

CHAPTER 98

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 97-1047

BY REPRESENTATIVES Tucker, Mace, Sullivant, and Young;
also SENATORS Schroeder and Weddig.

AN ACT

CONCERNING AUTHORIZATION FOR THE PROVISION OF GOODS AND SERVICES TO MASS TRANSPORTATION
USERS AT TRANSFER FACILITIES OF THE REGIONAL TRANSPORTATION DISTRICT.

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

SECTION 1. Article 9 of title 32, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-119.8. Provision of retail and commercial goods and services at district transfer facilities. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PUBLIC ENTITY" INCLUDES, BUT IS NOT LIMITED TO, A PUBLIC BODY AS THAT TERM IS DEFINED IN SECTION 32-9-103 (11), AND ANY OTHER GOVERNMENTAL ENTITY, AGENCY, OR OFFICIAL, INCLUDING AN URBAN RENEWAL AUTHORITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION.

(b) "TRANSFER FACILITY" MEANS A PUBLIC PARK-N-RIDE, BUS TERMINAL, LIGHT RAIL STATION, OR OTHER BUS OR RAIL TRANSFER FACILITY OWNED OR OPERATED BY THE DISTRICT WHETHER THE PROPERTY ON WHICH THE FACILITY IS LOCATED IS OWNED BY THE DISTRICT OR LEASED BY THE DISTRICT FROM ANY OTHER ENTITY.

(2) THE DISTRICT SHALL HAVE THE AUTHORITY TO NEGOTIATE AND ENTER INTO AGREEMENTS WITH ANY PERSON OR PUBLIC ENTITY FOR THE PROVISION OF RETAIL AND COMMERCIAL GOODS AND SERVICES TO THE PUBLIC AT TRANSFER FACILITIES. THE DISTRICT ITSELF SHALL NOT PROVIDE RETAIL AND COMMERCIAL GOODS AND SERVICES AT TRANSFER FACILITIES PURSUANT TO THIS SECTION, EXCEPT FOR THE SALE OF MASS TRANSPORTATION TICKETS, TOKENS, PASSES, AND OTHER TRANSACTIONS DIRECTLY AND NECESSARILY RELATED TO THE OPERATION OF A MASS

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

TRANSPORTATION SYSTEM.

(3) ANY PERSON OBTAINING THE USE OF ANY PORTION OF A TRANSFER FACILITY FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES SHALL BE REQUIRED TO COMPENSATE THE DISTRICT BY PAYMENT OF RENT AT FAIR MARKET VALUE, OR, AT THE DISCRETION OF THE DISTRICT, BY THE PROVISION OF SERVICES OR CAPITAL IMPROVEMENTS TO FACILITIES USED IN TRANSIT SERVICES, ALONE OR IN COMBINATION WITH RENTAL PAYMENTS, SUCH THAT THE TOTAL BENEFIT TO THE DISTRICT IS NOT LESS THAN THE FAIR MARKET RENTAL VALUE OF THE PROPERTY USED BY THE PERSON.

(4) ANY USE OF A TRANSFER FACILITY FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES SHALL NOT BE IMPLEMENTED IF THE USE WOULD REDUCE TRANSIT SERVICES, THE AVAILABILITY OF ADEQUATE PARKING FOR THE PUBLIC, OR WOULD RESULT IN A COMPETITIVE DISADVANTAGE TO A PRIVATE BUSINESS REASONABLY NEAR A TRANSFER FACILITY ENGAGING IN THE SALE OF SIMILAR GOODS OR SERVICES. THE PROVISION OF RETAIL AND COMMERCIAL GOODS AND SERVICES AT TRANSFER FACILITIES SHALL BE DESIGNED TO OFFER CONVENIENCE TO TRANSIT CUSTOMERS AND SHALL NOT BE CONDUCTED IN A MANNER THAT ENCOURAGES AUTOMOBILE TRAFFIC FROM NONTRANSIT USERS.

(5) ANY DEVELOPMENT OF ANY PORTION OF A TRANSFER FACILITY MADE AVAILABLE BY THE REGIONAL TRANSPORTATION DISTRICT FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES SHALL BE SUBJECT TO ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS OF ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY, IN WHICH THE FACILITY IS LOCATED, INCLUDING PLANNING AND ZONING REGULATIONS.

(6) SECTION 43-3-101 (3), C.R.S., SHALL NOT BAR THE PROVISION OR SALE OF RETAIL OR COMMERCIAL GOODS OR SERVICES CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION UPON ANY PROPERTY OWNED BY THE COLORADO DEPARTMENT OF TRANSPORTATION AND LEASED TO THE REGIONAL TRANSPORTATION DISTRICT FOR THE OPERATION OF TRANSFER FACILITIES.

SECTION 2. 43-3-101 (3), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-3-101. Freeways - how declared - commercial enterprises prohibited. (3) EXCEPT AS PROVIDED IN SECTION 32-9-119.8, C.R.S., no commercial enterprise or activity for serving motorists, other than emergency services for disabled vehicles, shall be conducted or authorized on any property designated as or acquired for or in connection with a freeway or highway by the department of transportation, or any other governmental agency. At locations deemed appropriate by the transportation commission, the department of transportation shall construct local service roads, which open into or connect with a freeway, in such manner as to facilitate the establishment and operation of competitive commercial enterprises for serving users of the freeway on private property abutting such local service roads.

SECTION 3. 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: April 19, 1997