PUBLIC-PRIVATE PARTNERSHIPS.

5 (b) THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES AND
6 PROCEDURES THAT GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL
7 OPPORTUNITIES FOR PUBLIC INPUT. THE POLICIES MUST INCLUDE
8 STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY MEETING.

9 (2) IN ADDITION TO ALL OTHER POWERS OF THE DISTRICT GRANTED
10 BY THIS ARTICLE 22 TO BE EXERCISED BY THE BOARD ON BEHALF OF THE
11 DISTRICT, THE BOARD HAS THE FOLLOWING POWERS:

12 (a) TO ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM
13 AMONG ITS MEMBERSHIP;

14 (b) TO ADOPT BYLAWS;

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

18 (d) TO MAKE AND PASS ORDERS AND RESOLUTIONS NECESSARY FOR
19 THE GOVERNMENT AND MANAGEMENT OF THE AFFAIRS OF THE DISTRICT
20 AND THE EXECUTION OF THE DISTRICT'S POWERS AND DUTIES;

21 (e) TO ADOPT AND USE A SEAL;

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

24 (g) TO APPOINT, HIRE, RETAIN, AND TERMINATE EMPLOYEES,
25 AGENTS, ENGINEERS, ATTORNEYS, ACCOUNTANTS, AUDITORS, FINANCIAL
26 ADVISERS, INVESTMENT BANKERS, AND OTHER PROFESSIONAL
27 CONSULTANTS;

1 (h) TO PRESCRIBE METHODS FOR AUDITING AND ALLOWING OR
2 REJECTING CLAIMS AND DEMANDS; FOR THE LETTING OF CONTRACTS FOR
3 THE CONSTRUCTION OF IMPROVEMENTS, WORKS, OR STRUCTURES; FOR THE
4 ACQUISITION OF EQUIPMENT; OR FOR THE PERFORMANCE OR FURNISHING
5 OF LABOR, MATERIALS, OR SUPPLIES THAT MAY BE REQUIRED TO CARRY
6 OUT THE PURPOSES OF THIS ARTICLE 22; AND

7 (i) TO APPOINT SUBCOMMITTEES OF THE BOARD AND ADVISORY
8 COMMITTEES AND DEFINE THE DUTIES OF SUCH SUBCOMMITTEES AND
9 ADVISORY COMMITTEES.

10 **32-22-106. District - general powers and duties - funds**
11 **created.** (1) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE
12 DISTRICT BY THIS ARTICLE 22, THE DISTRICT HAS THE FOLLOWING POWERS:

13 (a) TO HAVE PERPETUAL EXISTENCE;

14 (b) TO SUE AND BE SUED;

15 (c) (I) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH ANY
16 PERSON, INCLUDING THE UNITED STATES DEPARTMENT OF
17 TRANSPORTATION AND AMTRAK, AS NECESSARY TO EXERCISE ITS POWERS
18 AND FULFILL ITS DUTIES. THE POWER TO CONTRACT INCLUDES BUT IS NOT
19 LIMITED TO:

20 (A) THE POWER TO ENTER INTO MEMORANDUMS OF
21 UNDERSTANDING AND INTERGOVERNMENTAL AGREEMENTS WITH OTHER
22 GOVERNMENTAL ENTITIES, INCLUDING STATES THAT BORDER COLORADO,
23 AND TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS; AND

24 (B) THE POWER TO NEGOTIATE AND ENTER INTO AGREEMENTS
25 WITH ANY PERSON OR PUBLIC ENTITY FOR THE PROVISION OF RETAIL AND
26 COMMERCIAL GOODS AND SERVICES TO THE PUBLIC AT OR ADJACENT TO
27 PASSENGER RAIL STATIONS OR FOR THE PROVISION OF RESIDENTIAL USES

1 OR OTHER USES AT OR ADJACENT TO SUCH FACILITIES.

2 (II) ANY DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL
3 STATION OR ADJACENT PROPERTY MADE AVAILABLE BY THE DISTRICT TO
4 A THIRD PARTY FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR
5 SERVICES OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES IS
6 SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

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

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

11 (f) TO RECEIVE FEDERAL MONEY AND GRANTS AND COLLABORATE
12 WITH AMTRAK AND THE UNITED STATES DEPARTMENT OF
13 TRANSPORTATION;

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

18 (I) ENTER ONTO LAND WITHIN THE DISTRICT TO CONDUCT
19 NECESSARY SURVEYS, BORINGS, SOUNDINGS, AND EXAMINATIONS SUBJECT
20 TO THE REQUIREMENT THAT ENTRY ONTO ANY LAND OWNED BY THE
21 UNION PACIFIC RAILROAD OR THE BNSF RAILWAY MUST BE DONE IN
22 ACCORDANCE WITH THEIR RESPECTIVE AUTHORIZATION AND APPROVAL
23 PROTOCOLS;

24 (II) CONSTRUCT, MANAGE, OPERATE, AND MAINTAIN INTEGRAL
25 BUILDINGS, WORKS, AND IMPROVEMENTS;

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

1 (IV) CONSULT WITH THE DEPARTMENT OF TRANSPORTATION, THE
2 COUNTIES AND MUNICIPALITIES OF THE STATE, AFFECTED METROPOLITAN
3 PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND
4 AFFECTED TRANSIT PROVIDERS; AND

5 (V) CONSIDER CONTEXT-SENSITIVE SOLUTIONS.

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

9 (i) TO SPECIFY STRUCTURAL AND PERFORMANCE SPECIFICATIONS,
10 INCLUDING BUT NOT LIMITED TO SAFETY STANDARDS CONSISTENT WITH
11 FEDERAL AND STATE LAWS, REGULATIONS, AND RULES, FOR A PASSENGER
12 RAIL SYSTEM;

13 (j) TO EVALUATE AND SELECT APPROPRIATE TECHNOLOGIES FOR
14 A PASSENGER RAIL SYSTEM;

15 (k) TO PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE,
16 CONDEMN, OR OTHERWISE LAWFULLY ACQUIRE, TO SELL, LEASE, LEASE
17 WITH AN OPTION TO PURCHASE, CONCESSION LEASE, OR OTHERWISE
18 LAWFULLY DISPOSE OF, AND TO MORTGAGE OR PLEDGE REAL OR PERSONAL
19 PROPERTY AND ANY INTEREST THEREIN, INCLUDING EASEMENTS,
20 RIGHTS-OF-WAY, AND CONCESSION LEASES;

21 (l) TO ACCEPT REAL OR PERSONAL PROPERTY AND OTHER
22 CONVEYANCES UPON SUCH TERMS AND CONDITIONS AS THE BOARD MAY
23 APPROVE;

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

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

3 (o) TO ESTABLISH AND COLLECT FARES AND OTHER USER FEES FOR
4 THE USE OF A PASSENGER RAIL SYSTEM WITHOUT THE FARES AND FEES
5 BEING SUBJECT TO ANY SUPERVISION OR REGULATION BY ANY BOARD,
6 AGENCY, COMMISSION, OR OFFICIAL; EXCEPT THAT ANY FEES, TOLLS,
7 RATES, AND CHARGES IMPOSED FOR THE USE OF ANY PASSENGER RAIL
8 SYSTEM SHALL BE FIXED AND ADJUSTED SO THAT THE FEES, TOLLS, RATES,
9 AND CHARGES COLLECTED, ALONG WITH OTHER REVENUE, IF ANY, OF THE
10 DISTRICT ARE AT LEAST SUFFICIENT TO REPAY ANY BONDS ISSUED
11 PURSUANT TO THIS ARTICLE 22;

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

16 (q) (I) UPON A MAJORITY VOTE OF THE REGISTERED VOTERS OF THE
17 DISTRICT VOTING ON THE ISSUE AS REQUIRED BY SECTION 32-22-109, TO
18 LEVY A SALES TAX OR A USE TAX, OR BOTH, THROUGHOUT THE DISTRICT
19 AT A MAXIMUM RATE OF EIGHT-TENTHS OF ONE PERCENT UPON EVERY
20 TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES OR
21 USE TAX IS LEVIED BY THE STATE. THE EXECUTIVE DIRECTOR OF THE
22 DEPARTMENT OF REVENUE SHALL COLLECT, ADMINISTER, AND ENFORCE
23 THE SALES OR USE TAX, TO THE EXTENT FEASIBLE, IN THE MANNER
24 PROVIDED IN SECTION 29-2-106. THE EXECUTIVE DIRECTOR SHALL MAKE
25 MONTHLY DISTRIBUTIONS OF THE TAX COLLECTIONS TO THE DISTRICT,
26 WHICH SHALL APPLY THE PROCEEDS SOLELY TO THE DEVELOPMENT,
27 FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A

1 PASSENGER RAIL SYSTEM. THE DEPARTMENT SHALL RETAIN AN AMOUNT
2 NOT TO EXCEED THE NET INCREMENTAL COST OF THE COLLECTION,
3 ADMINISTRATION, AND ENFORCEMENT OF THE SALES TAX OR USE TAX, OR
4 BOTH, AND SHALL TRANSMIT THE AMOUNT TO THE STATE TREASURER, WHO
5 SHALL CREDIT IT TO THE FRONT RANGE PASSENGER RAIL DISTRICT SALES
6 AND USE TAX FUND, WHICH FUND IS HEREBY CREATED. ALL MONEY SO
7 RETAINED IS HEREBY CONTINUOUSLY APPROPRIATED FROM THE FUND TO
8 THE DEPARTMENT TO THE EXTENT NECESSARY FOR THE DEPARTMENT'S
9 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THIS SUBSECTION
10 (1)(q). ANY MONEY REMAINING IN THE FUND ATTRIBUTABLE TO TAXES
11 COLLECTED IN THE PRIOR FISCAL YEAR SHALL BE TRANSMITTED TO THE
12 DISTRICT; EXCEPT THAT, BEFORE THE TRANSMISSION TO THE DISTRICT OF
13 SUCH MONEY, ANY MONEY APPROPRIATED FROM THE GENERAL FUND TO
14 THE DEPARTMENT FOR THE COLLECTION, ADMINISTRATION, AND
15 ENFORCEMENT OF THE TAX FOR THE PRIOR FISCAL YEAR SHALL BE REPAID.

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

19 (A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A
20 COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE
21 DISTRICT; OR

22 (B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS
23 PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE STATE OR THE
24 PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS OUTSIDE THE STATE AND IF
25 THE PERSONAL PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED
26 IN A COUNTY OF THE STATE THAT DOES NOT INCLUDE ANY AREA THAT IS
27 PART OF THE DISTRICT OR OUTSIDE THE STATE.

1 (r) TO DIRECTLY PROVIDE RETAIL AND COMMERCIAL GOODS AND
2 SERVICES AT PASSENGER RAIL STATIONS, INCLUDING BUT NOT LIMITED TO
3 THE SALE OF PASSENGER RAIL TICKETS, TOKENS, PASSES, AND OTHER
4 ITEMS DIRECTLY AND NECESSARILY RELATED TO THE OPERATION OF A
5 PASSENGER RAIL SYSTEM, SUBJECT TO THE LIMITATION THAT ANY
6 DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL STATION FOR THE
7 PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES BY THE
8 DISTRICT IS SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

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

12 (t) TO EXERCISE ANY OTHER LAWFUL RIGHTS AND POWERS
13 NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS
14 GRANTED BY THIS ARTICLE 22. THE SPECIFIC POWERS SHALL NOT BE
15 CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY AND
16 APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS ARTICLE
17 22.

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

24 **32-22-107. Station area improvement districts.** WITH THE
25 APPROVAL OF EACH COUNTY OR MUNICIPALITY HAVING JURISDICTION
26 OVER THE AREA OF SUCH A DISTRICT, THE DISTRICT MAY ESTABLISH A
27 STATION AREA IMPROVEMENT DISTRICT TO FINANCE THE CONSTRUCTION,

1 OPERATION, OR MAINTENANCE OF A STATION FOR A PASSENGER RAIL
2 SYSTEM. A STATION AREA IMPROVEMENT DISTRICT MAY CONSIST ONLY OF
3 ALL OR A PORTION OF THE AREA WITHIN A TWO-MILE RADIUS OF THE
4 STATION TO BE FUNDED BY THE STATION AREA IMPROVEMENT DISTRICT,
5 AND THE GENERAL ASSEMBLY FINDS THAT THE AREA WITHIN A TWO-MILE
6 RADIUS OF A PASSENGER RAIL STATION, OR ANY PORTION OF SUCH AN
7 AREA THAT THE BOARD MAY DESIGNATE AS A STATION AREA
8 IMPROVEMENT DISTRICT, IS AN AREA THAT WILL BE ESPECIALLY BENEFITED
9 BY THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUCH A
10 STATION. THE BOARD SHALL NOT ESTABLISH A STATION AREA
11 IMPROVEMENT DISTRICT UNLESS IT RECEIVES A PETITION SIGNED BY THE
12 OWNERS OF PROPERTY THAT WILL BEAR A MAJORITY OF THE PROPOSED
13 ASSESSMENTS AND BY A PETITION SIGNED BY THE LESSER OF A MAJORITY
14 OF THE REGISTERED ELECTORATE IN THE PROPOSED STATION AREA
15 IMPROVEMENT DISTRICT OR ONE THOUSAND REGISTERED ELECTORS IN THE
16 PROPOSED STATION AREA IMPROVEMENT DISTRICT. THE METHOD OF
17 CREATING A STATION AREA IMPROVEMENT DISTRICT, MAKING
18 IMPROVEMENTS, ASSESSING THE COSTS OF IMPROVEMENTS MADE AGAINST
19 PROPERTY, AND LEVYING A SALES TAX SHALL BE AS PROVIDED IN PART 6
20 OF ARTICLE 20 OF TITLE 30; EXCEPT THAT THE BOARD SHALL PERFORM THE
21 DUTIES OF THE BOARD OF COUNTY COMMISSIONERS UNDER SAID PART 6
22 AND THE IMPROVEMENTS SHALL BE LIMITED TO THE CONSTRUCTION,
23 OPERATION, OR MAINTENANCE OF A PASSENGER RAIL STATION.

24 **32-22-108. Bonds.** (1) THE DISTRICT MAY ISSUE BONDS FOR ANY
25 OF ITS CORPORATE PURPOSES. THE DISTRICT SHALL ISSUE BONDS
26 PURSUANT TO A RESOLUTION OF THE BOARD, AND BONDS SHALL BE
27 PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE REVENUE

1 OF THE DISTRICT AS DESIGNATED BY THE BOARD.

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

6 (a) BE EXECUTED AND DELIVERED BY THE DISTRICT AT SUCH
7 TIMES;

8 (b) BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH
9 TERMS AND MATURITIES;

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

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

14 (e) BEAR SUCH CONVERSION PRIVILEGES;

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

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

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

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

26 (j) BE EXECUTED BY THE OFFICERS OF THE DISTRICT, INCLUDING
27 THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST

1 ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH SIGNATURES
2 MAY BE EITHER OF AN OFFICER OF THE DISTRICT OR OF AN AGENT
3 AUTHENTICATING THE SAME;

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

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

9 (3) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT ANY
10 PRICE OR PRICES, IN ANY MANNER, AND AT ANY TIMES AS THE BOARD MAY
11 DETERMINE, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND
12 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN
13 CONNECTION WITH THE SALE OF BONDS. THE POWER TO FIX THE DATE OF
14 SALE OF BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL
15 BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION
16 NECESSARY TO SELL AND DELIVER BONDS MAY BE DELEGATED TO AN
17 OFFICER OR AGENT OF THE DISTRICT. ANY OUTSTANDING BONDS MAY BE
18 REFUNDED BY THE DISTRICT PURSUANT TO ARTICLE 56 OF TITLE 11. ALL
19 BONDS AND ANY INTEREST COUPONS APPLICABLE TO BONDS ARE
20 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

21 (4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
22 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE REVENUE
23 OF THE DISTRICT, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND
24 ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS
25 AS THE DISTRICT DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND
26 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN
27 PROVISIONS THAT THE DISTRICT DEEMS APPROPRIATE FOR THE SECURITY

1 OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO,
2 PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT
3 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT
4 OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE
5 PRICE.

6 (5) ANY PLEDGE OF REVENUE OR PROPERTY MADE BY THE DISTRICT
7 OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE DISTRICT
8 CONTRACTS IS VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE.
9 THE REVENUE OR PROPERTY SO PLEDGED IS IMMEDIATELY SUBJECT TO THE
10 LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT,
11 AND THE LIEN OF THE PLEDGE IS VALID AND BINDING AGAINST ALL PARTIES
12 HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
13 AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH
14 CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH
15 THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

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

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

24 **32-22-109. Taxes, assessments, and multiple-fiscal year**
25 **borrowing - voter approval required.** (1) NO ACTION BY THE DISTRICT
26 TO ESTABLISH OR INCREASE ANY TAX AND NO ACTION OF THE GOVERNING
27 BODY OF ANY STATION AREA IMPROVEMENT DISTRICT TO ESTABLISH OR

1 INCREASE ANY TAX OR ANY SPECIAL ASSESSMENT ON REAL PROPERTY
2 AUTHORIZED BY THIS ARTICLE 22 SHALL TAKE EFFECT UNLESS IT IS FIRST
3 SUBMITTED, AS APPLICABLE, TO A VOTE OF THE REGISTERED ELECTORS OF
4 THE DISTRICT OR OF THE STATION AREA IMPROVEMENT DISTRICT IN WHICH
5 THE ASSESSMENT OR TAX IS PROPOSED TO BE COLLECTED.

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

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

25 **32-22-110. District - successor to southwest chief and front**
26 **range passenger rail commission - additional authority to succeed**
27 **prior entity - assumption of rights, obligations, and liabilities.**

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

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

1 OF THE STATE.

2 **32-22-111. Agreement of the state not to limit or alter rights**
3 **of obligees.** THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS
4 OF ANY BONDS ISSUED UNDER THIS ARTICLE 22 AND WITH ANY PARTIES
5 WHO ENTER INTO CONTRACTS WITH THE DISTRICT PURSUANT TO THIS
6 ARTICLE 22 THAT THE STATE WILL NOT IMPAIR THE RIGHTS VESTED IN THE
7 DISTRICT OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH
8 THE DISTRICT CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS
9 MADE PURSUANT TO THIS ARTICLE 22. THE STATE FURTHER AGREES THAT
10 IT WILL NOT IMPAIR THE RIGHTS OR REMEDIES OF THE HOLDERS OF ANY
11 BONDS OF THE DISTRICT UNTIL THE BONDS HAVE BEEN PAID OR UNTIL
12 ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. THE DISTRICT MAY
13 INCLUDE THIS PROVISION AND UNDERTAKING FOR THE STATE IN SUCH
14 BONDS.

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

27 **32-22-113. Bonds eligible for investment.** ALL BANKS, TRUST

1 COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES,
2 EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER
3 FIDUCIARIES MAY LEGALLY INVEST ANY MONEY WITHIN THEIR CONTROL
4 IN ANY BONDS ISSUED PURSUANT TO THIS ARTICLE 22. PUBLIC ENTITIES, AS
5 DEFINED IN SECTION 24-75-601 (1), MAY INVEST PUBLIC MONEY IN THE
6 BONDS ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS
7 ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24.

8 **32-22-114. Exemption from taxation - securities laws.** THE
9 INCOME OR OTHER REVENUE OF THE DISTRICT, ALL PROPERTIES AT ANY
10 TIME OWNED BY THE DISTRICT, ANY BONDS ISSUED BY THE DISTRICT, AND
11 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE
12 DISTRICT ARE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE
13 STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE
14 DISTRICT MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION
15 FOR INTEREST ON THE BONDS.

16 **32-22-115. No action maintainable.** AN ACTION OR PROCEEDING
17 AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS OR TO
18 QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT OR
19 PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF
20 AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS ARTICLE
21 22, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS,
22 SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY DAYS
23 AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE EFFECTIVE
24 DATE THEREOF, WHICHEVER OCCURS FIRST, AND IS THEREAFTER
25 PERPETUALLY BARRED.

26 **32-22-116. Judicial examination of powers, acts, proceedings,**
27 **or contracts of the district.** IN ITS DISCRETION, THE BOARD MAY FILE A

1 PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY
2 IN WHICH THE DISTRICT IS LOCATED WHOLLY OR IN PART SEEKING A
3 JUDICIAL EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED
4 TO THE DISTRICT, ANY REVENUE-RAISING POWER EXERCISED OR THAT MAY
5 BE EXERCISED BY THE DISTRICT, OR ANY ACT, PROCEEDING, OR CONTRACT
6 OF THE DISTRICT, WHETHER OR NOT THE CONTRACT HAS BEEN EXECUTED.
7 THE JUDICIAL EXAMINATION AND DETERMINATION SHALL BE CONDUCTED
8 IN SUBSTANTIALLY THE MANNER SET FORTH IN SECTION 32-4-540; EXCEPT
9 THAT THE NOTICE REQUIRED SHALL BE PUBLISHED ONCE A WEEK FOR
10 THREE CONSECUTIVE WEEKS AND THE HEARING SHALL BE HELD NOT LESS
11 THAN THIRTY DAYS NOR MORE THAN FORTY DAYS AFTER THE FILING OF
12 THE PETITION.

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

15 **24-1-128.7. Department of transportation - creation.**

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

21 ~~(b) The southwest chief rail line economic development, rural~~
22 ~~tourism, and infrastructure repair and maintenance commission created~~
23 ~~in section 43-4-1001 (4) prior to the repeal and reenactment of said~~
24 ~~section by Senate Bill 17-153, enacted in 2017, and its powers, duties,~~
25 ~~and functions are transferred by a **type 3** transfer, as defined in section~~
26 ~~24-1-105, to the southwest chief and front range passenger rail~~
27 ~~commission created in section 43-4-1001 (2)(a) and the southwest chief~~

1 rail line economic development, rural tourism, and infrastructure repair
2 and maintenance commission is abolished.

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

5 **38-1-202. Governmental entities, corporations, and persons**
6 **authorized to use eminent domain.** (1) The following governmental
7 entities, types of governmental entities, and public corporations, in
8 accordance with all procedural and other requirements specified in this
9 article 1 and articles 2 to 7 of this title 38 and to the extent and within any
10 time frame specified in the applicable authorizing statute, may exercise
11 the power of eminent domain:

12 (f) The following types of single purpose districts, special
13 districts, authorities, boards, commissions, and other governmental
14 entities that serve limited governmental purposes or that may exercise
15 eminent domain for limited purposes on behalf of a county, city and
16 county, city, or town:

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

20 (XL) The Colorado aeronautical board created in section
21 43-10-104, ~~C.R.S.~~, as authorized in section 43-10-106; ~~(1), C.R.S.~~ AND

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

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

26 **43-4-1004. Repeal of part - transfer of fund balance to front**
27 **range passenger rail district.** (1) SECTION 43-4-1001 IS REPEALED,

1 EFFECTIVE FEBRUARY 15, 2022.

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

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

8 **SECTION 5. Appropriation - adjustments to 2021 long bill. To**
9 **implement this act, the cash funds appropriation from the southwest chief**
10 **rail line economic development, rural tourism, and infrastructure repair**
11 **and maintenance fund created in section 43-4-1002 (1), C.R.S., made in**
12 **the annual general appropriation act for the 2021-22 state fiscal year to**
13 **the department of transportation for use by the southwest chief and front**
14 **range passenger rail commission is decreased by \$62,954, and the related**
15 **FTE is decreased by 0.6 FTE.**

16 **SECTION 6. Effective date.** This act takes effect upon passage;
17 except that section 2 of this act takes effect May 15, 2022.

18 **SECTION 7. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.