

CHAPTER 387

TRANSPORTATION

SENATE BILL 22-176

BY SENATOR(S) Hansen and Rankin, Buckner, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Winter, Fenberg;
also REPRESENTATIVE(S) McCluskie, Bernett, Boesenecker, Cutter, Esgar, Gray, Herod, Hooton, Kipp, Lindsay, McCormick, Titone, Valdez A., Woodrow, Froelich.

AN ACT**CONCERNING FUNDING OF WORK REQUIRED FOR EARLY STAGE FRONT RANGE PASSENGER RAIL CORRIDOR DEVELOPMENT.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) For close to 150 years, the Burnham Yard site was a central agent of economic activity for the Denver metropolitan region, but by the turn of the 21st century, its importance as an economic engine lessened as other modes of freight and individual transportation became the preference;

(b) For the first time since statehood, Colorado has an opportunity to reimagine the heavy infrastructure in the area of the Burnham Yard site and to make changes that meet state needs today and into the future;

(c) Due to its central location and proximity to downtown Denver, the Burnham Yard site currently offers significant potential for both rail realignment projects and redevelopment;

(d) Any portion of the Burnham Yard site that is not needed for transportation purposes will be sold and used for economic development and affordable housing;

(e) The proposed development of Burnham Yard has the potential to provide two additional tracks to the rail corridor, adding capacity for the regional transportation district and future front range passenger rail service;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(f) The development will move the railroad tracks away from interstate highway 25, making room for future interstate highway 25 projects and highway safety improvements;

(g) The development will also reroute and expand the Burlington Northern and Santa Fe railway consolidated main line, increasing overall connectivity into downtown Denver from points south;

(h) The department of transportation entered into a 30-year lease for the entire Burnham Yard site and prepaid 5 years of that lease totaling \$15 million with the intent, within 5 years, of identifying which portions of the site are needed for transportation purposes;

(i) Once the department has identified which portions of the site are needed for transportation projects through the federal "National Environmental Policy Act of 1969" (NEPA) review process, remaining portions of the site can be sold to enhance housing and economic development in the Denver metropolitan area;

(j) The Burnham Yard site provides the critical access to Union Station needed to make front range passenger rail successful;

(k) Front range passenger rail is a proposed 190-mile rail corridor connecting the population centers of the front range;

(l) Union Station provides the best access to the urban core of Denver, and access to Union Station from points south is highly constrained due to existing developments;

(m) The development of the Burnham Yard site will enable new track construction that will decrease travel times and make passenger rail more effective;

(n) The \$2.4 million investment in the front range passenger rail district made by this act provides matching dollars for contributions from the federal government;

(o) Additional needs for this funding include further development of the rail service development plan, operations plan, and front range passenger rail district financial plan, all of which are necessary next steps to facilitate the NEPA planning process, define a feasible passenger rail service, and move the development of front range passenger rail into the next phase; and

(p) The funding for the front range passenger rail district and the additional funding provided in this act for the development of the Burnham Yard site will help Colorado become competitive for potential federal funding for capital improvements and an Amtrak partnership for state-operated passenger rail service.

SECTION 2. In Colorado Revised Statutes, **add** 24-30-104 as follows:

24-30-104. Burnham Yard rail property site - required development planning. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL SHALL ENGAGE WITH STAKEHOLDERS INCLUDING THE CITY AND COUNTY OF DENVER, THE

DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LOCAL AFFAIRS, THE REGIONAL TRANSPORTATION DISTRICT CREATED IN SECTION 32-9-105, AND THE COMMUNITIES, INCLUDING DISPROPORTIONATELY IMPACTED COMMUNITIES, AS DEFINED IN SECTION 43-1-128 (2)(c), AND REGISTERED NEIGHBORHOOD ORGANIZATIONS IN THE VICINITY OF THE BURNHAM YARDS RAIL PROPERTY TO CREATE A SITE PLAN TO SUPPORT TRANSIT-ORIENTED DEVELOPMENT AT THE BURNHAM YARD RAIL PROPERTY SITE AND POTENTIAL RECOMMENDATIONS FOR HOW TO SUBALLOCATE PARCELS FOR VARIOUS BENEFICIAL USES AT THE SITE. THE EXECUTIVE DIRECTOR SHALL, IN CONSULTATION WITH THE OTHER GOVERNMENTAL STAKEHOLDERS NAMED IN THIS SECTION, ACTIVELY REACH OUT TO THE COMMUNITIES, INCLUDING DISPROPORTIONATELY IMPACTED COMMUNITIES, AND REGISTERED NEIGHBORHOOD ORGANIZATIONS IN THE VICINITY OF THE BURNHAM YARDS RAIL PROPERTY REGARDING ALL STAGES OF THE DEVELOPMENT OF THE PROPERTY, PROVIDE MEANINGFUL OPPORTUNITIES FOR MEMBERS OF THOSE COMMUNITIES TO EXPRESS THEIR VIEWS REGARDING THE DEVELOPMENT OF THE PROPERTY, AND ENDEAVOR TO IDENTIFY GROUPS OR INDIVIDUALS FROM THOSE COMMUNITIES WHO ARE INTERESTED IN AND CAPABLE OF REPRESENTING THE INTERESTS OF THOSE COMMUNITIES THROUGHOUT THE DEVELOPMENT PROCESS. THE EXECUTIVE DIRECTOR SHALL ALSO IDENTIFY ANY ADDITIONAL STAKEHOLDERS, AND AS APPROPRIATE ALREADY ENGAGED STAKEHOLDERS, TO ENGAGE WITH WHO MAY HAVE AN INTEREST IN DEVELOPING THE SUBALLOCATED PARCELS FOR THE BEST USE SUCH AS THE DEPARTMENT OF LOCAL AFFAIRS FOR AFFORDABLE HOUSING, LOCAL HOUSING AUTHORITIES, AND THE GREAT OUTDOORS COLORADO PROGRAM FOR POTENTIAL GREEN SPACE DEVELOPMENT. THE SITE PLAN MUST CONSIDER OPPORTUNITIES FOR THE SITE INCLUDING FRONT RANGE PASSENGER RAIL SERVICE, MULTI-FAMILY AND AFFORDABLE HOUSING DEVELOPMENT, COMMUNITY BENEFITS, GREEN SPACES, PARKLAND, RECREATIONAL OPPORTUNITIES, RETAIL, AND LINKS TO TRANSIT AND MULTI-MODAL OPTIONS TO CONNECT THE SITE TO THE SURROUNDING COMMUNITY. THE SITE PLAN MUST PROMOTE THE DEVELOPMENT AND OPERATION OF QUALITY PUBLIC PRIVATE PARTNERSHIP OPPORTUNITIES AND INCLUDE A WELL-DEFINED FRAMEWORK TO FACILITATE COLLABORATION BETWEEN PUBLIC AND PRIVATE ENTITIES IN INFRASTRUCTURE DEVELOPMENT AND OPERATION AND ENABLE INVESTMENT OF PUBLIC AND PRIVATE CAPITAL.

SECTION 3. In Colorado Revised Statutes, 24-75-219, **add** (7)(g) and (7)(h) as follows:

24-75-219. Transfers - transportation - capital construction - definitions - repeal. (7) In addition to any other transfers required by this section:

(g) (I) ON JUNE 15, 2022, THE STATE TREASURER SHALL TRANSFER ONE MILLION NINE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE FUND CREATED IN SECTION 43-4-1002.

(II) THIS SUBSECTION (7)(g) IS REPEALED, EFFECTIVE JULY 1, 2022.

(h) (I) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER:

(A) SIX MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND. THE DEPARTMENT OF TRANSPORTATION SHALL

EXPEND THIS AMOUNT IN CONNECTION WITH THE DEVELOPMENT OF THE BURNHAM YARD RAIL PROPERTY FOR THE PURPOSES OF COMPLETING AN ENVIRONMENTAL ASSESSMENT ON RELOCATING THE CONSOLIDATED MAIN RAIL LINE AWAY FROM INTERSTATE HIGHWAY 25.

(B) FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE UNUSED STATE-OWNED REAL PROPERTY FUND CREATED IN SECTION 24-82-102.5 (5)(a).

(II) THIS SUBSECTION (7)(h) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 4. In Colorado Revised Statutes, 24-75-219, **add** (7)(g) and (7)(h) as follows:

24-75-219. Transfers - transportation - capital construction - definitions - repeal. (7) In addition to any other transfers required by this section:

(g) (I) ON JUNE 15, 2022, THE STATE TREASURER SHALL TRANSFER TWO MILLION FOUR HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE FUND CREATED IN SECTION 43-4-1002.

(II) THIS SUBSECTION (7)(g) IS REPEALED, EFFECTIVE JULY 1, 2022.

(h) (I) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER SIX MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND. THE DEPARTMENT OF TRANSPORTATION SHALL EXPEND THIS AMOUNT IN CONNECTION WITH THE DEVELOPMENT OF THE BURNHAM YARD RAIL PROPERTY FOR THE PURPOSES OF COMPLETING AN ENVIRONMENTAL ASSESSMENT ON RELOCATING THE CONSOLIDATED MAIN RAIL LINE AWAY FROM INTERSTATE HIGHWAY 25.

(II) THIS SUBSECTION (7)(h) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 5. In Colorado Revised Statutes, 32-22-104, **amend** (2)(a) as follows:

32-22-104. Board of directors - appointment - meetings - compensation - conflicts of interest. (2) (a) The board shall convene for its first meeting no later than May 15, 2022, and shall, at that meeting, select a chairperson and vice-chairperson from among its membership. ~~The board shall also determine how to instruct the state treasurer to complete the transfer, on July 1, 2022, of any remaining balance of the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund, as that fund existed before the repeal of section 43-4-1002 by Senate Bill 21-238, enacted in 2021, to the district as required by section 43-4-1004 (1).~~

SECTION 6. In Colorado Revised Statutes, 43-4-1004, **amend** (1) as follows:

43-4-1004. Repeal of part - transfer of fund balance to front range passenger rail district. (1) ~~On July 1, 2022~~ JUNE 30, 2022, the state treasurer shall ~~transfer any unencumbered balance of the fund to the front range passenger rail district as~~

~~instructed by the board of directors of the district, or a designee of the board pursuant to section 32-22-104(2)(a).~~ ISSUE TO THE DISTRICT A WARRANT PAID FROM THE FUND IN AN AMOUNT EQUAL TO THE UNENCUMBERED BALANCE OF THE FUND.

SECTION 7. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 2 and 3 of this act take effect only if Senate Bill 22-130 becomes law, in which case sections 2 and 3 take effect upon the effective date of this act or Senate Bill 22-130, whichever is later.

(3) Section 4 of this act takes effect only if Senate Bill 22-130 does not become law.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 7, 2022