

CHAPTER 169

TRANSPORTATION

HOUSE BILL 98-1395

BY REPRESENTATIVES Taylor, Miller, Sullivant, Young, Allen, G. Berry, Dean, Dyer, Entz, Gordon, Grossman, June, Leyba, Nichol, Romero, Salaz, Saliman, Takis, Udall, S. Williams, Zimmerman, K. Alexander, Bacon, George, Kaufman, Lawrence, Mace, Reeser, Spradley, and Swenson;
also SENATORS Rizzuto, Lacy, Mutzebaugh, Wattenberg, Bishop, Chlouber, Feeley, Norton, and Powers.

AN ACT

CONCERNING THE AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION TO IMMEDIATELY ACQUIRE THE TOWNER RAILROAD LINE AS PART OF THE STATE RAIL BANK, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 43-1-1305, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-1305. Acquisition for state rail bank - acquisition of the Towner line - repeal. (4) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT ABANDONMENT OF THE TOWNER RAILROAD LINE AND REMOVAL OF THE RAILROAD TRACKS FROM THAT LINE WOULD RESULT IN THE PERMANENT LOSS OF THAT LINE. THE LOSS OF THE TOWNER LINE WOULD SERIOUSLY IMPAIR THE ACCESS OF THE SOUTHEASTERN PORTION OF COLORADO TO COMMERCIAL RAIL TRANSPORTATION. THE GENERAL ASSEMBLY FURTHER FINDS AND DETERMINES THAT THE PERMANENT LOSS OF THE TOWNER LINE WOULD DAMAGE THE ECONOMY AND HARM THE CITIZENS OF COLORADO, AS WELL AS JEOPARDIZE THE CONTINUED VIABILITY AND PHYSICAL CONDITION OF THE OTHER TRANSPORTATION INFRASTRUCTURE OF THE STATE. THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS BENEFICIAL TO THE CITIZENS OF COLORADO THAT THE TOWNER LINE BE PRESERVED BY BEING ACQUIRED AND MADE A PART OF THE STATE RAIL BANK UNDER THIS PART 13.

(b) THE GENERAL ASSEMBLY SHALL ENSURE THAT SUFFICIENT FUNDS ARE APPROPRIATED, TRANSFERRED, OR OTHERWISE MADE AVAILABLE IN THE STATE RAIL BANK FUND TO EFFECTUATE THE ACQUISITION OF THE TOWNER RAILROAD LINE FROM

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

MILEPOST 747.5 NEAR TOWNER TO MILEPOST 869.4 NEAR NA JUNCTION, COLORADO, UNDER THE PROVISIONS OF THIS SUBSECTION (4). NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 13, ON THE EFFECTIVE DATE OF THIS SUBSECTION (4), THE DEPARTMENT SHALL HAVE THE AUTHORITY TO EXPEND MONEYS FROM THE STATE RAIL BANK FUND CREATED IN SECTION 43-1-1309, TO IMMEDIATELY ACQUIRE THE TOWNER RAILROAD LINE.

(c) (I) THE DEPARTMENT SHALL USE ITS BEST EFFORTS TO SELL OR LEASE THE TOWNER RAILROAD LINE BEFORE JUNE 30, 2000, 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. 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.

(II) THE MONEYS RECEIVED BY THE DEPARTMENT FOR THE SALE OR LEASE OF THE TOWNER RAILROAD LINE SHALL BE FORWARDED TO THE STATE TREASURER WHO SHALL DEPOSIT SUCH MONEYS IN THE STATE RAIL BANK FUND, CREATED IN SECTION 43-1-1309.

(d) THE STATE SHALL NOT BE RESPONSIBLE FOR THE PAYMENT OF ANY TAX, INCLUDING PROPERTY TAX, THAT MAY RESULT FROM ITS OWNERSHIP OF THE TOWNER RAILROAD LINE.

(e) IF THE DEPARTMENT IS UNABLE TO SELL THE TOWNER RAILROAD LINE TO A FINANCIALLY RESPONSIBLE RAILROAD OPERATOR BY JUNE 30, 2000, 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.

(f) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2001.

SECTION 2. Appropriation - adjustment in 1998 long bill. (1) 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, 1997, the sum of ten million four hundred thousand dollars (\$10,400,000), or so much thereof as may be necessary, for the implementation of this act.

(2) For implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 1998, shall be adjusted as follows:

(a) The appropriation to the department of education, public school finance, total program, is increased by two hundred eighty-six thousand eight hundred sixty-seven dollars (\$286,867) General Fund.

(b) The appropriation to the department of education, distributions, special contingency reserve, shall be reduced by two hundred eighty-six thousand eight hundred sixty-seven dollars (\$286,867) General Fund.

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 22, 1998