A BILL FOR AN ACT

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.

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 indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
The bill replaces the existing southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission (old commission), the current statutory authorization for which expires on July 1, 2017, with an expanded southwest chief and front range passenger rail commission (new commission). The new commission must:

- Assume the old commission's powers and duties and its mission of preserving existing Amtrak southwest chief rail line service in the state, extending such service to Pueblo, and exploring the benefits of extending such service to Walsenburg; and
- Facilitate the future of front range passenger rail and specifically develop and present by December 1, 2017, to the local government committees of the house of representatives and the senate, 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.

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.

(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 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-___, 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
(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 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.