



For RTD, public needs vs. private rights

By Robin Kniech

In 2004 a strong majority of voters supported the FasTracks regional transit system with their tax dollars because they saw the value of public transportation. As the buildout becomes a reality, elected leaders and communities face the challenge of building new lines and stations in populated urban and suburban areas that will impact private land owners.

The Independence Institute, which opposed FasTracks and then tried to overturn the democratic vote of the people, has now seized upon this challenge and tried to reduce FasTracks to a conflict between government and individual rights. The proposed solution is legislation to permanently eliminate RTD's ability to add retail or commercial uses on land it acquires for transit.

In fact, the real tension is between how to serve the broad interests of the public and still protect the important legal and personal rights of individual landowners. But legislation restricting combined uses on transit property just makes it harder for RTD to deliver the kind of transit infrastructure that will best serve transit riders.

Under current law, RTD's eminent domain authority is limited to land necessary for transit infrastructure. RTD cannot, and it should not, use eminent domain to generate revenue. House Bill 1278 doesn't affect these limits, but it would prevent RTD from adding any other uses to transit infrastructure.

Want to buy a coffee in the station while you wait for your train? Not if HB 1278 passes — no retail allowed. Is your neighborhood getting tired of surface parking next to your station? Would you prefer a more attractive parking garage with some ground floor services, like child care where you can pick up the kids as you get off the train? Not under HB1278 — no commercial uses allowed.

Do you believe RTD should be as frugal as possible with taxpayer dollars, by partnering with private entities to bring down the costs for transit infrastructure on land it needs for transit? HB 1278 would not allow it.

We agree that eminent domain is an extraordinary power that should be used as a last resort, and we have deep respect for the personal impacts it has on individuals. We agree with landowners that RTD could more carefully and transparently exercise its power. But

elected leaders must focus on how best to serve both interests, protect the individual interests to the maximum extent possible, and remain focused on the greater public good.

FasTracks will provide environmental, economic and social benefits to thousands of residents through fewer car trips and expanded mobility for those who cannot afford a car, let alone the price of gas. Unfortunately, we cannot achieve the promise of transit for millions in an urban environment without impacting some individual land owners.

Although RTD must follow state and federal eminent domain requirements, the agency is in the best position to improve transparency and trust in their powers by improved communication that goes above and beyond minimum requirements. RTD should provide clearer information to land owners on how they can communicate with RTD staff during the condemnation process. RTD should also provide better and earlier explanations of the transit purpose involved in any acquisition, and why alternative parcels of land cannot be substituted.

RTD should have the ability to combine joint development with necessary transit infrastructure, but that joint development should benefit broad segments of the public, not just well-connected developers.

We elect public policy makers to do the tough things — to admit where they could improve and to come up with meaningful and creative solutions to problems, but to keep their eyes on the voter-approved prize of a world class transit system.

RTD should take real steps to improve communication and ensure that public benefit standards guide any joint development, so we can all have faith in any exercise of eminent domain.

And the legislature should reject HB 1278 because it undermines delivery of the transit system that is in the interest in the greatest number of Coloradans.

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