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An Act

SENATE BILL 17-153

BY SENATOR(S) Garcia and Crowder, Kefalas, Aguilar, Donovan, Fenberg, Fields, Guzman, Hill, Jones, Kagan, Kerr, Merrifield, Moreno, Priola, Todd, Williams A., Grantham;
also REPRESENTATIVE(S) Esgar, Bridges, Rosenthal, Danielson, Garnett, Hansen, Herod, Jackson, Kennedy, Kraft-Tharp, Michaelson Jenet, Mitsch Bush, Navarro, Salazar, Winter, Young, Duran.

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

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

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

24-1-128.7. Department of transportation - creation - repeal.
(8) (a) THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION CREATED IN SECTION 43-4-1001 (2)(a) SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE

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

TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

(b) THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION CREATED IN SECTION 43-4-1001 (4) PRIOR TO THE REPEAL AND REENACTMENT OF SAID SECTION BY SENATE BILL 17-153, ENACTED IN 2017, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION CREATED IN SECTION 43-4-1001 (2)(a) AND THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION IS ABOLISHED.

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

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

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

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

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

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

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

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

(A) TWO PUBLIC RAIL TRANSPORTATION ADVOCATES;

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

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

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

(A) THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION;

(B) THE DENVER REGIONAL COUNCIL OF GOVERNMENTS;

(C) THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS;

(D) THE PUEBLO AREA COUNCIL OF GOVERNMENTS; AND

(E) THE SOUTH CENTRAL COUNCIL OF GOVERNMENTS; AND

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

(b) IN ADDITION TO THE ELEVEN COMMISSIONERS, THE COMMISSION INCLUDES THE FOLLOWING TWO APPOINTED ADVISORS, WHO SHALL ATTEND COMMISSION MEETINGS AND ADVISE THE COMMISSION BUT ARE NOT VOTING MEMBERS OF THE COMMISSION:

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

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

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

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

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

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

(I) TO ASSUME AND COMPLETE THE MISSION OF THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION, AS IT EXISTED PRIOR TO JULY 1, 2017, BY CONTINUING TO COORDINATE AND OVERSEE EFFORTS BY THE STATE AND LOCAL GOVERNMENTS AND COOPERATE WITH THE STATES OF KANSAS AND NEW MEXICO, AMTRAK, AND THE BNSF RAILWAY TO ENSURE THAT THE TRACK REPAIRS AND UPGRADES REQUIRED FOR THE CONTINUATION OF EXISTING SOUTHWEST CHIEF RAIL SERVICE IN COLORADO ARE COMPLETED, THAT SUCH SERVICE IS EXTENDED TO PUEBLO, AND THAT THE BENEFITS OF EXTENDING SUCH SERVICE TO WALSENBURG ARE FULLY EXPLORED; AND

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

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

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

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

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

(IV) TO CONTRACT FOR NECESSARY SERVICES;

(V) TO ENTER INTO MULTISTAGE AGREEMENTS;

(VI) TO FACILITATE THE FUTURE OF FRONT RANGE PASSENGER RAIL;
AND

(VII) TO HAVE AND EXERCISE ALL POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS PART 10.

(c) THE COMMISSION SHALL PREPARE DRAFT LEGISLATION TO FACILITATE THE DEVELOPMENT OF A FRONT RANGE PASSENGER RAIL SYSTEM THAT PROVIDES PASSENGER RAIL SERVICE IN AND ALONG THE INTERSTATE 25 CORRIDOR AND THAT IS A WELL-INTEGRATED COMPONENT OF A MODERN, EFFICIENT, AND COST-EFFECTIVE MULTIMODAL TRANSPORTATION SYSTEM. THE COMMISSION SHALL PRESENT THE DRAFT LEGISLATION TO THE LOCAL

GOVERNMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE NO LATER THAN DECEMBER 1, 2017. THE DRAFT LEGISLATION MAY INCLUDE ANY PROVISIONS THAT THE COMMISSION DEEMS NECESSARY TO FACILITATE THE DEVELOPMENT OF A FRONT RANGE PASSENGER RAIL SYSTEM.

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

43-4-1002. Southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund - creation - use of fund. (1) The southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund is created in the state treasury. The fund consists of any moneys including but not limited to any gifts, grants, or donations, received by the state from the federal government, local governments, public-private partnerships, or any other person, or as a result of any voter-approved ballot measure, that are dedicated for the purposes of ensuring that the Amtrak southwest chief rail line continues to pass through Colorado and that an additional stop in Pueblo is added to the line, and any other moneys that the general assembly may appropriate or transfer to the fund. Interest and income earned on the deposit and investment of moneys in the fund and all unencumbered and unexpended moneys in the fund at the end of any fiscal year remain in the fund. Subject to annual appropriation by the general assembly, the commission may expend moneys from the fund for its ~~administrative and staffing~~, ADMINISTRATIVE, STAFFING, AND ANY OTHER OPERATING expenses and for the costs of any necessary studies. Subject to annual appropriation, ~~and the limitations set forth in subsection (2) of this section~~, the commission may also expend moneys from the fund for rail replacement or other improvements to the portion of the Burlington Northern and Santa Fe BNSF railway line used to provide existing Amtrak southwest chief rail line service in Colorado and to pay costs associated with the expansion of southwest chief rail line service to include a stop in Pueblo.

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

(a) ~~Amtrak confirms in writing that the southwest chief rail line will continue to stop in Lamar, La Junta, and Trinidad, that the southwest chief~~

~~rail line will add a regular stop in Pueblo within five years from the date the commission first expends moneys for those purposes from the fund, and that Amtrak will explore the potential benefits, including but not limited to benefits of increased tourism and other economic benefits, of also adding a regular stop in Walsenburg, and~~

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

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

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

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

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

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.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO