

CHAPTER 185

TRANSPORTATION

HOUSE BILL 14-1161

BY REPRESENTATIVE(S) Garcia, Tyler, Buckner, Court, Duran, Exum, Fields, Fischer, Hamner, Hullinghorst, Labuda, Lebsock, Lee, McLachlan, Melton, Moreno, Navarro, Pabon, Primavera, Rankin, Rosenthal, Ryden, Salazar, Singer, Vigil, Williams, Ginal, Kraft-Tharp, Schafer, Young, Ferrandino;
 also SENATOR(S) Crowder, Guzman, Aguilar, Grantham, Heath, Herpin, Johnston, Jones, Kefalas, Kerr, King, Newell, Nicholson, Rivera, Roberts, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Carroll.

AN ACT

CONCERNING INTERSTATE RAIL SERVICE IN SOUTHERN COLORADO, AND, IN CONNECTION THEREWITH, CREATING A COMMISSION AND A FUND FOR THE PURPOSES OF ENCOURAGING AMTRAK TO CONTINUE ITS SOUTHWEST CHIEF RAIL LINE SERVICE AT ALL CURRENT COLORADO STOPS, EXPANDING SUCH SERVICE TO INCLUDE A STOP IN PUEBLO, STUDYING THE POTENTIAL BENEFITS OF EXPANDING SUCH SERVICE TO INCLUDE A STOP IN WALSENBURG, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 10 to article 4 of title 43 as follows:

**PART 10
 INTERSTATE RAIL**

43-4-1001. Preservation and expansion of southwest chief rail line service in Colorado - commission - membership and powers - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE AMTRAK SOUTHWEST CHIEF RAIL LINE, WHICH PROVIDES INTERSTATE RAIL SERVICE FROM CHICAGO TO LOS ANGELES WITH STOPS IN THE COLORADO CITIES OF LAMAR, LA JUNTA, AND TRINIDAD, PROVIDES NEEDED RAIL TRANSPORTATION TO RESIDENTS OF SOUTHEASTERN COLORADO, PROVIDES A GATEWAY TO TOURISTS FROM THE WEST COAST AND MIDWEST TO TOURIST ATTRACTIONS IN COLORADO, IS ITSELF A SIGNIFICANT TOURIST ATTRACTION FOR OUT OF STATE AND FOREIGN TOURISTS, AND IS AN IMPORTANT ECONOMIC DRIVER FOR RURAL AREAS OF COLORADO, KANSAS, AND NEW MEXICO.

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

(b) AMTRAK OPERATES THE SOUTHWEST CHIEF RAIL LINE IN KANSAS, COLORADO, AND NEW MEXICO ON OLDER TRACKS OWNED BY THE BURLINGTON NORTHERN AND SANTA FE RAILWAY THAT REQUIRE EXPENSIVE UPGRADES AND MAINTENANCE, WHICH THE RAILWAY AND AMTRAK ARE UNABLE TO PAY FOR IN FULL, AND IS CONSIDERING REROUTING THE SOUTHWEST CHIEF RAIL LINE AND DISCONTINUING SERVICE TO COLORADO, WESTERN KANSAS, AND NORTHERN NEW MEXICO.

(c) BECAUSE THE POSSIBLE REROUTING OF THE SOUTHWEST CHIEF RAIL LINE AWAY FROM COLORADO WOULD LEAVE RESIDENTS OF SOUTHEAST COLORADO WITHOUT NEEDED INTERSTATE RAIL TRANSPORTATION, COMPLICATE ACCESS TO COLORADO TOURIST ATTRACTIONS FOR TOURISTS FROM THE WEST COAST AND MIDWEST, ELIMINATE A SIGNIFICANT TOURIST ATTRACTION, AND CAUSE ECONOMIC AND EMPLOYMENT LOSSES IN COLORADO, IT IS IN THE BEST INTERESTS OF THE STATE TO TRY TO PREVENT THAT REROUTING AND ENSURE THAT THE SOUTHWEST CHIEF RAIL LINE CONTINUES TO PROVIDE RAIL SERVICE IN COLORADO.

(d) IN ADDITION TO SUPPORTING THE PASSENGER RAIL INDUSTRY, THE GENERAL ASSEMBLY ALSO CONSIDERS THE GROWTH OF THE FREIGHT RAIL INDUSTRY TO BE OF CRITICAL IMPORTANCE TO THE STATE AND THEREFORE INTENDS THAT ANY EXPANSION OF PASSENGER RAIL ONLY BE DONE IN COORDINATION WITH THE FREIGHT RAIL INDUSTRY.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) IN ADDITION TO PRESERVING EXISTING SOUTHWEST CHIEF RAIL LINE SERVICE, MODIFYING THE ROUTE OF THE SOUTHWEST CHIEF RAIL LINE TO INCLUDE A STOP IN PUEBLO WOULD BENEFIT THE STATE BY:

(I) PROVIDING INTERSTATE RAIL SERVICE TO RESIDENTS OF PUEBLO, THE LARGEST METROPOLITAN AREA IN SOUTHERN COLORADO;

(II) CREATING AN ADDITIONAL INTERSTATE RAIL CONNECTION THAT:

(A) RESIDENTS OF THE RAPIDLY GROWING FRONT RANGE AND CERTAIN OTHER CITIES THROUGHOUT COLORADO CAN IMMEDIATELY ACCESS THROUGH EXISTING CONVENIENT, EFFICIENT, AND SEAMLESS INTRASTATE FIXED ROUTE AND CHARTER BUS SERVICES AND POTENTIALLY ACCESS IN THE FUTURE THROUGH NORTH-SOUTH RAIL SERVICE ALONG THE ENTIRE FRONT RANGE; AND

(B) TOURISTS CAN USE TO LINK TO BUS SERVICES AND POTENTIAL FUTURE NORTH-SOUTH RAIL SERVICES AND THEREBY MORE EASILY ACCESS TOURIST ATTRACTIONS THROUGHOUT THE STATE; AND

(III) BRINGING ADDITIONAL TOURISTS AND ATTENDANT ECONOMIC GROWTH DIRECTLY TO THE PUEBLO AREA, AND PROVIDING ADDITIONAL JOBS IN THE PUEBLO AREA.

(b) EXPLORING THE POTENTIAL BENEFITS, INCLUDING BUT NOT LIMITED TO BENEFITS OF INCREASED TOURISM AND OTHER ECONOMIC BENEFITS, OF FURTHER MODIFYING THE ROUTE OF THE SOUTHWEST CHIEF RAIL LINE TO INCLUDE A STOP IN

WALSENBURG IS ALSO IN THE BEST INTERESTS OF THE STATE;

(c) THERE HAVE BEEN PRELIMINARY DISCUSSIONS BETWEEN AMTRAK, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY, AND THE STATES OF COLORADO, KANSAS, AND NEW MEXICO ABOUT SHARING THE COSTS OF FUNDING THE TRACK UPGRADES AND MAINTENANCE NEEDED TO PRESERVE SOUTHWEST CHIEF RAIL LINE SERVICE IN WESTERN KANSAS, SOUTHEASTERN COLORADO AND NORTHERN NEW MEXICO, AND IT IS NECESSARY AND APPROPRIATE TO ENCOURAGE THE CONTINUATION OF SUCH DISCUSSIONS AND CONVEY TO ALL OTHER INVOLVED PARTIES THAT:

(I) THE STATE OF COLORADO STRONGLY SUPPORTS THE EFFORT TO PRESERVE THAT SERVICE; AND

(II) CONTINUING TO PURSUE A COOPERATIVE APPROACH OFFERS THE BEST PROSPECTS FOR BOTH PREVENTING THE REROUTING OF THE SOUTHWEST CHIEF RAIL LINE AWAY FROM WESTERN KANSAS, COLORADO, AND NORTHERN NEW MEXICO AND EXPANDING SUCH SERVICE TO INCLUDE A STOP IN PUEBLO; AND

(d) IT IS THEREFORE NECESSARY AND APPROPRIATE TO:

(I) CREATE THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION AND THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE FUND;

(II) DEPOSIT INTO THE FUND ANY MONEY THAT MAY BECOME AVAILABLE TO THE STATE 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

(III) SPECIFY THAT THE COMMISSION MAY EXPEND MONEYS FROM THE FUND ONLY IN FURTHERANCE OF SUCH PURPOSES, ONLY TO THE EXTENT APPROPRIATED BY THE GENERAL ASSEMBLY, AND ONLY FOR:

(A) THE COMMISSION'S ADMINISTRATIVE AND STAFFING EXPENSES;

(B) THE COSTS OF ANY NECESSARY STUDIES; AND

(C) ONLY IF A FORMAL AGREEMENT IS REACHED UNDER WHICH AMTRAK, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY, AND THE STATES OF KANSAS, COLORADO, AND NEW MEXICO ALL AGREE TO MAKE NECESSARY FINANCIAL CONTRIBUTIONS AND TAKE OTHER SPECIFIED ACTIONS NEEDED TO ENSURE THE ACHIEVEMENT OF SUCH PURPOSES, TRACK UPGRADES, MAINTENANCE, AND OTHER REQUIRED ACTIONS TO BE FUNDED UNDER THE TERMS OF THE AGREEMENT.

(3) AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION CREATED IN SUBSECTION (4) OF THIS SECTION.

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

(4) (a) THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE 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, C.R.S. THE COMMISSION CONSISTS OF THE FOLLOWING FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(I) ONE REPRESENTATIVE OF THE TOURIST INDUSTRY IN COLORADO;

(II) ONE MEMBER WHO IS A PUBLIC RAIL TRANSPORTATION ADVOCATE;

(III) ONE REPRESENTATIVE OF THE FREIGHT RAIL INDUSTRY;

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

(V) ONE RESIDENT OF PUEBLO OR HUERFANO COUNTY WHO HAS PUBLICLY ADVOCATED FOR PUBLIC RAIL.

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

(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) APPOINTING AUTHORITIES SHALL APPOINT THE INITIAL MEMBERS AND APPOINTED ADVISORS OF THE COMMISSION NO LATER THAN SEPTEMBER 1, 2014. MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE GOVERNOR, AS DESIGNATED BY THE GOVERNOR, ARE TWO YEARS. THE COMMISSION SHALL ELECT A CHAIR FROM ITS MEMBERS AT ITS FIRST MEETING. MEMBERS SERVE WITHOUT COMPENSATION BUT RECEIVE REIMBURSEMENT FOR EXPENSES.

(5) (a) THE MISSION OF THE COMMISSION IS TO COORDINATE AND OVERSEE EFFORTS BY THE STATE AND LOCAL GOVERNMENTS AND COOPERATE WITH THE STATES OF KANSAS AND NEW MEXICO, AMTRAK, AND THE BURLINGTON NORTHERN AND SANTA FE RAILWAY TO ENSURE CONTINUATION OF EXISTING AMTRAK SOUTHWEST CHIEF RAIL LINE SERVICE IN THE STATE, EXPANSION OF SUCH SERVICE TO INCLUDE A STOP IN PUEBLO, AND EXPLORATION OF THE BENEFITS OF ADDING AN ADDITIONAL STOP IN WALSENBURG.

(b) IN FURTHERANCE OF ITS MISSION, AND IN ADDITION TO ANY OTHER POWERS AND DUTIES AS 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 MONEYS 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 THIS STATE;

(IV) TO CONTRACT FOR NECESSARY SERVICES;

(V) TO ENTER INTO MULTISTATE AGREEMENTS; AND

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

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 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 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.

43-4-1003. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 2. In Colorado Revised Statutes, 24-1-128.7, **add** (7) as follows:

24-1-128.7. Department of transportation - creation - repeal. (7) (a) THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE COMMISSION CREATED IN SECTION 43-4-1001 (4), C.R.S., 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) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund created in section 43-4-1002, Colorado Revised Statutes, not otherwise appropriated, to the department of transportation, for the fiscal year beginning July 1, 2014, the sum of \$5,279 and 0.1 FTE, or so much thereof as may be necessary, for allocation for expenses related to the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission created in this act.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 14, 2014