

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0968.02 Jason Gelender x4330

SENATE BILL 22-176

SENATE SPONSORSHIP

Hansen and Rankin, Buckner, Fenberg, Fields, Ginal, Gonzales, Hinrichsen, Jaquez
Lewis, Lee, Moreno, Pettersen, Story, Winter

HOUSE SPONSORSHIP

McCluskie,

Senate Committees

Appropriations

House Committees

Transportation & Local Government
Appropriations

A BILL FOR AN ACT

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

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 applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill provides funding for early stage work required for front range passenger rail corridor development by:

- Requiring the state treasurer to transfer \$2,400,000 from the general fund to the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund (fund) on June 15, 2022. This will cause

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
May 2, 2022

SENATE
3rd Reading Unamended
April 14, 2022

SENATE
Amended 2nd Reading
April 13, 2022

the transferred money to be paid to the front range passenger rail district (district) when the unencumbered balance of the fund is paid to the district, as required by current law as technically amended by the bill, before the fund is repealed on July 1, 2022.

- Transferring \$6,500,000 from the general fund to the state highway fund for the purpose of funding specified environmental assessment work required in connection with the development of the Burnham Yard rail property.

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

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

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

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

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

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

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

1 service;

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

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

8 (h) The department of transportation entered into a 30-year lease
9 for the entire Burnham Yard site and prepaid 5 years of that lease totaling
10 \$15 million with the intent, within 5 years, of identifying which portions
11 of the site are needed for transportation purposes;

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

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

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

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

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

27 (n) The \$2.4 million investment in the front range passenger rail

1 district made by this act provides matching dollars for contributions from
2 the federal government;

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

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

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

16 **24-30-104. Burnham Yard rail property site - required**
17 **development planning.** THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
18 OF PERSONNEL SHALL ENGAGE WITH STAKEHOLDERS INCLUDING THE CITY
19 AND COUNTY OF DENVER, THE DEPARTMENT OF TRANSPORTATION, THE
20 DEPARTMENT OF LOCAL AFFAIRS, THE REGIONAL TRANSPORTATION
21 DISTRICT CREATED IN SECTION 32-9-105, AND THE COMMUNITIES,
22 INCLUDING DISPROPORTIONATELY IMPACTED COMMUNITIES, AS DEFINED
23 IN SECTION 43-1-128 (2)(c), AND REGISTERED NEIGHBORHOOD
24 ORGANIZATIONS IN THE VICINITY OF THE BURNHAM YARDS RAIL
25 PROPERTY TO CREATE A SITE PLAN TO SUPPORT TRANSIT-ORIENTED
26 DEVELOPMENT AT THE BURNHAM YARD RAIL PROPERTY SITE AND
27 POTENTIAL RECOMMENDATIONS FOR HOW TO SUBALLOCATE PARCELS FOR

1 VARIOUS BENEFICIAL USES AT THE SITE. THE EXECUTIVE DIRECTOR SHALL,
2 IN CONSULTATION WITH THE OTHER GOVERNMENTAL STAKEHOLDERS
3 NAMED IN THIS SECTION, ACTIVELY REACH OUT TO THE COMMUNITIES,
4 INCLUDING DISPROPORTIONATELY IMPACTED COMMUNITIES, AND
5 REGISTERED NEIGHBORHOOD ORGANIZATIONS IN THE VICINITY OF THE
6 BURNHAM YARDS RAIL PROPERTY REGARDING ALL STAGES OF THE
7 DEVELOPMENT OF THE PROPERTY, PROVIDE MEANINGFUL OPPORTUNITIES
8 FOR MEMBERS OF THOSE COMMUNITIES TO EXPRESS THEIR VIEWS
9 REGARDING THE DEVELOPMENT OF THE PROPERTY, AND ENDEAVOR TO
10 IDENTIFY GROUPS OR INDIVIDUALS FROM THOSE COMMUNITIES WHO ARE
11 INTERESTED IN AND CAPABLE OF REPRESENTING THE INTERESTS OF THOSE
12 COMMUNITIES THROUGHOUT THE DEVELOPMENT PROCESS. THE EXECUTIVE
13 DIRECTOR SHALL ALSO IDENTIFY ANY ADDITIONAL STAKEHOLDERS, AND
14 AS APPROPRIATE ALREADY ENGAGED STAKEHOLDERS, TO ENGAGE WITH
15 WHO MAY HAVE AN INTEREST IN DEVELOPING THE SUBALLOCATED
16 PARCELS FOR THE BEST USE SUCH AS THE DEPARTMENT OF LOCAL AFFAIRS
17 FOR AFFORDABLE HOUSING, LOCAL HOUSING AUTHORITIES, AND THE
18 GREAT OUTDOORS COLORADO PROGRAM FOR POTENTIAL GREEN SPACE
19 DEVELOPMENT. THE SITE PLAN MUST CONSIDER OPPORTUNITIES FOR THE
20 SITE INCLUDING FRONT RANGE PASSENGER RAIL SERVICE, MULTI-FAMILY
21 AND AFFORDABLE HOUSING DEVELOPMENT, COMMUNITY BENEFITS, GREEN
22 SPACES, PARKLAND, RECREATIONAL OPPORTUNITIES, RETAIL, AND LINKS
23 TO TRANSIT AND MULTI-MODAL OPTIONS TO CONNECT THE SITE TO THE
24 SURROUNDING COMMUNITY. THE SITE PLAN MUST PROMOTE THE
25 DEVELOPMENT AND OPERATION OF QUALITY PUBLIC PRIVATE PARTNERSHIP
26 OPPORTUNITIES AND INCLUDE A WELL-DEFINED FRAMEWORK TO
27 FACILITATE COLLABORATION BETWEEN PUBLIC AND PRIVATE ENTITIES IN

1 INFRASTRUCTURE DEVELOPMENT AND OPERATION AND ENABLE
2 INVESTMENT OF PUBLIC AND PRIVATE CAPITAL.

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

5 **24-75-219. Transfers - transportation - capital construction -**
6 **definitions - repeal.** (7) In addition to any other transfers required by
7 this section:

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

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

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

15 (A) SIX MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE
16 GENERAL FUND TO THE STATE HIGHWAY FUND. THE DEPARTMENT OF
17 TRANSPORTATION SHALL EXPEND THIS AMOUNT IN CONNECTION WITH THE
18 DEVELOPMENT OF THE BURNHAM YARD RAIL PROPERTY FOR THE
19 PURPOSES OF COMPLETING AN ENVIRONMENTAL ASSESSMENT ON
20 RELOCATING THE CONSOLIDATED MAIN RAIL LINE AWAY FROM INTERSTATE
21 HIGHWAY 25; AND

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

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

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

1 **24-75-219. Transfers - transportation - capital construction -**
2 **definitions - repeal.** (7) In addition to any other transfers required by
3 this section:

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

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

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

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

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

21 **32-22-104. Board of directors - appointment - meetings -**
22 **compensation - conflicts of interest.** (2) (a) The board shall convene for
23 its first meeting no later than May 15, 2022, and shall, at that meeting,
24 select a chairperson and vice-chairperson from among its membership.
25 ~~The board shall also determine how to instruct the state treasurer to~~
26 ~~complete the transfer, on July 1, 2022, of any remaining balance of the~~
27 ~~southwest chief rail line economic development, rural tourism, and~~

1 infrastructure repair and maintenance fund, as that fund existed before the
2 repeal of section 43-4-1002 by Senate Bill 21-238, enacted in 2021, to the
3 district as required by section 43-4-1004 (1).

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

6 **43-4-1004. Repeal of part - transfer of fund balance to front**
7 **range passenger rail district.** (1) On ~~July 1, 2022~~ JUNE 30, 2022, the
8 state treasurer shall ~~transfer any unencumbered balance of the fund to the~~
9 ~~front range passenger rail district as instructed by the board of directors~~
10 ~~of the district, or a designee of the board pursuant to section 32-22-104~~
11 ~~(2)(a).~~ ISSUE TO THE DISTRICT A WARRANT PAID FROM THE FUND IN AN
12 AMOUNT EQUAL TO THE UNENCUMBERED BALANCE OF THE FUND.

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

15 (2) Sections 2 and 3 of this act take effect only if Senate Bill
16 22-130 becomes law, in which case sections 2 and 3 take effect upon the
17 effective date of this act or Senate Bill 22-130, whichever is later.

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

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