

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0464.02 Jason Gelender x4330

HOUSE BILL 14-1161

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**HOUSE SPONSORSHIP**

**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

**SENATE SPONSORSHIP**

(None),

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**House Committees**  
Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING INTERSTATE RAIL SERVICE IN SOUTHERN COLORADO,**  
102             **AND, IN CONNECTION THEREWITH, CREATING A COMMISSION**  
103             **AND A FUND FOR THE PURPOSES OF ENCOURAGING AMTRAK TO**  
104             **CONTINUE ITS SOUTHWEST CHIEF RAIL LINE SERVICE AT ALL**  
105             **CURRENT COLORADO STOPS, EXPANDING SUCH SERVICE TO**  
106             **INCLUDE A STOP IN PUEBLO, AND STUDYING THE POTENTIAL**  
107             **BENEFITS OF EXPANDING SUCH SERVICE TO INCLUDE A STOP IN**  
108             **WALSENBURG.**

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**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*

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

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill:

- ! Creates a 9-member southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission (commission) consisting of:
  - ! 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 nonvoting members, including an employee of Amtrak and an employee of the Colorado department of transportation;
- ! 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;
- ! Grants the commission the powers and duties necessary to further the accomplishment of its mission;
- ! Creates a southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance fund (fund);
- ! 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
- ! 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article  
3 4 of title 43 as follows:

4 PART 10

5 INTERSTATE RAIL

6 **43-4-1001. Preservation and expansion of southwest chief rail**  
7 **line service in Colorado - commission - membership and powers -**  
8 **legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY  
9 HEREBY FINDS AND DECLARES THAT:

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

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

1 REROUTING THE SOUTHWEST CHIEF RAIL LINE AND DISCONTINUING  
2 SERVICE TO COLORADO, WESTERN KANSAS, AND NORTHERN NEW MEXICO.

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

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

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

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

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

24 (II) CREATING AN ADDITIONAL INTERSTATE RAIL CONNECTION  
25 THAT:

26 (A) RESIDENTS OF THE RAPIDLY GROWING FRONT RANGE AND  
27 CERTAIN OTHER CITIES THROUGHOUT COLORADO CAN IMMEDIATELY

1 ACCESS THROUGH EXISTING CONVENIENT, EFFICIENT, AND SEAMLESS  
2 INTRASTATE FIXED ROUTE AND CHARTER BUS SERVICES AND POTENTIALLY  
3 ACCESS IN THE FUTURE THROUGH NORTH-SOUTH RAIL SERVICE ALONG THE  
4 ENTIRE FRONT RANGE; AND

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

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

11 (b) EXPLORING THE POTENTIAL BENEFITS, INCLUDING BUT NOT  
12 LIMITED TO BENEFITS OF INCREASED TOURISM AND OTHER ECONOMIC  
13 BENEFITS, OF FURTHER MODIFYING THE ROUTE OF THE SOUTHWEST CHIEF  
14 RAIL LINE TO INCLUDE A STOP IN WALSENBURG IS ALSO IN THE BEST  
15 INTERESTS OF THE STATE;

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

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

26 (II) CONTINUING TO PURSUE A COOPERATIVE APPROACH OFFERS  
27 THE BEST PROSPECTS FOR BOTH PREVENTING THE REROUTING OF THE

1       SOUTHWEST CHIEF RAIL LINE AWAY FROM WESTERN KANSAS, COLORADO,  
2       AND NORTHERN NEW MEXICO AND EXPANDING SUCH SERVICE TO INCLUDE  
3       A STOP IN PUEBLO; AND

4               (d) IT IS THEREFORE NECESSARY AND APPROPRIATE TO:

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

10              (II) DEPOSIT INTO THE FUND ANY MONEY THAT MAY BECOME  
11      AVAILABLE TO THE STATE FOR THE PURPOSES OF ENSURING THAT THE  
12      AMTRAK SOUTHWEST CHIEF RAIL LINE CONTINUES TO PASS THROUGH  
13      COLORADO AND THAT AN ADDITIONAL STOP IN PUEBLO IS ADDED TO THE  
14      LINE; AND

15              (III) SPECIFY THAT THE COMMISSION MAY EXPEND MONEYS FROM  
16      THE FUND ONLY FOR SUCH PURPOSES, ONLY TO THE EXTENT APPROPRIATED  
17      BY THE GENERAL ASSEMBLY, AND ONLY IF A FORMAL AGREEMENT IS  
18      REACHED UNDER WHICH AMTRAK, THE BURLINGTON NORTHERN AND  
19      SANTA FE RAILWAY, AND THE STATES OF KANSAS, COLORADO, AND NEW  
20      MEXICO ALL AGREE TO MAKE NECESSARY FINANCIAL CONTRIBUTIONS AND  
21      TAKE OTHER SPECIFIED ACTIONS NEEDED TO ENSURE THE ACHIEVEMENT  
22      OF SUCH PURPOSES.

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

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

1 SECTION.

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

5 (4) (a) THE SOUTHWEST CHIEF RAIL LINE ECONOMIC  
6 DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND  
7 MAINTENANCE COMMISSION IS CREATED. THE COMMISSION CONSISTS OF  
8 THE FOLLOWING NINE MEMBERS:

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

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

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

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

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

18 (C) ONE REPRESENTATIVE OF THE FREIGHT RAIL INDUSTRY;

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

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

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

26 (V) ONE NONVOTING MEMBER WHO IS AN EMPLOYEE OF AMTRAK,  
27 APPOINTED BY THE PRESIDENT OF AMTRAK.

1 (b) APPOINTING AUTHORITIES SHALL APPOINT THE INITIAL  
2 MEMBERS OF THE COMMISSION NO LATER THAN SEPTEMBER 1, 2014.  
3 MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT THE  
4 INITIAL TERMS OF THE MEMBER WHO IS A STATE REPRESENTATIVE AND  
5 THREE OF THE MEMBERS APPOINTED BY THE GOVERNOR, AS DESIGNATED  
6 BY THE GOVERNOR, ARE TWO YEARS. MEMBERS SERVE WITHOUT  
7 COMPENSATION BUT RECEIVE REIMBURSEMENT FOR EXPENSES.

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

16 (b) IN FURTHERANCE OF ITS MISSION, AND IN ADDITION TO ANY  
17 OTHER POWERS AND DUTIES AS SPECIFIED IN THIS PART 10, THE  
18 COMMISSION HAS THE FOLLOWING POWERS:

19 (I) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
20 THE CONDUCT OF ITS BUSINESS;

21 (II) TO ACCEPT CONTRIBUTIONS TO AND EXPEND MONEYS FROM  
22 THE FUND AS AUTHORIZED BY SECTION 43-4-1002;

23 (III) TO ENTER INTO MEMORANDUMS OF UNDERSTANDING AND  
24 INTERGOVERNMENTAL AGREEMENTS WITH AGENCIES AND POLITICAL  
25 SUBDIVISIONS OF THIS STATE;

26 (IV) TO CONTRACT FOR NECESSARY SERVICES;

27 (V) SUBJECT TO FINAL APPROVAL BY THE GENERAL ASSEMBLY BY



1 ADOPTION OF A JOINT RESOLUTION OR ENACTMENT OF A BILL AND ANY  
2 OTHER APPROVAL THAT FEDERAL OR STATE LAW MAY REQUIRE, TO ENTER  
3 INTO MULTISTATE AGREEMENTS; AND

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

7 **43-4-1002. Southwest chief rail line economic development,**  
8 **rural tourism, and infrastructure repair and maintenance fund -**  
9 **creation - use of fund.** (1) THE SOUTHWEST CHIEF RAIL LINE ECONOMIC  
10 DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND  
11 MAINTENANCE FUND IS CREATED IN THE STATE TREASURY. THE FUND  
12 CONSISTS OF ANY MONEYS RECEIVED BY THE STATE FROM THE FEDERAL  
13 GOVERNMENT, LOCAL GOVERNMENTS, PUBLIC-PRIVATE PARTNERSHIPS, OR  
14 ANY OTHER PERSON, OR AS A RESULT OF ANY VOTER-APPROVED BALLOT  
15 MEASURE, THAT ARE DEDICATED FOR THE PURPOSES OF ENSURING THAT  
16 THE AMTRAK SOUTHWEST CHIEF RAIL LINE CONTINUES TO PASS THROUGH  
17 COLORADO AND THAT AN ADDITIONAL STOP IN PUEBLO IS ADDED TO THE  
18 LINE, AND ANY OTHER MONEYS THAT THE GENERAL ASSEMBLY MAY  
19 APPROPRIATE OR TRANSFER TO THE FUND. INTEREST AND INCOME EARNED  
20 ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND AND ALL  
21 UNENCUMBERED AND UNEXPENDED MONEYS IN THE FUND AT THE END OF  
22 ANY FISCAL YEAR REMAIN IN THE FUND. SUBJECT TO ANNUAL  
23 APPROPRIATION BY THE GENERAL ASSEMBLY AND THE LIMITATIONS SET  
24 FORTH IN SUBSECTION (2) OF THIS SECTION, THE COMMISSION MAY EXPEND  
25 MONEYS FROM THE FUND FOR RAIL REPLACEMENT OR OTHER  
26 IMPROVEMENTS TO THE PORTION OF THE BURLINGTON NORTHERN AND  
27 SANTA FE RAILWAY LINE USED TO PROVIDE EXISTING AMTRAK

1 SOUTHWEST CHIEF RAIL LINE SERVICE IN COLORADO AND TO PAY COSTS  
2 ASSOCIATED WITH THE EXPANSION OF SOUTHWEST CHIEF RAIL LINE  
3 SERVICE TO INCLUDE A STOP IN PUEBLO.

4 (2) THE COMMISSION MAY ONLY EXPEND MONEYS FROM THE FUND  
5 IF:

6 (a) AMTRAK CONFIRMS IN WRITING THAT THE SOUTHWEST CHIEF  
7 RAIL LINE WILL CONTINUE TO STOP IN LAMAR, LA JUNTA, AND TRINIDAD,  
8 THAT THE SOUTHWEST CHIEF RAIL LINE WILL ADD A REGULAR STOP IN  
9 PUEBLO WITHIN FIVE YEARS FROM THE DATE THE COMMISSION FIRST  
10 EXPENDS MONEYS FROM THE FUND, AND THAT AMTRAK WILL EXPLORE THE  
11 POTENTIAL BENEFITS, INCLUDING BUT NOT LIMITED TO BENEFITS OF  
12 INCREASED TOURISM AND OTHER ECONOMIC BENEFITS, OF ALSO ADDING  
13 A REGULAR STOP IN WALSENBURG; AND

14 (b) THE STATES OF KANSAS AND NEW MEXICO, AMTRAK, AND THE  
15 BURLINGTON NORTHERN AND SANTA FE RAILWAY COMMIT IN WRITING TO  
16 EXPEND AN AVERAGE AGGREGATE AMOUNT OF AT LEAST FIFTEEN MILLION  
17 TWO HUNDRED THOUSAND DOLLARS PER YEAR FOR EACH OF THE TEN  
18 YEARS BEGINNING WITH THE YEAR IN WHICH THE COMMISSION FIRST  
19 EXPENDS MONEYS FROM THE FUND.

20 **SECTION 2. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

- 1 November 2014 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.