A BILL FOR 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, AND STUDYING THE POTENTIAL
BENEFITS OF EXPANDING SUCH SERVICE TO INCLUDE A STOP IN
WALSENBURG.

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
The bill:

1. Creates a 9-member southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission (commission) consisting of:
   1. 7 voting members, including one member of each house of the general assembly, 2 residents of southeastern Colorado counties, and representatives of the freight rail, passenger rail, and tourist industries; and
   2. 2 nonvoting members, including an employee of Amtrak and an employee of the Colorado department of transportation;

2. Specifies that 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 (BNSF) 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;

3. Grants the commission the powers and duties necessary to further the accomplishment of its mission;

4. Creates a southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund (fund);

5. Specifies that moneys 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 southwest chief rail line, and any other moneys that the general assembly may appropriate or transfer, are credited to the fund; and

6. Specifies that, subject to annual appropriation by the general assembly and specified conditions regarding funding commitments from the states of Kansas and New Mexico, Amtrak and BNSF, and southwest chief rail service commitments from Amtrak, the commission may expend moneys from the fund for rail replacement on or other improvements to the portion of the 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.

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.

(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 FOR SUCH PURPOSES, ONLY TO THE EXTENT APPROPRIATED BY THE GENERAL ASSEMBLY, AND 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.

(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...
(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. THE COMMISSION CONSISTS OF THE FOLLOWING NINE MEMBERS:

(I) ONE STATE SENATOR, JOINTLY APPOINTED BY THE PRESIDENT AND MINORITY LEADER OF THE SENATE;

(II) ONE STATE REPRESENTATIVE, JOINTLY APPOINTED BY THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(III) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

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

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

(C) ONE REPRESENTATIVE OF THE FREIGHT RAIL INDUSTRY;

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

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

(IV) ONE NONVOTING MEMBER WHO IS EMPLOYED BY THE DEPARTMENT OF TRANSPORTATION, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT; AND

(V) ONE NONVOTING MEMBER WHO IS AN EMPLOYEE OF AMTRAK, APPOINTED BY THE PRESIDENT OF AMTRAK.
(b) Appointing authorities shall appoint the initial members of the commission no later than September 1, 2014. Members shall serve for terms of four years; except that the initial terms of the member who is a state representative and three of the members appointed by the governor, as designated by the governor, are two years. 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) Subject to final approval by the general assembly by
ADOPTION OF A JOINT RESOLUTION OR ENACTMENT OF A BILL AND ANY
OTHER APPROVAL THAT FEDERAL OR STATE LAW MAY REQUIRE, 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 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 AND THE LIMITATIONS SET
FORTH IN SUBSECTION (2) OF THIS SECTION, THE COMMISSION MAY 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
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 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 FROM THE FUND.

SECTION 2. 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.