

CHAPTER 164

TRANSPORTATION

HOUSE BILL 99-1382

BY REPRESENTATIVES Young, George, Kester, Larson, May, Miller, Paschall, Scott, Sinclair, Stengel, Taylor, and S. Williams;
also SENATORS Anderson and Hillman.

AN ACT

CONCERNING THE AUTHORITY OF GOVERNMENTAL ENTITIES TO NEGOTIATE RAIL PROJECTS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 43-1-110 (3), Colorado Revised Statutes, is amended to read:

43-1-110. Powers and duties of the chief engineer - hearings - rule-making.

(3) The chief engineer and the executive director are hereby authorized to accept, on behalf of the state, any federal moneys made available for highway, railway, mass transit, and other public transportation purposes for which no regional or local subdivision of the state has operating authority; EXCEPT THAT, IF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE DENVER REGIONAL TRANSPORTATION DISTRICT AND THE DEPARTMENT CONCERNING THE SOUTHEAST CORRIDOR INTERMODAL TRANSPORTATION PROJECT IS NOT SIGNED BY OCTOBER 15, 1999, THEN THE CHIEF ENGINEER AND THE EXECUTIVE DIRECTOR ARE AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY FEDERAL TRANSIT FUNDS MADE AVAILABLE.

SECTION 2. 43-1-1001 (2), Colorado Revised Statutes, is amended to read:

43-1-1001. Urban mass transportation grants. (2) The authority contained in subsection (1) of this section shall not apply to federal grant funds where there exists a designated recipient for such funds, and funds made available under section 3 of the federal "Urban Mass Transportation Act of 1964" within the Denver regional transportation district, and funds for other projects in urbanized areas with populations in excess of two hundred thousand persons, except as provided in sections 43-1-601 and 43-1-901; EXCEPT THAT, IF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE DENVER REGIONAL TRANSPORTATION DISTRICT AND THE DEPARTMENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CONCERNING THE SOUTHEAST CORRIDOR INTERMODAL TRANSPORTATION PROJECT IS NOT SIGNED BY OCTOBER 15, 1999, THEN THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL APPLY TO ALL FEDERAL GRANT FUNDS.

SECTION 3. 43-1-1305 (4) (c) (I), (4) (e), and (4) (f), Colorado Revised Statutes, are amended to read:

43-1-1305. Acquisition for state rail bank - acquisition of the Towner line - repeal. (4) (c) (I) The department shall use its best efforts to sell or lease the Towner railroad line before ~~June 30, 2000~~ DECEMBER 31, 2001, to a financially responsible railroad operator who will use the line to provide rail service. Any lease for the operation of the Towner railroad line shall include the payment of property taxes that a private owner of the Towner railroad line would pay if the line were not owned by the state. The department shall utilize competitive bidding to select a purchaser or lessee of the Towner railroad line. Notwithstanding any law to the contrary, the department shall have the authority to sell or lease the Towner railroad line ~~only~~ for continued railroad transportation ~~over the line~~ AND, ADDITIONALLY, FOR ANY OTHER PURPOSE THAT IS NOT INCONSISTENT OR IN CONFLICT WITH THE CONTINUED PROVISION OF RAIL SERVICE ON THE LINE. The department shall receive for the sale of the Towner railroad line at least the price paid by the department. ~~pursuant to this subsection (4) plus an amount equal to the rate of interest earned by the state treasury pool during the period of the state's ownership of the Towner railroad line.~~

(e) If the department is unable to sell OR LEASE the Towner railroad line to a financially responsible railroad operator by ~~June 30, 2000~~ DECEMBER 31, 2001, the department shall take the steps necessary to complete the abandonment of the Towner railroad line, subject to any contractual right of first refusal, and salvage the railroad tracks. THE TERM OF ANY LEASE SHALL NOT EXCEED FIVE YEARS.

(f) This subsection (4) is repealed, ~~effective June 30, 2001~~ UPON THE SALE OF THE TOWNER RAILROAD LINE OR UPON THE ABANDONMENT OF THE TOWNER RAILROAD LINE PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (4). THE EFFECTIVE DATE OF THE REPEAL SHALL BE THE DATE THE REVISOR OF STATUTES RECEIVES NOTICE FROM THE DEPARTMENT THAT THE TOWNER RAILROAD LINE HAS BEEN SOLD OR ABANDONED.

SECTION 4. 43-1-1306 (4), Colorado Revised Statutes, is amended to read:

43-1-1306. Disposition of state rail bank property. (4) The executive director may sell or lease any rail line or railroad right-of-way held in the state rail bank to a financially responsible railroad operator who will use the property to provide rail service. In any sale of a rail line or railroad right-of-way held in the state rail bank pursuant to this subsection (4) or section 43-1-803 (2), the executive director shall retain a possibility of reverter to the state in the event that the railroad operator abandons the rail line or railroad right-of-way or if the rail line or railroad right-of-way is used or conveyed for any purpose other than the operation of railroad services, AND, ADDITIONALLY, FOR ANY PURPOSE THAT IS INCONSISTENT OR IN CONFLICT WITH THE CONTINUED PROVISION OF RAIL SERVICE ON THE LINE. THE DEPARTMENT SHALL RETAIN A RIGHT OF FIRST REFUSAL TO PURCHASE THE RAIL LINE, RAILROAD RIGHT-OF-WAY, OR ANY RIGHT TO USE SUCH RAIL LINE OR RIGHT-OF-WAY

IN THE EVENT THE RAILROAD OPERATOR SELLS ALL OR ANY PART OF THE RAIL LINE, RAILROAD RIGHT-OF-WAY, OR ANY RIGHT TO USE SUCH RAIL LINE OR RIGHT-OF-WAY. Any such property that reverts back to the state shall be held in the state rail bank.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state rail bank fund created in section 43-1-1309, Colorado Revised Statutes, not otherwise appropriated, to the department of transportation, for the fiscal year beginning July 1, 1999, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, for the implementation of this act.

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

Approved: May 5, 1999