

Boulder Fails

The FasTracks gift and public-transit extraction

The Regional Transportation District functions as a wealth-extraction mechanism disguised as public infrastructure. In 2004, voters authorized a 0.4% RTD sales-and-use-tax increase for FasTracks, including commuter rail from Denver through Boulder to Longmont, with an intended program completion date of 2017. The tax began in 2005. The B Line reached Westminster in 2016; the promised extension to Boulder and Longmont remains unfinished. ^{[1][2]}

More than two decades after the vote, the dedicated tax continues. RTD's 2024 study projected that a stand-alone starter service would arrive between 2042 and 2048 under its financial forecast. A joint plan now targets three daily round trips as early as 2029, but that is a limited starter service rather than the full-day rail system voters were sold. In July 2026, four FasTracks corridors remained unfinished and RTD reported a \$1.2 billion completion gap. ^{[2][3]}

RTD is a public political subdivision governed by an elected board, but public ownership does not prevent private capture. The 34-year Eagle P3 concession gives Denver Transit Partners responsibility for designing, building, financing, operating, and maintaining major commuter-rail assets while the public retains the underlying system, fares, and revenue. ^{[4][5][6]} Taxpayers carry the obligation, private contractors receive durable revenue streams, and the signature northwest promise remains withheld. That is the FasTracks gift.

The Title IV debt trap and ADA sabotage

Public higher education operates as a real-estate and credential monopoly that can lock out independent, low-income residents. Federal student-aid rules ordinarily treat an undergraduate under 24 as dependent unless the student meets another independence condition, such as marriage, graduate study, military service, dependents, ward status,

emancipation, homelessness, or unusual circumstances. A legally adult student can therefore be financially abandoned and still be administratively assigned parental support that does not exist.^{[7][8]}

The combined first-year Direct Loan limit for a dependent undergraduate is \$5,500. When parents refuse to provide FAFSA information, the student can lose access to Pell and most other federal aid and be left with only an unsubsidized Direct Loan. CU Boulder's own 2026–27 aid budget estimates off-campus housing and food at \$18,540 for the academic year.^{[8][9][10]} The arithmetic is structural exclusion: federal dependency rules manufacture family backing on paper while the local cost of survival exceeds the available federal loan several times over.

Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act require public universities and federally funded institutions to provide individualized, reasonable access unless an adjustment would fundamentally alter the program or impose an undue burden.^{[11][12][13]} When an institution represents an accommodation as available, enrolls the student, collects tuition and loan proceeds, and then substitutes an inaccessible delivery system after financial deadlines, bureaucracy becomes sabotage. The student keeps the debt while the institution keeps the money. The federal [Office for Civil Rights complaint process](#) exists because equal access is a legal obligation, not customer service.

Municipal code as structural enclosure

The housing crisis is not only a market failure; it is a legally engineered prohibition on low-cost survival. Boulder's Title 9 regulates land use, Title 10 adopts building and structural rules, and Title 11 governs utilities. Together they make a legal dwelling contingent on zoning, use approval, engineered safety, permits, professional services, and infrastructure compliance.^[14]

Boulder permits attached and detached accessory dwelling units in many districts, state-approved modular units remain subject to local permits, residential rain capture is limited to two barrels with 110 gallons of combined capacity, and xeriscape can satisfy landscape requirements.^{[15][16][17][18]} Permission for isolated components is not permission for autonomous shelter. A chassis-based dwelling, composting system, rainwater supply, graywater loop, and micro-grid can each be technically possible while their integration into one low-cost home remains parcel-specific, professionally mediated, and financially unreachable.

The enclosure works through cumulative dependency. The city does not need to outlaw every alternative by name when it can require enough land, engineering, permits, hookups, and capital to make self-provision impossible. A low-impact home becomes legal only after it has been forced back through the debt-based real-estate system it was designed to escape.

The monopoly on force and the AMI shell game

Municipal housing policy is a shell game because eligibility percentages are not housing. Boulder funds rental projects at 30%, 40%, 50%, and 60% of Area Median Income, its Community Housing Assistance Program reaches roughly 15–60% AMI, and local programs also subsidize middle-income ownership and permanent supportive housing.^{[19][20][21]} A rent calibrated to 30% AMI is still unaffordable to a person with no income, and a program category does not create a unit, voucher, bed, or accessible placement.

In July 2025, the city counted 140 people living unsheltered on a single night. Among survey respondents, 72% reported chronic homelessness and 76% reported at least one disabling condition.^[25] These are precisely the people least able to convert an income-targeted policy into actual shelter.

Instead of a guaranteed place to live, this population encounters the force of enclosure. Boulder bans camping and temporary shelter structures on public property without permission. Its public-spaces policy authorizes the disbanding of unsanctioned campsites and removal of prohibited property, and the Colorado Court of Appeals upheld the challenged ordinances in May 2026.^{[22][23][24]} Shelter and outreach services coexist with armed enforcement that makes survival conduct punishable and movable.^{[26][27]} The state protects the enclosure of land first and the person exposed outside it second.

Stupidity as a moral failure and the environmental reality

The COVID-19 shutdowns proved that much of the daily gas-powered commuter grind was manufactured rather than inevitable. Studies measured large declines in traffic-related pollution during 2020 restrictions, and North America's bulk power system continued operating. Telework does not eliminate every emission and cannot fit every job, but its environmental effect can be shaped through energy, land-use, and transportation policy.^{[28][29][30][31]}

Public and private employers nevertheless rebuilt the commute. The air had cleared enough to expose the choice, the grid had survived enough to expose the excuse, and institutional power restored the old pattern anyway. Continuing to impose avoidable pollution after the alternative becomes visible is not an engineering failure. It is a failure of moral agency.

Dietrich Bonhoeffer's "On Stupidity," written in 1942 as part of "After Ten Years," describes stupidity as a social consequence of power: people surrender inner independence and become available to slogans and commands.^{[32][33]} The failure is not low intelligence. It is the abandonment of judgment. Institutional stupidity is power protected from feedback, repeating preventable harm because obedience is safer than thought.

Regenerate the commons by retiring the state

Retiring the state means transferring dependency away from coercive institutions and into a commons people can govern directly. The transition begins by using existing fiat capital to secure permanent physical capacity—land, shelter, water systems, workshops, food systems, and solar generation—then placing those assets beyond speculative exit.

The mechanism is a **Regenerative Asset Trust**: a locally governed structure that binds productive assets to long-term stewardship, limits extraction, and accounts for value in physical capacity rather than monetary return. Community land trusts, cooperatives, nonprofits, conservation easements, and purpose-bound trusts already provide legal components for that work.^{[34][35][36]}

01 Acquire capacity. Turn volatile capital into land, shelter, tools, water retention, energy, food, and repair capability.

02 Lock the mission. Use the legal forms that fit the asset-community land trust, cooperative, nonprofit, conservation easement, or purpose-bound trust—with resale and extraction limits written in.

03 Account physically. Track beds, kilowatt-hours, gallons stored, meals, tool-hours, soil built, habitat restored, and maintenance reserves alongside dollars.

04 **Govern by use and consequence.** Give residents, workers, stewards, and the surrounding community defined power; publish decisions and conflicts.

05 **Make maintenance sovereign.** Revenue first preserves the asset and the people operating it. Appreciation is not the mission.

06 **Federate what works.** Share charters, designs, failures, and accounting methods so another community can fork the model without surrendering local control.

Community land trusts separate land from speculative resale; conservation easements bind property to durable purposes; cooperatives distribute ownership and use. A Regenerative Asset Trust joins those capacities around a single rule: assets that secure the commons cannot be stripped for private exit.^{[34][35][36]}

Regenerate the commons by acquiring the ground, writing the rules in public, penalizing extractive exit, and constructing parallel infrastructure that people cannot be priced out of. Retire the state function by function—not through conquest, but by making coercive dependency obsolete.

Facts and Sources

The gold number returns to the corresponding point in the article. The purple source credit opens the cited work.

1 Regional Transportation District. “FasTracks Financial Outlook.”

Voters approved the 0.4% FasTracks sales-and-use-tax increase in 2004, collection began in 2005, and the northwest rail extension remains unfinished.

2 Regional Transportation District. 2024. “Northwest Rail Peak Service Study: Final Report.”

RTD’s stand-alone financial forecast placed peak-period starter service between 2042 and 2048.

3 Denver Regional Council of Governments. 2026. “Northwest Rail Update.”

The joint plan targets three daily round trips as early as 2029; the July 2026 update reported four incomplete FasTracks corridors and a \$1.2 billion completion gap.

4 Regional Transportation District. “Board Office.”

RTD is governed by a publicly elected fifteen-member board of directors.

5 Colorado Office of the State Auditor. “Regional Transportation District Fiscal Governance Performance Audit.” Report 2351P.

The audit describes RTD’s statutory public governance, revenue, contracting, and fiscal-oversight structure.

6 U.S. Department of Transportation, Build America Bureau. “Eagle Project.”

The Eagle P3 is a 34-year concession under which Denver Transit Partners designs, builds, finances, operates, and maintains commuter-rail assets while RTD retains ownership, fares, and revenue.

7 U.S. Department of Education, Federal Student Aid. “Do You Need Money for College or Career School?”

Federal aid treats an undergraduate younger than 24 as dependent unless the student meets another listed independence condition.

8 U.S. Department of Education, Federal Student Aid. “FAFSA Student Steps.”

A dependent student whose parents refuse FAFSA participation may be limited to an unsubsidized Direct Loan rather than Pell Grant and other federal aid.

9 U.S. Department of Education, Federal Student Aid. “Financial Aid Dictionary.”

The combined first-year Direct Loan limit for a dependent undergraduate is \$5,500.

10 University of Colorado Boulder, Office of Financial Aid. “Example Financial Aid Offer.”

CU Boulder’s 2026–27 aid budget estimates \$18,540 for off-campus housing and food during the academic year.

11 U.S. Department of Justice, Civil Rights Division. “A Guide to Disability Rights Laws.”

Title II of the ADA prohibits disability discrimination by state and local government entities, including public education systems.

12 U.S. Department of Education. “Disability Discrimination: Academic Adjustments for Postsecondary Students.”

Section 504 requires individualized academic adjustments unless they would fundamentally alter a program or create an undue burden.

13 University of Colorado Boulder, Disability Services. “Academic Accommodations.”

CU Boulder publishes an institutional process for determining and providing academic accommodations.

14 City of Boulder. Boulder Revised Code 1981, Titles 9–11.

Titles 9, 10, and 11 regulate land use, building and structural requirements, and utilities.

15 City of Boulder. “Accessory Dwelling Units.”

Boulder permits attached and detached accessory dwelling units in eligible districts subject to local requirements and permits.

16 City of Boulder. “Water Conservation.”

Residential rain capture is allowed within Colorado’s two-barrel, 110-gallon combined-capacity limit.

17 City of Boulder. “Landscaping.”

The city’s landscaping guidance permits water-conserving and xeriscape approaches within applicable standards.

18 Colorado General Assembly. 2016. House Bill 16-1005, “Precipitation Collection by Residential Households.”

Colorado law permits residential collection in no more than two rain barrels with a combined storage capacity of 110 gallons.

19 City of Boulder. “Affordable Housing and Community Development Financial Investment Policies and Application.”

Published policy targets rental projects at multiple AMI levels and describes the Community Housing Assistance Program’s income range.

20 Boulder–Broomfield Regional Consortium. “2026 Action Plan.”

The action plan describes local housing investments across income-targeted rental, ownership, and supportive-housing programs.

21 Boulder County. “Regional Homelessness Working Group.”

The county describes a regional process for coordinating housing and homelessness policy across local jurisdictions.

22 City of Boulder. Boulder Revised Code, Chapter 8–3, “Parks and Recreation.”

Boulder prohibits camping and erecting temporary shelter on public property without permission.

23 City of Boulder. “Public Spaces Management.”

The city states that unsanctioned campsites are disbanded and prohibited items may be removed from public space.

24 Feet Forward v. City of Boulder, No. 25CA0110, Colorado Court of Appeals (May 2026).

The Colorado Court of Appeals upheld the challenged Boulder camping ordinances in May 2026.

25 City of Boulder. 2025. “City Releases 2025 July Point-in-Time Count Results.”

The count observed 140 unsheltered people; 72% of respondents reported chronic homelessness and 76% reported a disabling condition.

26 City of Boulder. “Homelessness in Boulder.”

The city describes its shelter, outreach, coordinated-entry, and housing programs alongside public-space enforcement.

27 Boulder County. “Homeless Solutions for Boulder County.”

The county presents coordinated entry as the regional gateway to homelessness services and housing navigation.

28 Venter, Zander S., Kristin Aunan, Sourangsu Chowdhury, and Jos Lelieveld. 2020. “COVID-19 Lockdowns Cause Global Air Pollution Declines.” *PNAS* 117(32): 18984–18990.

The study measured widespread declines in nitrogen dioxide and particulate pollution during 2020 lockdown conditions.

29 Parker, Hannah A. et al. 2020. “Impacts of Traffic Reductions Associated With COVID-19 on Southern California Air Quality.” *Geophysical Research Letters* 47(23): e2020GL090164.

Traffic reductions were associated with substantial decreases in traffic-related pollutants in Southern California.

30 North American Electric Reliability Corporation. 2021. “2021 State of Reliability.”

NERC reported that the North American bulk power system continued reliable operation through the first full year of the COVID-19 pandemic.

31 Z’Rotz, Jana, Timo Ohnmacht, and Patrick R  rat. 2026. “Do Teleworking Arrangements Reduce CO₂eq Emissions? Effects on Commuting, Housing Space and ICT Use.” *PLoS Climate* 5(7): e0000979.

The environmental effect of telework depends on commuting, housing space, equipment, implementation, and rebound effects rather than commute avoidance alone.

32 Bonhoeffer, Dietrich. “After Ten Years.” In Letters and Papers from Prison, Dietrich Bonhoeffer Works, Volume 8.

Written in late 1942, “After Ten Years” includes “On Stupidity,” which describes folly as a social effect of power and surrendered inner independence.

33 International Bonhoeffer Society. “Dietrich Bonhoeffer Works in English (DBWE).”

The Society identifies Letters and Papers from Prison as volume 8 of the critical English edition.

34 42 U.S.C. § 12704(6). “Community Land Trust.”

Federal law defines a community land trust as a nonprofit organization that acquires land to retain ownership for long-term community purposes.

35 U.S. Department of Housing and Urban Development. “Community Land Trusts.” HOMEfires 3(9).

HUD describes the community land trust model as separating land ownership from improvements to maintain long-term housing affordability.

36 Internal Revenue Service. “Conservation Easements.”

Federal tax law recognizes qualified conservation contributions that impose permanent restrictions on specified uses of real property.