

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 10-1143

BY REPRESENTATIVE(S) McNulty, Apuan, Peniston, Priola, Rice, Schafer S., Tyler;
also SENATOR(S) Johnston, Boyd, Foster, Gibbs, Heath, Hodge, Hudak, Morse, Newell, Romer, Schwartz, Steadman, Tapia, Williams.

CONCERNING THE AUTHORITY OF THE REGIONAL TRANSPORTATION DISTRICT
TO ENTER INTO AGREEMENTS PERMITTING SPECIFIED USES AT ITS
TRANSFER FACILITIES.

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

SECTION 1. 32-9-119.8, Colorado Revised Statutes, is amended to read:

32-9-119.8. Provision of retail and commercial goods and services at district transfer facilities - residential and other uses at district transfer facilities permitted - definitions. (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~~ "LOCAL ZONING ORDINANCE" MEANS

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

AN APPLICABLE LEGISLATIVE ACT ENACTED BY ANY MUNICIPALITY, COUNTY, OR CITY AND COUNTY IN WHICH A TRANSFER FACILITY IS LOCATED THAT RELATES TO THE PLANNING AND ZONING OF REAL PROPERTY.

(a.3) "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 DEPARTMENT OF TRANSPORTATION.

(a.7) "RESIDENTIAL USE OR OTHER USE" MEANS ANY RESIDENTIAL USE, AS DEFINED IN SECTION 38-33.3-103, C.R.S., OR OTHER USE PERMITTED BY AN APPLICABLE LOCAL ZONING ORDINANCE.

(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) Except as provided in subsection (2.5) of this section, the district ~~shall have the authority to~~ MAY 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 OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES AT SUCH 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 transportation system. THE DISTRICT MAY NEGOTIATE AND ENTER INTO AGREEMENTS WITH THIRD PARTIES TO PROVIDE ANY OF THE GOODS AND SERVICES OR OTHER USES CONTEMPLATED UNDER THIS SECTION.

(2.5) The district shall notify and obtain the approval of the executive director of the department of transportation before negotiating and entering into any agreement with any person or public entity for the provision of retail and commercial goods and services to the public OR THE PROVISION OF RESIDENTIAL USES OR OTHER USES at a transfer facility that is located on property that is owned by the department of transportation and leased to the district for the operation of such transfer facility.

(3) Any person obtaining the use of any portion of a transfer facility

for the provision of retail or commercial goods or services OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES 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~~ THE use of a transfer facility for the provision of retail or commercial goods or services OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES shall not be ~~implemented~~ PERMITTED if the use would reduce transit services, would reduce the availability of adequate parking for the public, or, FOR USES INVOLVING THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES, 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 OR THE PROVISION OF RESIDENTIAL USES OR OTHER USES 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~~ MULTIMODAL ACCESS FROM ALL 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 OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES 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~~ LOCAL ZONING ORDINANCES.

(6) Subject to subsection (2.5) of this section, section 43-3-101 (3), C.R.S., shall not bar the provision or sale of retail or commercial goods or services OR THE PROVISION OF RESIDENTIAL USES OR OTHER USES 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. Act subject to petition - effective date. This act shall take 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 11, 2010, if adjournment sine die is on May 12, 2010); 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 shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO