

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0790.04 Jason Gelender x4330

SENATE BILL 24-184

SENATE SPONSORSHIP

Fenberg and Marchman, Coleman, Cutter, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Michaelson Jenet, Priola, Roberts, Winter F., Zenzinger

HOUSE SPONSORSHIP

McCluskie and Boesenecker,

Senate Committees

Transportation & Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPORT FOR THE DEVELOPMENT OF SURFACE**
102 **TRANSPORTATION INFRASTRUCTURE, AND, IN CONNECTION**
103 **THEREWITH, PROVIDING FUNDING AND OPERATIONAL**
104 **FLEXIBILITY NEEDED TO SUPPORT THE DEVELOPMENT OF**
105 **TRANSIT AND RAIL INFRASTRUCTURE, AND MAKING AN**
106 **APPROPRIATION.**

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 clarifies the scope of the high-performance transportation

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

SENATE
Amended 3rd Reading
April 17, 2024

SENATE
Amended 2nd Reading
April 16, 2024

enterprise's (transportation enterprise) powers and duties to expand its capacity to execute its charge and more explicitly prioritize mitigation of traffic congestion and traffic-related pollution through the completion of multimodal surface transportation infrastructure projects as follows:

- **Section 10:**
 - Authorizes the transportation enterprise to impose a congestion impact fee, as a new user fee, in maximum amounts of up to \$3 per day on the short-term rental of a motor vehicle that is powered by an internal combustion engine and up to \$2 per day for a motor vehicle that is a battery electric or plug-in hybrid electric vehicle that are subsequently adjusted for inflation, and, in conjunction with **section 9**, requires the fee to be collected and administered in the same manner as an existing state daily vehicle rental fee;
 - Clarifies that providing diverse multimodal transportation options, including rail projects, that reduce traffic congestion and degradation of existing surface transportation infrastructure is part of the transportation enterprise's statutory charge;
 - Clarifies that project-specific limitations on the expenditure of the transportation enterprise's project-specific user fee revenue, which do not apply to congestion impact fee revenue, allow multimodal improvements in the same travel shed where the fees were paid;
 - Requires the transportation enterprise to develop a new multimodal strategic capital plan that aligns with the 10-year transportation plan of the Colorado department of transportation (CDOT) and statewide greenhouse gas pollution reduction goals and priorities, complies with specified environmental standards adopted by the transportation commission, and prioritizes benefits to user fee payers and the reduction of adverse impacts on highways;
 - Requires the transportation enterprise to complete an initial assessment of opportunities available through 2030 to leverage federal money made available to the state and to thereafter assess such opportunities on an ongoing basis;
 - Clarifies the scope of an existing requirement of approval from each directly affected metropolitan planning organization and other transportation planning regions for a proposed surface

transportation infrastructure project that adds substantial capacity or significantly alters traffic patterns; and

- Requires the transportation enterprise to detail its work to reduce traffic congestion and greenhouse gas emissions and support the expansion of public transit in its annual report to the legislative committees with oversight over transportation; and
- **Section 8** modifies an existing definition of "surface transportation infrastructure" to more clearly include multimodal transportation options. **Section 8** also modifies an existing definition of "user fee" to include the new congestion impact fee and creates new definitions of "surface transportation infrastructure project network" (network) and "travel shed" to ensure, in conjunction with **section 11**, that the transportation enterprise's user fee revenue can be spent with more flexibility, from a geographic standpoint, than is currently the case.

Section 3 authorizes the regional transportation district (RTD) to extend construction and operations of its northwest rail fixed guideway corridor beyond its boundaries, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service in order to gain the opportunity to access federal intercity rail service money, if all capital and operating expenses outside the district are fully accounted for and already reimbursed to the district by a public body. **Section 3** also requires the district, in cooperation with CDOT, the transportation enterprise, and the front range passenger rail district (rail district), to provide to the transportation legislation review committee and the governor:

- A report containing an implementation plan, which must include, among other things, identification and evaluation of options for creating a separate legal entity or intergovernmental agreement as a business model, for construction and operations of the corridor to the legislative committees that oversee transportation and may also consider the creation of a Colorado rail authority to house some or all passenger rail services under one entity; and
- A report, which must also include the cooperation of any separate legal entity created, concerning a plan to begin providing front range passenger rail service no later than January 1, 2028.

Sections 4, 5, and 6 respectively provide specific, explicit authorization to the RTD, the rail district, CDOT, and the transportation enterprise in accordance with an implementation plan developed as required by **section 3** to enter into a standalone intergovernmental

agreement with or create a separate legal entity with each other, to implement the completion of construction and operation of the RTD's northwest fixed guideway corridor, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service. **Section 7** requires CDOT and the rail district to annually report to the legislative committees that oversee transportation regarding the status of the service development plan for front range passenger rail service between Trinidad, Pueblo, and Fort Collins.

Sections 1 and 2 make legislative findings and declarations.

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

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

4 (a) Efficient, safe, and sustainable modes of transportation play a
5 vital role in the well-being of Colorado's residents and the prosperity of
6 its communities, and continued investment in transit and rail
7 infrastructure will foster economic development, reduce traffic
8 congestion, improve safety, mitigate environmental impacts, improve air
9 quality, and improve accessibility for all citizens, fostering a more
10 interconnected and vibrant state;

11 (b) The state needs to strategically address the growing challenges
12 of population growth and growth in recreational traffic and the associated
13 increase in demand for transportation alternatives, and the expansion and
14 improvement of transit and rail networks will alleviate traffic congestion
15 and wear and tear on highways and provide safer and more reliable
16 transportation options;

17 (c) A dedicated state funding source for transit and rail projects
18 is essential to building a comprehensive and integrated transportation
19 system that meets the diverse needs of Colorado's residents and visitors;

20 (d) All rental cars, regardless of where they are rented, use public

1 highways and have a large impact on our public highway systems, adding
2 congestion, wear and tear, and more greenhouse gas (GHG) emissions.
3 Additional cars on our roads from out-of-state visitors, in-state leisure
4 travel, heavy trucks, and vans for moving services have a documented
5 impact, and investments in offsets such as transit and rail services benefit
6 the drivers of those rental vehicles by reducing the amount of traffic
7 congestion that they encounter throughout the state. A generally
8 applicable fee on short-term vehicle rentals would equitably support
9 investment in such offsets to reduce congestion on the public highway
10 system.

11 (e) While out-of-state visitors and tourists have a positive impact
12 on our economy, the large amount of out-of-state visitors and tourism also
13 has a large impact on traffic congestion and conditions on our public
14 highway system and presents significant challenges to our ability to
15 manage growth in a sustainable way;

16 (f) Continued investment in transit and rail projects and services
17 advances Colorado's commitment to reducing air pollution, addressing
18 ozone nonattainment, safeguarding the environment and the health of its
19 residents by addressing climate change, and reducing GHG emissions that
20 create climate change;

21 (g) Although the general assembly and the federal government
22 have passed laws enabling investments to transition single occupancy
23 vehicles and other fleets to electric vehicles, the state cannot reach its
24 traffic congestion and GHG reduction goals without more transit and rail
25 options in the state to provide transportation alternatives and spur
26 transit-oriented development;

27 (h) Colorado charges road user fees for the purpose of improving

1 our surface transportation systems, and rental cars are one user of our
2 public highway system with a demonstrated impact on traffic congestion
3 on our public highways that could be alleviated and offset by providing
4 new transit and rail services that reduce the traffic congestion and wear
5 and tear they encounter;

6 (i) Rental cars account for over three percent of the vehicle miles
7 traveled (VMT) on Colorado roadways. Based on the "Urban Mobility
8 Report" produced by the Texas A&M Transportation Institute, the annual
9 cost of traffic congestion, which takes into account the cost of wasted fuel
10 consumption and travel delays, in the Denver metropolitan area alone was
11 \$2.394 billion in 2019, which comes out to \$1,263 per commuter and
12 \$21.50 per hour of delay. This suggests that the cost of congestion
13 attributable to rental cars statewide is at least \$74 million per year, and
14 likely higher. This impact from rental cars can be mitigated with new
15 investments in transit and rail. Investment in passenger rail systems and
16 additional revenue service miles of transit will offset VMT and reduce
17 congestion.

18 (j) The fee proposed in this legislation would also be applied to
19 the rental of heavy motor vehicles like moving truck rentals, which have
20 significantly higher wear and tear impacts to Colorado roads than
21 traditional passenger vehicles;

22 (k) The federal government has made available billions of dollars
23 to states, local governments, and private entities in the 2021 bipartisan
24 "Infrastructure Investment and Jobs Act". These federal grants usually
25 provide an 80% federal share and require only a 20% match from the
26 grant recipient, making passenger rail expansion a cost-effective tool for
27 reducing congestion but requiring more state matching money to access

1 federal dollars.

2 (l) Having adequate money to provide the non-federal match for
3 federal grants is essential to allow Colorado to take advantage of this
4 federal money;

5 (m) In 2021, the general assembly created the front range
6 passenger rail district. The Colorado department of transportation's
7 (CDOT) transit and rail division (division) is conducting a service
8 development plan for front range passenger rail to advance the direction
9 of that law. In October 2023, the transportation commission approved
10 funds to commence a service development plan for the northern rocky
11 mountain rail corridor extending from Denver through northwest
12 Colorado and long distance bus service expansion. The division will
13 complete these projects and continue to support project planning for
14 associated projects.

15 (n) Front range passenger rail would connect communities from
16 Fort Collins through Denver on to Trinidad through new passenger rail
17 service, shaping development in our state for generations to come and
18 unlocking smart urban planning decisions, density around transit hubs,
19 and mobility options for those who cannot access a car;

20 (o) As Colorado continues to invest in smart, dense
21 transit-oriented development, it needs high-capacity mass transit to help
22 meet the travel demands of residents, and density itself supports the
23 implementation of mass transit because higher levels of density and
24 transit service are strongly correlated with a reduction in vehicle miles
25 traveled and general car use, which helps increase affordability for
26 residents;

27 (p) Urgent action is also required to fulfill our commitment to

1 equity for a just transition for energy impacted communities such as Craig
2 and Hayden that have coal plants completely closing as soon as 2028. As
3 coal plant closures happen and the existing freight business ends with it,
4 we must ensure continuous use of that existing rail line through utilization
5 for passenger rail. As freight traffic volumes, types, and commodities
6 shift and change, we have an opportunity to partner with the freight rail
7 system for dual use of existing freight rail lines to include northern rocky
8 mountain passenger rail service. Establishing passenger rail service from
9 Union Station to west Jefferson County, Winter Park, Steamboat Springs,
10 Craig, and Hayden is a just transition strategy that also reduces traffic
11 congestion in the interstate highway 70 mountain corridor. This train line
12 uniquely fulfills several objectives of the state including relieving traffic
13 congestion in mountain corridors, supporting affordable housing for the
14 local workforce, and aiding coal-dependent communities in enhancing
15 and diversifying their economies.

16 (q) The southern segment of front range passenger rail is as
17 important as the north segment and the proposed northern rocky mountain
18 rail service. It is imperative that the state continue to pursue this
19 important segment that completes the vision for the full front range
20 passenger rail and is a linchpin to the new federal long distance plan for
21 the country that would create two new long distance service routes
22 through Trinidad connecting to the full proposed front range passenger
23 rail route. The new proposed long distance study map makes Colorado's
24 full front range rail route essential to a new route connecting through
25 Trinidad, Colorado to Albuquerque, New Mexico on to Phoenix, Arizona,
26 and an additional new route that would connect Trinidad to Amarillo,
27 Texas, to Dallas, Texas, and on to Houston, Texas. This makes the

1 southern segment of front range passenger rail not just an important
2 Colorado transportation solution but also of national importance to the
3 future national rail passenger rail network.

4 (r) In addition to the proposed future passenger rail service for the
5 northern Rocky Mountains, there are multiple other underutilized or
6 abandoned freight rail rights-of-way that could be repurposed for
7 passenger rail service to connect mountain communities with the front
8 range, and the state should continue to explore opportunities for
9 establishing more passenger rail services.

10 (s) Efforts to expand passenger rail must be complemented by the
11 expansion of a more comprehensive statewide bus system, especially on
12 key corridors like interstate highways 70 and 25, building on the
13 successes of initiatives like CDOT's Bustang, Snowstang, and Pegasus
14 bus services, with a commitment to improving convenience, and
15 accessibility for all Coloradans and contributing to reductions in GHG
16 emissions and traffic congestion.

17 (2) The general assembly further finds and declares that:

18 (a) The Colorado high performance transportation enterprise,
19 which has been doing business as the Colorado transportation investment
20 office (CTIO) since 2021, has a strong track record of using user fee
21 revenue to support the development of surface transportation projects
22 with the primary objective of alleviating traffic congestion within the
23 state;

24 (b) The CTIO has historically supported multi-modal
25 transportation through the expansion of commuting options in express
26 lanes and the distribution of transit passes to low-income residents, but
27 with the creation of the new dedicated revenue source provided for in this

1 act must now utilize its existing power and charge, as set forth in its
2 enabling legislation, to fund transit and rail projects to further reduce
3 traffic congestion on our highway system;

4 (c) It is necessary and appropriate to direct the CTIO to update its
5 strategic plan to incorporate policies implementing legislative direction
6 in Senate Bill 21-260, which tasked the transportation commission to
7 establish GHG pollution reduction planning standards and to contribute
8 to the state's implementation of House Bill 19-1261, which established
9 GHG reduction goals for the state;

10 (d) A major barrier to expanding transit and rail in the state of
11 Colorado is a lack of financing infrastructure and a dedicated revenue
12 source;

13 (e) The state needs a more equitable transportation system that
14 mitigates the impact that automobiles place on the public highway system,
15 and the state lacks the dedicated revenue source for transit and rail that is
16 needed to fund such a system and mitigate those impacts;

17 (f) This act directs the regional transportation district (RTD), the
18 front range passenger rail district (FRPRD), the transportation
19 commission and the board of directors of the high-performance
20 transportation enterprise to develop a plan for using their joint authorities
21 and funding streams to deliver the first phase of front range passenger rail
22 from Denver to Fort Collins and to use existing contracts to the extent
23 possible to facilitate the best means to deliver that project and to conduct
24 rail traffic controller modeling and other analyses for intercity passenger
25 rail from Union Station to Fort Collins for at least two scenarios,
26 including a scenario of three round trips per day and a scenario of five
27 round trips per day;

1 (g) As it is the desire of the general assembly to ensure not just
2 train service from Union Station to Fort Collins, but also daily service
3 from Trinidad to Pueblo to Fort Collins, this act also requires the FRPRD:

4 (I) To report to the general assembly regarding a plan and an
5 expeditious timeline by which the FRPRD will implement the whole
6 front-range rail train service from Fort Collins to Pueblo and Trinidad;
7 and

8 (II) To report periodically to the general assembly regarding its
9 planning and implementation progress and the barriers and challenges it
10 faces for extending service to the southern portion of the FRPRD,
11 encouraging the inclusion in each report of a detailed analysis of the
12 extent of coordination among the host rail companies; and

13 (h) In the near term, it is necessary and appropriate for CTIO to
14 use the new dedicated revenue stream provided for in this act to finance
15 service that originates from the service development plan for front range
16 passenger rail, the service development plan for the northern rocky
17 mountain rail corridor, the aforementioned statewide bus expansion study,
18 and other strategies to increase the use of public transportation.

19 (3) The general assembly further finds and declares that:

20 (a) The division will complete a report on the status of a service
21 development plan for the northern rocky mountain rail corridor by
22 December 31, 2024;

23 (b) The division has identified potential private partners to operate
24 new passenger rail services along the northern rocky mountain rail
25 corridor;

26 (c) Western slope communities in Grand, Routt, and Moffat
27 counties have existing and emerging transportation needs that are

1 currently underserved; and

2 (d) As it is the intent of the general assembly to ensure not only
3 expanded passenger rail service from Denver to Winter Park but also to
4 establish passenger rail service from Denver to Craig and Hayden, this act
5 also requires the division:

6 (I) To report to the general assembly regarding a plan and an
7 expeditious timeline by which CDOT will deliver passenger rail service
8 from Denver to the Hayden and Craig communities; and

9 (II) To report periodically to the general assembly regarding its
10 planning and implementation progress and barriers and challenges it faces
11 for extending service along the full length of the northern rocky mountain
12 rail corridor.

13 (4) The general assembly further finds and declares that once the
14 front range passenger rail line is completed and in service, the voice of
15 Senator Perry Will of Newcastle, Colorado shall be the official voice of
16 front range passenger rail and shall be used to make all announcements
17 on front range passenger rail trains.

18 **SECTION 2. In Colorado Revised Statutes, 29-1-203.5, amend**
19 **(1)(a) as follows:**

20 **29-1-203.5. Separate legal entity established under section**
21 **29-1-203 - legal status - authority to exercise special district powers**
22 **- additional financing powers. (1) (a) Any combination of counties,**
23 **municipalities, special districts, or other political subdivisions of this state**
24 **that are each authorized to own, operate, finance, or otherwise provide**
25 **public improvements, functions, services, or facilities may enter into a**
26 **contract under section 29-1-203 to establish a separate legal entity to**
27 **provide any such public improvements, functions, services, or facilities.**

1 IN ADDITION, SUCH A SEPARATE LEGAL ENTITY MAY BE ESTABLISHED AS
2 AUTHORIZED BY SECTIONS 32-19-119 (1)(w.5), 32-22-106 (1)(s.5),
3 43-1-106 (8)(q.5), AND 43-4-806 (6)(p.5). Any separate legal entity
4 established is a political subdivision and public corporation of the state
5 and is separate from the parties to the contract if the contract or an
6 amendment to the contract states that the entity is formed in conformity
7 with the provisions of this section and that the provisions of this section
8 apply to the entity.

9 **SECTION 3.** In Colorado Revised Statutes, 32-9-107.5, **add**
10 (1)(e) as follows:

11 **32-9-107.5. Regional fixed guideway mass transit system -**
12 **authorization - completion of northwest rail fixed guideway corridor**
13 **as first phase of front range passenger rail service - legislative**
14 **declarations.** (1)(e) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

15 (I) THE COMPLETION OF CONSTRUCTION OF A FIXED GUIDEWAY
16 MASS TRANSIT SYSTEM IN THE DISTRICT'S NORTHWEST FIXED GUIDEWAY
17 CORRIDOR BETWEEN UNION STATION IN DENVER AND LONGMONT, WHICH
18 WAS PROMISED AS PART OF THE DISTRICT'S FASTRACKS TRANSIT
19 EXPANSION PROGRAM APPROVED BY THE VOTERS OF THE DISTRICT IN 2004
20 BUT CURRENTLY OPERATES ONLY BETWEEN UNION STATION AND
21 WESTMINSTER, WILL HELP REBUILD CONFIDENCE IN THE DISTRICT, AND IT
22 IS OF CRITICAL IMPORTANCE THAT EVERY EFFORT BE MADE TO SECURE
23 SUFFICIENT FUNDING TO QUICKLY COMPLETE THAT CORRIDOR;

24 (II) THERE IS AN OPPORTUNITY TO OBTAIN SIGNIFICANT FEDERAL
25 MONEY FOR THE COMPLETION OF THE FIXED GUIDEWAY MASS TRANSIT
26 SYSTEM IN THE DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR IF
27 SERVICE EXTENDS BEYOND THE BOUNDARIES OF THE DISTRICT TO FORT

1 COLLINS AND QUALIFIES AS INTERCITY RAIL AS A FIRST PHASE OF FRONT
2 RANGE PASSENGER RAIL SERVICE; AND

3 (III) ACCELERATING THE PROVISION OF FIXED GUIDEWAY SERVICE
4 ON THE NORTHWEST RAIL CORRIDOR AS THE FIRST PHASE OF FRONT RANGE
5 PASSENGER RAIL SERVICE WILL NOT IN ANY WAY SLOW PLANNING,
6 DEVELOPMENT, GRANT SEEKING, OR OTHER ACTIVITIES NEEDED FOR THE
7 EXPEDITIOUS DELIVERY OF THE REMAINING ELEMENTS OF FRONT RANGE
8 PASSENGER RAIL SERVICE OR UNFINISHED FASTRACKS PROJECTS.
9 FURTHER, EXISTING DISTRICT SERVICE WILL NOT BE IMPACTED OR
10 SACRIFICED AS A RESULT OF PLANNING AND DELIVERY OF THE FIRST PHASE
11 OF FRONT RANGE PASSENGER RAIL SERVICE. BY COMPLETING THE
12 NORTHWEST PORTION OF FRONT RANGE PASSENGER RAIL SERVICE, WHICH
13 WAS STATUTORILY REQUIRED TO BE PRIORITIZED IN THE LEGISLATION
14 THAT CREATED THE FRONT RANGE PASSENGER RAIL DISTRICT, THE
15 GENERAL ASSEMBLY INTENDS TO EXPEDITE COMPLETION OF THE ENTIRE
16 RAIL SERVICE.

17 **SECTION 4.** In Colorado Revised Statutes, 32-9-107.7, **add** (3)
18 as follows:

19 **32-9-107.7. Regional fixed guideway mass transit systems -**
20 **construction - front range passenger rail service - authorization -**
21 **completion of northwest rail fixed guideway corridor - limited**
22 **operations outside district.** (3) THE DISTRICT MAY EXTEND
23 CONSTRUCTION AND OPERATIONS OF THE NORTHWEST RAIL FIXED
24 GUIDEWAY CORRIDOR BEYOND THE BOUNDARIES OF THE DISTRICT IF ANY
25 AND ALL CAPITAL AND OPERATING EXPENSES THAT IT UNDERTAKES
26 OUTSIDE THE DISTRICT ARE FULLY ACCOUNTED FOR AND REIMBURSED TO
27 THE DISTRICT BY A PUBLIC BODY.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

== == ==

SECTION 5. In Colorado Revised Statutes, 32-9-119, **add**
(1)(w.5) as follows:

32-9-119. Additional powers of district. (1) In addition to any
other powers granted to the district in this article, the district has the
following powers:

(w.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
DEVELOPED AS REQUIRED BY SECTION 32-22-103 (5), TO ENTER INTO A
STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
29-1-203.5 OR PURSUANT TO ARTICLES 121 TO 137 OF TITLE 7 WITH THE
DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
AND THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED IN SECTION
32-22-103 (1), TO IMPLEMENT THE COMPLETION OF CONSTRUCTION AND
OPERATION OF THE NORTHWEST FIXED GUIDEWAY CORRIDOR, INCLUDING
AN EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE FIRST PHASE
OF FRONT RANGE PASSENGER RAIL SERVICE;

SECTION 6. In Colorado Revised Statutes, 32-22-103, **add (5)**
as follows:

**32-22-103. Front range passenger rail district - creation -
purpose - boundaries - reports. (5) (a) IN PURSUING THE COMPLETION
OF CONSTRUCTION AND OPERATION OF THE NORTHWEST FIXED GUIDEWAY
CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS
AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE, THE
DISTRICT, THE DEPARTMENT OF TRANSPORTATION, THE
HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION**

1 43-4-806 (2)(a)(I), AND THE REGIONAL TRANSPORTATION DISTRICT,
2 CREATED IN SECTION 32-9-105, SHALL PROVIDE A REPORT CONTAINING AN
3 IMPLEMENTATION PLAN FOR CONSTRUCTION AND OPERATIONS OF THE
4 CORRIDOR TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE,
5 CREATED IN SECTION 43-2-145 (1)(a), OR ITS SUCCESSOR COMMITTEE, AND
6 TO THE GOVERNOR NO LATER THAN SEPTEMBER 30, 2024. THE
7 IMPLEMENTATION PLAN MUST:

8 (I) IDENTIFY ALL ONGOING OR COMPLETED STUDIES AND SERVICE
9 DEVELOPMENT PLANS THAT COULD BE LEVERAGED TO ACCELERATE
10 APPROVAL AND PERMITTING AND REQUIRE THE DISTRICT AND THE
11 DEPARTMENT OF TRANSPORTATION TO USE EXISTING CONTRACTS TO THE
12 EXTENT POSSIBLE TO CONDUCT RAIL TRAFFIC CONTROLLER MODELING AND
13 OTHER ANALYSES FOR INTERCITY PASSENGER RAIL SERVICE FROM UNION
14 STATION TO FORT COLLINS FOR AT LEAST TWO SCENARIOS, INCLUDING A
15 SCENARIO OF THREE ROUND TRIPS PER DAY AND A SCENARIO OF FIVE
16 ROUND TRIPS PER DAY;

17 (II) IDENTIFY AND EVALUATE OPTIONS FOR CREATING A NEW
18 STANDALONE ENTITY SUCH AS A COLORADO RAIL AUTHORITY, A SEPARATE
19 LEGAL ENTITY CREATED PURSUANT TO SECTIONS 29-1-203 AND
20 29-1-203.5, A SEPARATE LEGAL ENTITY CREATED PURSUANT TO ARTICLES
21 121 TO 137 OF TITLE 7, OR A STANDALONE INTERGOVERNMENTAL
22 AGREEMENT AS A BUSINESS MODEL WITH A GOAL OF CREATING SUCH A
23 SEPARATE LEGAL ENTITY OR EXECUTING SUCH AN AGREEMENT NO LATER
24 THAN DECEMBER 31, 2024; AND

25 (III) EXPLORE THE VIABILITY OF AMTRAK OR OTHER ENTITIES AS
26 POTENTIAL OPERATORS FOR INTERCITY PASSENGER RAIL SERVICE.

27 (b) IN ADDITION TO THE REPORT REQUIRED BY SUBSECTION (5)(a)

1 OF THIS SECTION, NO LATER THAN MARCH 1, 2025, THE DISTRICT, THE
2 DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
3 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
4 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
5 32-9-105, AND ANY SEPARATE LEGAL ENTITY CREATED PURSUANT TO
6 SECTIONS 29-1-203 AND 29-1-203.5 OR ARTICLES 121 TO 137 OR TITLE 7
7 SHALL PROVIDE A REPORT CONCERNING A PLAN TO BEGIN PROVIDING
8 FRONT RANGE PASSENGER RAIL SERVICE NO LATER THAN JANUARY 1,
9 2029, TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING
10 AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION
11 AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE
12 GOVERNOR. WHEN DEVELOPED, THE PLAN MUST INCLUDE DESCRIPTIONS
13 OF STEPS TAKEN TO MAXIMIZE THE CHANCES OF SECURING FEDERAL
14 GRANT ASSISTANCE, INCLUDING POLICIES AND STRATEGIES RELATING TO
15 REDUCING CLIMATE IMPACTS, PROVIDING FOR ALL-HAZARDS RESILIENCE,
16 ENHANCING BENEFITS TO UNDERSERVED COMMUNITIES, AND PROMOTING
17 INVESTMENTS IN HIGH-QUALITY WORKFORCE DEVELOPMENT PROGRAMS,
18 AND OF HOW THE PROJECT WILL CREATE GOOD-PAYING, HIGH-QUALITY,
19 AND SAFE JOBS. THE PARTIES SHALL COORDINATE WITH STAKEHOLDERS,
20 INCLUDING LABOR ORGANIZATIONS, AFFECTED COMMUNITIES,
21 UNDERSERVED COMMUNITIES, LOCAL GOVERNMENTS, ENVIRONMENTAL
22 ORGANIZATIONS, AND BUSINESSES, ON THE DEVELOPMENT OF THE PLAN.
23 THE REPORT SHALL INCLUDE AN ASSESSMENT OF WHETHER ADDITIONAL
24 REVENUE IS NEEDED TO SUPPORT SUCH SERVICE AND, IF SO,
25 RECOMMENDED SOURCES OF SUCH FUNDING.

26 (c) IN ADDITION TO THE REPORTS REQUIRED IN SUBSECTIONS (5)(a)
27 AND (5)(b) OF THIS SECTION, IF FRONT RANGE PASSENGER SERVICE HAS

1 NOT BEGUN BY JANUARY 1, 2029, THE DISTRICT, IN COOPERATION WITH
2 THE DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
3 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
4 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
5 32-9-105, AND ANY SEPARATE LEGAL ENTITY CREATED PURSUANT TO
6 SECTIONS 29-1-203 AND 29-1-203.5 OR ARTICLES 121 TO 137 OF TITLE 7
7 SHALL PROVIDE A REPORT DETAILING THE REASONS WHY SUCH SERVICE
8 HAS NOT BEGUN AND A DETAILED PLAN FOR PROVIDING SERVICE ON
9 JANUARY 1, 2029, AND EACH SIX MONTHS THEREAFTER UNTIL SERVICE IS
10 INITIATED.

11 **SECTION 7.** In Colorado Revised Statutes, 32-22-106, **amend**
12 (1)(s); and **add** (1)(s.5) as follows:

13 **32-22-106. District - general powers and duties - funds**
14 **created.** (1) In addition to any other powers granted to the district by this
15 article 22, the district has the following powers:

16 (s) To accept gifts, grants, and donations, whether cash or in-kind
17 in nature, from private or public sources for the purposes of this article
18 22; and

19 (s.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
20 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A
21 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
22 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
23 29-1-203.5 OR PURSUANT TO ARTICLES 121 TO 137 OF TITLE 7 WITH THE
24 DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
25 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
26 AND THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
27 32-9-105, TO IMPLEMENT THE COMPLETION OF CONSTRUCTION AND

1 OPERATION OF THE REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST
2 FIXED GUIDEWAY CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR
3 TO FORT COLLINS AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL
4 SERVICE;

5 **SECTION 8.** In Colorado Revised Statutes, 43-1-106, **add**
6 (8)(q.5) as follows:

7 **43-1-106. Transportation commission - efficiency and**
8 **accountability committee - powers and duties - rules - definitions.**

9 (8) In addition to all other powers and duties imposed upon it by law, the
10 commission has the following powers and duties:

11 (q.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
12 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), AND ON BEHALF OF
13 THE DEPARTMENT, TO ENTER INTO A STANDALONE INTERGOVERNMENTAL
14 AGREEMENT WITH OR CREATE A SEPARATE LEGAL ENTITY PURSUANT TO
15 SECTIONS 29-1-203 AND 29-1-203.5 OR PURSUANT TO ARTICLES 121 TO
16 137 OF TITLE 7 WITH THE REGIONAL TRANSPORTATION DISTRICT, CREATED
17 IN SECTION 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT,
18 CREATED IN SECTION 32-22-103 (1), AND THE HIGH-PERFORMANCE
19 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
20 TO IMPLEMENT THE COMPLETION OF CONSTRUCTION AND OPERATION OF
21 THE REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST FIXED
22 GUIDEWAY CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO
23 FORT COLLINS AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL
24 SERVICE;

25 **SECTION 9.** In Colorado Revised Statutes, 43-1-117.5, **add (5)**
26 **as follows:**

27 **43-1-117.5. Transit and rail division - created - powers and**

1 **duties - pilot project to expand transit - reports - repeal. (5) (a) THE**
2 TRANSIT AND RAIL DIVISION SHALL PROVIDE A REPORT CONTAINING A
3 DEVELOPMENT PLAN FOR ROCKY MOUNTAIN RAIL SERVICE TO THE HOUSE
4 OF REPRESENTATIVES TRANSPORTATION, HOUSING AND LOCAL
5 GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION AND
6 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE
7 GOVERNOR NO LATER THAN DECEMBER 31, 2024.

8 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2025.

9 **SECTION 10.** In Colorado Revised Statutes, **add** 43-1-132 as
10 follows:

11 **43-1-132. Front range passenger rail service - annual status**
12 **reports.** (1) NO LATER THAN SEPTEMBER 30, 2024, AND SEPTEMBER 30
13 OF EACH YEAR THEREAFTER, THE DEPARTMENT AND THE FRONT RANGE
14 PASSENGER RAIL DISTRICT, CREATED IN SECTION 32-22-103 (1) SHALL
15 JOINTLY REPORT TO THE TRANSPORTATION LEGISLATION REVIEW
16 COMMITTEE, CREATED IN SECTION 43-2-145 (1)(a), OR ITS SUCCESSOR
17 COMMITTEE, AND THE GOVERNOR REGARDING THE STATUS OF THE SERVICE
18 DEVELOPMENT PLAN FOR FRONT RANGE PASSENGER RAIL SERVICE
19 BETWEEN TRINIDAD, PUEBLO, AND FORT COLLINS. THE REPORT MUST
20 INCLUDE, AT A MINIMUM:

21 (a) A DESCRIPTION OF THE EFFORTS OF THE DEPARTMENT AND THE
22 DISTRICT TO COORDINATE WITH AFFECTED ENTITIES, INCLUDING HOST
23 RAILROADS, THE FEDERAL RAILROAD ADMINISTRATION, OTHER POTENTIAL
24 OPERATORS, AND AMTRAK, AND THE EXTENT TO WHICH AND MANNER IN
25 WHICH SUCH AFFECTED ENTITIES RESPONDED TO THOSE EFFORTS; AND

26 (b) A PLAN FOR FULL IMPLEMENTATION OF FRONT RANGE
27 PASSENGER RAIL SERVICE AS SOON AS PRACTICABLE THAT INCLUDES PLANS

1 FOR UPCOMING BALLOT MEASURES, FEDERAL GRANTS, AND OTHER
2 POSSIBLE INTERIM OPTIONS FOR FINANCING NECESSARY INFRASTRUCTURE
3 AND OPERATIONS. THE PLAN MUST INCLUDE DESCRIPTIONS OF STEPS
4 TAKEN TO MAXIMIZE THE CHANCES OF SECURING FEDERAL GRANT
5 ASSISTANCE, INCLUDING POLICIES AND STRATEGIES RELATING TO
6 REDUCING CLIMATE IMPACTS, PROVIDING FOR ALL-HAZARDS RESILIENCE,
7 ENHANCING BENEFITS TO UNDERSERVED COMMUNITIES, AND PROMOTING
8 INVESTMENTS IN HIGH-QUALITY WORKFORCE DEVELOPMENT PROGRAMS,
9 AND OF HOW THE PROJECT WILL CREATE GOOD-PAYING, HIGH-QUALITY,
10 AND SAFE JOBS. THE PARTIES SHALL COORDINATE WITH STAKEHOLDERS,
11 INCLUDING LABOR ORGANIZATIONS, AFFECTED COMMUNITIES,
12 UNDERSERVED COMMUNITIES, LOCAL GOVERNMENTS, ENVIRONMENTAL
13 ORGANIZATIONS, AND BUSINESSES, ON THE DEVELOPMENT OF THE PLAN.

14 (2) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
15 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
16 SECTION CONTINUES INDEFINITELY.

17 **SECTION 11.** In Colorado Revised Statutes, 43-4-803, **amend**
18 (11), (22), and (27); and **add** (23.5) ___ as follows:

19 **43-4-803. Definitions.** As used in this part 8, unless the context
20 otherwise requires:

21 (11) "Designated bridge project" means a project that involves the
22 repair, reconstruction, replacement, or ongoing operation or maintenance,
23 or any combination thereof, of a designated bridge by the bridge
24 enterprise pursuant to an agreement between the BRIDGE enterprise and
25 the commission or department authorized by section 43-4-805 (5)(f). A
26 fair-rated bridge may be included in a designated bridge project or other
27 project involving the repair, replacement, or reconstruction of a

1 designated bridge if including the fair-rated bridge is an efficient use of
2 the bridge enterprise's resources and will result in cost savings or
3 schedule acceleration for a project that will improve safety.

4 (22) "Surface transportation infrastructure" means a highway, a
5 bridge other than a designated bridge, or any other infrastructure, facility,
6 or equipment used primarily or in large part to transport people AND
7 MOVE FREIGHT on systems that operate on or are affixed to the ground,
8 INCLUDING PASSENGER RAIL, BUS, OR OTHER PUBLIC TRANSPORTATION
9 VEHICLES.

10 (23.5) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
11 NETWORK" MEANS ALL EXISTING OR PLANNED SURFACE TRANSPORTATION
12 INFRASTRUCTURE PROJECTS.

13

==

14 (27) "User fee" means compensation to be paid to the
15 transportation enterprise or a partner of the transportation enterprise,
16 INCLUDING THE CONGESTION IMPACT FEE IMPOSED BY THE
17 TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (7.6), for
18 the privilege of EITHER using surface transportation infrastructure
19 constructed or operated by the transportation enterprise or operated by its
20 partner under the terms of a public-private partnership OR BENEFITTING
21 FROM THE REDUCED CONGESTION ON AND IMPROVED CONDITION OF OTHER
22 SURFACE TRANSPORTATION INFRASTRUCTURE IN THE STATE RESULTING
23 FROM THE AVAILABILITY OF SURFACE TRANSPORTATION INFRASTRUCTURE
24 CONSTRUCTED OR OPERATED BY THE TRANSPORTATION ENTERPRISE OR
25 OPERATED BY ITS PARTNER UNDER THE TERMS OF A PUBLIC-PRIVATE
26 PARTNERSHIP AND FROM THE OPPORTUNITY TO USE SUCH SURFACE
27 TRANSPORTATION INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE

1 TRANSPORTATION ENTERPRISE AND SUCH OTHER LESS CONGESTED AND
2 IMPROVED SURFACE TRANSPORTATION INFRASTRUCTURE.

3 **SECTION 12.** In Colorado Revised Statutes, 43-4-804, **amend**
4 (1)(b)(II) as follows:

5 **43-4-804. Highway safety projects - surcharges and fees -**
6 **crediting of money to highway users tax fund - definition.** (1) The
7 following surcharges, fees, and fines shall be collected and credited to the
8 highway users tax fund created in section 43-4-201 (1)(a) and allocated
9 to the state highway fund, counties, and municipalities as specified in
10 section 43-4-205 (6.3):

11 (b) (II) A person who collects the daily vehicle rental fee imposed
12 by ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS
13 SECTION and who pays specific ownership tax on the vehicles rented in
14 the manner specified in either section 42-3-107 (11) or (12), ~~C.R.S.~~, or
15 both, shall, no later than the twentieth day of each month, submit to the
16 department of revenue a report, using forms furnished by the department
17 of revenue, of daily vehicle rental fees collected for the preceding month
18 and shall include with the report the remittance of all such fees. A person
19 who collects the daily vehicle rental fee imposed by ~~subparagraph (I) of~~
20 ~~this paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS SECTION but does not pay
21 specific ownership tax on the vehicles in the manner specified in either
22 section 42-3-107 (11) or (12), ~~C.R.S.~~, or both, shall submit the report and
23 the remittance of fees collected in the same manner or in such other
24 manner as the executive director of the department of revenue may
25 prescribe by rules promulgated in accordance with article 4 of title 24.
26 ~~C.R.S.~~ The executive director of the department of revenue shall forward
27 all daily vehicle rental fees collected, TOGETHER WITH ALL CONGESTION

1 IMPACT FEES IMPOSED BY THE TRANSPORTATION ENTERPRISE PURSUANT
2 TO SECTION 43-4-806 (7.6) COLLECTED, to the state treasurer ~~who~~ AND
3 SHALL IDENTIFY THE AMOUNTS OF EACH FEE BEING FORWARDED. THE
4 STATE TREASURER shall credit the daily vehicle rental fees IMPOSED
5 PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS SECTION to the highway
6 users tax fund AND SHALL CREDIT THE CONGESTION IMPACT FEES IMPOSED
7 BY THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806
8 (7.6) TO THE TRANSPORTATION SPECIAL FUND AS REQUIRED BY SECTION
9 43-4-806 (7.6)(b).

10 **SECTION 13.** In Colorado Revised Statutes, 43-4-806, **amend**
11 (1)(a), (2)(a)(III)(B), (2)(c)(I), (3)(a), (3)(c), (5), (6) introductory portion,
12 (6)(p), (9)(a), and (10)(a); and **add** (1.5), (6)(p.5), (7.6), (7.7), (7.8),
13 and (10)(c) as follows:

14 **43-4-806. Colorado transportation investment office - creation**
15 **- enterprise status - board - funds - powers and duties - user fees -**
16 **limitations - reporting requirements - violations on the peak period**
17 **shoulder lanes - legislative declaration - definitions.** (1) The general
18 assembly hereby finds and declares that:

19 (a) It is necessary, appropriate, and in the best interests of the state
20 for the state to aggressively pursue innovative means of more efficiently
21 financing important surface transportation infrastructure projects that will
22 improve the safety, capacity, and accessibility of the surface
23 transportation system, PROVIDE DIVERSE, MULTIMODAL TRANSPORTATION
24 OPTIONS THAT REDUCE TRAFFIC CONGESTION AND DEGRADATION OF
25 EXISTING SURFACE TRANSPORTATION INFRASTRUCTURE AND OFFER MORE
26 TRANSPORTATION CHOICES FOR SYSTEM USERS, can feasibly be
27 commenced in a reasonable amount of time, will allow more efficient

1 movement of people, goods, and information throughout the state, and
2 will accelerate the economic recovery of the state;

3 (1.5) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
4 THAT:

5 (a) (I) THE TRANSPORTATION ENTERPRISE PROVIDES BOTH
6 SERVICES TO PERSONS WHO PAY USER FEES FOR THE PRIVILEGE OF USING
7 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AND ADDITIONAL
8 IMPACT REMEDIATION SERVICES TO ALL PERSONS WHO USE OR INDIRECTLY
9 BENEFIT FROM THE USE OF THE SURFACE TRANSPORTATION
10 INFRASTRUCTURE PROJECT NETWORK AND OTHER SURFACE
11 TRANSPORTATION INFRASTRUCTURE IN THE STATE BY COMPLETING AND
12 OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT
13 REDUCE WEAR AND TEAR ON AND INCREASE THE RELIABILITY, SAFETY,
14 AND EXPECTED USEFUL LIFE OF STATE HIGHWAYS AND BRIDGES, REDUCE
15 TRAFFIC CONGESTION AND ATTENDANT DELAYS, PROVIDE ADDITIONAL
16 TRANSPORTATION OPTIONS, REDUCE EMISSIONS FROM AIR POLLUTANTS
17 AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCE
18 THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH EMISSIONS;
19 AND

20 (II) BY PROVIDING SERVICES AS AUTHORIZED BY THIS PART 8, THE
21 TRANSPORTATION ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN
22 THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND GENERATES
23 REVENUE BY COLLECTING FEES FROM SERVICES USERS, AND THEREFORE
24 OPERATES AS A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF
25 THE COLORADO SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY*
26 *AUTHORITY*, 896 P.2D 859 (COLO. 1995), AND THE COLORADO COURT OF
27 APPEALS IN *TABOR FOUNDATION V. COLORADO BRIDGE ENTERPRISE*,

1 2014COA 106;

2 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
3 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
4 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
5 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
6 X OF THE STATE CONSTITUTION AND THE DETERMINATION OF THE
7 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*
8 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36, THAT A CHARGE IS NOT A TAX
9 IF THE PRIMARY PURPOSE OF THE CHARGE IS TO NOT TO RAISE REVENUE
10 FOR GENERAL GOVERNMENTAL PURPOSES, IT IS THE CONCLUSION OF THE
11 GENERAL ASSEMBLY THAT THE REVENUE COLLECTED BY THE
12 TRANSPORTATION ENTERPRISE FROM USER FEES IS GENERATED BY FEES,
13 NOT TAXES, BECAUSE THE USER FEES IMPOSED BY THE TRANSPORTATION
14 ENTERPRISE:

15 (I) ARE IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
16 TRANSPORTATION ENTERPRISE TO DEFRAY THE COSTS OF COMPLETING,
17 OPERATING, AND MAINTAINING THE SURFACE TRANSPORTATION
18 INFRASTRUCTURE PROJECT NETWORK;

19 (II) THEREBY:

20 (A) FUND THE SPECIFIC BENEFIT OF THE PRIVILEGE OF ACCESSING
21 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR USER FEE
22 PAYERS;

23 (B) FUND ADDITIONAL BENEFITS OF THE REMEDIATION SERVICES
24 PROVIDED BY THE TRANSPORTATION ENTERPRISE, INCLUDING REDUCTION
25 OF TRAFFIC CONGESTION AND ATTENDANT DELAYS, PROVISION OF
26 ADDITIONAL TRANSPORTATION OPTIONS, REDUCED EMISSIONS FROM AIR
27 POLLUTANTS AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES,

1 AND REDUCED ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH
2 EMISSIONS CAUSED BY THE USE OF MOTOR VEHICLES, FOR USER FEE
3 PAYERS; AND

4 (III) WILL BE COLLECTED AT RATES THAT ARE REASONABLY
5 CALCULATED BY THE TRANSPORTATION ENTERPRISE BOARD BASED ON THE
6 COSTS OF PROVIDING THE BENEFITS PROVIDED TO USER FEE PAYERS AND
7 THE COSTS OF REMEDIATING THE IMPACTS CAUSED BY FEE PAYERS.

8 (2) (a) (III) (B) The powers, duties, and functions of the
9 ~~department~~ of transportation ENTERPRISE include the powers, duties, and
10 functions of the statewide tolling enterprise, created in the ~~commission~~
11 DEPARTMENT pursuant to section 43-4-803 (1), prior to the repeal and
12 reenactment of said section by Senate Bill 09-108, enacted in 2009, and
13 the statewide tolling enterprise is abolished.

14 (c) The business purpose of the transportation enterprise is to
15 pursue public-private partnerships and other innovative and efficient
16 means of completing surface transportation infrastructure projects. To
17 allow the transportation enterprise to accomplish this purpose and fully
18 exercise its powers and duties through the transportation enterprise board,
19 the transportation enterprise may:

20 (I) Subject to the limitations specified in section 43-4-808 (3) AND
21 SUBSECTION (7.6) OF THIS SECTION, impose user fees, INCLUDING THE
22 CONGESTION IMPACT FEE AUTHORIZED BY SUBSECTION (7.6) OF THIS
23 SECTION, for the privilege of using surface transportation infrastructure;

24 (3) (a) The statewide transportation enterprise special revenue
25 fund, referred to in this part 8 as the "transportation special fund", is
26 ~~hereby~~ created in the state treasury. All ~~revenues~~ REVENUE received by
27 the transportation enterprise, including ~~any revenues~~ ALL REVENUE from

1 BOTH user fees COLLECTED FROM USERS OF A PARTICULAR SURFACE
2 TRANSPORTATION INFRASTRUCTURE PROJECT AND CONGESTION IMPACT
3 FEES, collected pursuant to ~~subparagraph (f) of paragraph (c) of~~
4 ~~subsection (2)~~ SUBSECTIONS (2)(c)(I) AND (7.6) of this section, ~~shall~~ MUST
5 be deposited into the transportation special fund. The transportation
6 enterprise board may establish separate accounts within the transportation
7 special fund as needed in connection with any specific surface
8 transportation infrastructure project. The transportation enterprise also
9 may deposit or permit others to deposit other ~~moneys~~ MONEY into the
10 transportation special fund, but in no event may ~~revenues~~ REVENUE from
11 any tax otherwise available for general purposes be deposited into the
12 transportation special fund. The state treasurer, after consulting with the
13 transportation enterprise board, shall invest any ~~moneys~~ MONEY in the
14 transportation special fund, including any surplus or reserves, but
15 excluding any proceeds from the sale of bonds or earnings on such
16 proceeds invested pursuant TO section 43-4-807 (2), that are not needed
17 for immediate use. Such ~~moneys~~ MONEY may be invested in the types of
18 investments authorized in sections 24-36-109, 24-36-112, and 24-36-113.
19 ~~C.R.S.~~

20 (c) The transportation enterprise shall prepare a separate annual
21 accounting of the user fees collected from any surface transportation
22 infrastructure project upon which any user fee is imposed ~~except that~~ AND
23 OF CONGESTION IMPACT FEES. A partner of the enterprise may prepare the
24 annual accounting for a project upon which it imposes a user fee pursuant
25 to the terms of a public-private partnership.

26 (5) Notwithstanding any other provision of this section, user fee
27 ~~revenues shall~~ REVENUE COLLECTED FROM USERS OF A PARTICULAR

1 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT MUST be expended
2 only for purposes authorized by subsection (3) of this section and only
3 for the surface transportation infrastructure project for which they were
4 collected, to address ongoing congestion management needs related to the
5 project, or as a portion of the expenditures made for another surface
6 transportation infrastructure project that is integrated with the project as
7 part of a surface transportation system; except that the transportation
8 enterprise board may use EXPEND user fee revenues REVENUE from each
9 surface transportation infrastructure project in proportion to the total
10 amount of such ~~revenues~~ REVENUE generated by the project to pay
11 overhead of the transportation enterprise. USER FEE REVENUE GENERATED
12 BY THE CONGESTION IMPACT FEE IMPOSED BY THE TRANSPORTATION
13 ENTERPRISE PURSUANT TO SUBSECTION (7.6) OF THIS SECTION MAY BE
14 EXPENDED ON ANY PART OF THE SURFACE TRANSPORTATION
15 INFRASTRUCTURE PROJECT NETWORK AND FOR OVERHEAD OF THE
16 TRANSPORTATION ENTERPRISE.

17 (6) In addition to any other powers and duties specified in this
18 section, the transportation enterprise board ~~shall have~~ HAS the following
19 powers and duties:

20 (p) To transfer money, property, or other assets of the
21 transportation enterprise to the department to the extent necessary to
22 implement the financing of any surface transportation infrastructure
23 project or for any other purpose authorized in this part 8; ~~and~~

24 (p.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
25 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A
26 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
27 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND

1 29-1-203.5 WITH THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN
2 SECTION 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED
3 IN SECTION 32-22-103 (1), AND THE DEPARTMENT, TO IMPLEMENT THE
4 COMPLETION OF CONSTRUCTION AND OPERATION OF THE REGIONAL
5 TRANSPORTATION DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR,
6 INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE
7 FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE; AND

8 (7.6) (a) (I) IN ADDITION TO ANY OTHER POWERS AND DUTIES
9 SPECIFIED IN THIS SECTION, ON AND AFTER JANUARY 1, 2025, THE
10 TRANSPORTATION ENTERPRISE SHALL IMPOSE A CONGESTION IMPACT FEE
11 ON ALL SHORT-TERM VEHICLE RENTALS AT A MAXIMUM RATE, AS
12 DETERMINED BY THE TRANSPORTATION ENTERPRISE BOARD, THAT IS
13 REASONABLY CALCULATED TO GENERATE ONLY THE AMOUNT OF REVENUE
14 NEEDED TO PAY THE OVERALL COSTS OF PROVIDING THE SERVICES TO FEE
15 PAYERS THAT WILL BE FUNDED WITH THAT REVENUE AND THAT IS, EXCEPT
16 AS OTHERWISE PROVIDED IN SUBSECTION (7.6)(c) OF THIS SECTION, NO
17 MORE THAN THREE DOLLARS PER DAY FOR ANY VEHICLE; EXCEPT
18 THAT A SUBSEQUENT RENEWAL OF A SHORT-TERM VEHICLE RENTAL IS
19 EXEMPT FROM THE FEE TO THE EXTENT THAT THE RENEWAL EXTENDS THE
20 TOTAL RENTAL PERIOD BEYOND THIRTY DAYS. A CAR SHARING PROGRAM
21 SHALL COLLECT THE CONGESTION IMPACT FEE FOR ANY SHORT-TERM
22 VEHICLE RENTAL OF TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED
23 BY THE CAR SHARING PROGRAM.

24 (II) AS USED IN THIS SUBSECTION (7.6), UNLESS THE CONTEXT
25 OTHERWISE REQUIRES:

26 (A) "BATTERY ELECTRIC MOTOR VEHICLE" HAS THE SAME
27 MEANING AS SET FORTH IN SECTION 43-4-1202 (1).

1 (B) "CAR SHARING PROGRAM" HAS THE SAME MEANING AS SET
2 FORTH IN SECTION 6-1-1202 (4).

3 (C) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" HAS THE SAME
4 MEANING AS SET FORTH IN SECTION 43-4-1202 (14).

5 (D) "SHORT-TERM VEHICLE RENTAL" MEANS THE RENTAL OF ANY
6 MOTOR VEHICLE, AS DEFINED IN SECTION 42-1-102 (58), WITH A GROSS
7 VEHICLE WEIGHT RATING OF TWENTY-SIX THOUSAND POUNDS OR LESS
8 THAT IS RENTED WITHIN COLORADO FOR A PERIOD OF NOT MORE THAN
9 THIRTY DAYS.

10 (b) THE CONGESTION IMPACT FEE MUST BE COLLECTED, SUBMITTED
11 TO THE DEPARTMENT OF REVENUE, ADMINISTERED BY THE DEPARTMENT
12 OF REVENUE, AND FORWARDED BY THE DEPARTMENT OF REVENUE TO THE
13 STATE TREASURER IN THE SAME MANNER IN WHICH THE DAILY VEHICLE
14 RENTAL FEE IMPOSED PURSUANT TO SECTION 43-4-804 (1)(b)(I)(A) IS
15 COLLECTED, SUBMITTED, ADMINISTERED, AND FORWARDED PURSUANT TO
16 SECTION 43-4-804 (1)(b)(II). THE DEPARTMENT OF REVENUE, WHEN
17 FORWARDING THE CONGESTION IMPACT FEE TO THE STATE TREASURER
18 WITH THE DAILY VEHICLE RENTAL FEE IMPOSED PURSUANT TO SECTION
19 43-4-804 (1)(b)(I)(A), SHALL IDENTIFY THE AMOUNTS OF EACH FEE BEING
20 FORWARDED, AND THE STATE TREASURER SHALL CREDIT ALL CONGESTION
21 IMPACT FEES TO THE TRANSPORTATION SPECIAL FUND. ANY VEHICLE
22 RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT THAT IS
23 EXEMPT, PURSUANT TO SECTION 43-4-804 (1)(b)(III), FROM THE DAILY
24 VEHICLE RENTAL FEE IMPOSED PURSUANT TO SECTION 43-4-804
25 (1)(b)(I)(A) IS ALSO EXEMPT FROM THE CONGESTION IMPACT FEE.

26 (c) (I) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
27 STATE FISCAL YEAR 2026-27 AND FOR SHORT-TERM VEHICLE RENTAL

1 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
2 DAILY LIMITS ON THE AMOUNT OF THE CONGESTION IMPACT FEE SET FORTH
3 IN SUBSECTION (7.6)(a)(I) OF THIS SECTION ARE ANNUALLY ADJUSTED FOR
4 INFLATION, AND THE TRANSPORTATION ENTERPRISE SHALL IMPOSE THE
5 CONGESTION IMPACT FEE IN A MAXIMUM AMOUNT THAT IS THE MAXIMUM
6 AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION.
7 THE TRANSPORTATION ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF
8 REVENUE OF THE AMOUNT OF THE CONGESTION IMPACT FEE TO BE
9 COLLECTED FOR SHORT-TERM VEHICLE RENTALS DURING EACH STATE
10 FISCAL YEAR NO LATER THAN APRIL 1 OF THE CALENDAR YEAR IN WHICH
11 THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF REVENUE
12 SHALL PUBLISH THE AMOUNT NO LATER THAN MAY 1 OF THE CALENDAR
13 YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

14 (II) AS USED IN THIS SUBSECTION (7.6)(c), "INFLATION" MEANS
15 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
16 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
17 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
18 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
19 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
20 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE CONGESTION
21 IMPACT FEE IS TO BE MADE BEGINS.

22 (d) NOTWITHSTANDING SUBSECTION (7.6)(c) OF THIS SECTION, NO
23 LATER THAN MARCH 1, 2030, AND EVERY FIFTH MARCH 1 THEREAFTER,
24 THE TRANSPORTATION ENTERPRISE SHALL COMPLETE AN ANALYSIS OF THE
25 RATE AT WHICH IT IMPOSES THE CONGESTION IMPACT FEE, THE AMOUNT OF
26 REVENUE GENERATED BY THE FEE, AND THE USE OF FEE REVENUE IN
27 ORDER TO ENSURE THAT IT IS CONTINUING TO IMPOSE THE FEE AT RATES

1 THAT ARE REASONABLY CALCULATED TO GENERATE ONLY THE AMOUNT
2 OF REVENUE NEEDED TO PAY THE OVERALL COSTS OF PROVIDING THE
3 SERVICES TO FEE PAYERS THAT WILL BE FUNDED WITH THAT REVENUE. IF
4 THE TRANSPORTATION ENTERPRISE DETERMINES THAT IT IS IMPOSING OR
5 WITH ITS NEXT INFLATION ADJUSTMENT WILL BE IMPOSING THE FEE AT A
6 RATE THAT GENERATES OR WILL GENERATE MORE THAN THE NEEDED
7 AMOUNT OF REVENUE, IT SHALL LOWER THE RATE AT WHICH IT IS IMPOSING
8 THE FEE OR FOREGO OR REDUCE THE INFLATION ADJUSTMENT TO THE
9 EXTENT NECESSARY TO ENSURE THAT IT IS CONTINUING TO IMPOSE THE FEE
10 AT RATES THAT ARE REASONABLY CALCULATED TO GENERATE ONLY THE
11 AMOUNT OF REVENUE NEEDED TO PAY THE OVERALL COSTS OF PROVIDING
12 THE SERVICES TO FEE PAYERS THAT WILL BE FUNDED WITH THAT REVENUE.

13 (7.7) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED
14 IN THIS SECTION:

15 (a) NO LATER THAN MARCH 1, 2025, THE TRANSPORTATION
16 ENTERPRISE SHALL DEVELOP A NEW MULTIMODAL STRATEGIC CAPITAL
17 PLAN, WHICH THE TRANSPORTATION ENTERPRISE BOARD MAY, AT ITS SOLE
18 DISCRETION, THEREAFTER UPDATE AS IT DEEMS NECESSARY. THE PLAN
19 MUST:

20 (I) ALIGN WITH THE TEN-YEAR PLAN FOR EACH MODE OF
21 TRANSPORTATION APPROVED BY THE COMMISSION IN ACCORDANCE WITH
22 SECTION 43-1-106 (15)(d), THE STATEWIDE GREENHOUSE GAS POLLUTION
23 REDUCTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g), AND OTHER
24 STATE GREENHOUSE GAS REDUCTION PRIORITIES;

25 (II) COMPLY WITH THE GREENHOUSE GAS TRANSPORTATION
26 PLANNING STANDARD ADOPTED BY THE COMMISSION, ANY AMENDED OR
27 SUCCESSOR STANDARD ADOPTED BY THE COMMISSION, AND ANY OTHER

1 POLLUTION REDUCTION PLANNING STANDARDS REQUIRED FOR SURFACE
2 TRANSPORTATION INFRASTRUCTURE PROJECTS BY A FEDERAL OR STATE
3 LAW, REGULATION, OR RULE; AND

4 (III) PRIORITIZE BENEFITS TO USER FEE PAYERS AND THE
5 REDUCTION OF ADVERSE IMPACTS ON HIGHWAYS.

6 (b) NO LATER THAN MARCH 1, 2025, THE TRANSPORTATION
7 ENTERPRISE SHALL COMPLETE AN INITIAL ASSESSMENT OF OPPORTUNITIES
8 AVAILABLE THROUGH 2030 TO LEVERAGE FEDERAL MONEY MADE
9 AVAILABLE TO THE STATE. AFTER COMPLETING THE INITIAL ASSESSMENT,
10 THE TRANSPORTATION ENTERPRISE SHALL ASSESS SUCH OPPORTUNITIES ON
11 AN ONGOING BASIS.

12 (7.8) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED
13 IN THIS SECTION, THE TRANSPORTATION ENTERPRISE MAY ENTER INTO A
14 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
15 SEPARATE LEGAL ENTITY PURSUANT TO 29-1-203 AND 29-1-203.5 WITH
16 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
17 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED IN
18 SECTION 32-22-103(1), AND THE DEPARTMENT OF TRANSPORTATION TO
19 IMPLEMENT THE COMPLETION OF CONSTRUCTION AND OPERATION OF THE
20 REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST FIXED GUIDEWAY
21 CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS
22 AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE.

23

==

24 (9) (a) The transportation enterprise ~~shall not~~ IS NOT INTENDED TO
25 supplant or duplicate the services provided by any public mass transit
26 operator, as defined in section 43-1-102 (5), railroad, public highway
27 authority created pursuant to part 5 of this article, or regional

1 transportation authority created pursuant to part 6 of this article except as
2 described in detail in an intergovernmental agreement or other contractual
3 agreement entered into by the transportation enterprise and the operator,
4 railroad, or authority. The creation of and undertaking of surface
5 transportation infrastructure projects by the transportation enterprise
6 pursuant to this part 8 is not intended to discourage any combination of
7 local governments from forming a public highway authority or a regional
8 transportation authority.

9 (10)(a) Notwithstanding section 24-1-136 (11)(a)(I), no later than
10 February 15, 2010, ~~and~~ no later than February 15 of each year thereafter
11 THROUGH 2024, AND NO LATER THAN MARCH 1 OF EACH YEAR
12 THEREAFTER, the transportation enterprise shall present a report to the
13 committees of the house of representatives and the senate that have
14 jurisdiction over transportation. The report must include a summary of the
15 transportation enterprise's activities for the previous year, a summary of
16 the status of any current surface transportation infrastructure projects, a
17 statement of the enterprise's revenues and expenses, and any
18 recommendations for statutory changes that the enterprise deems
19 necessary or desirable. The committees shall review the report and may
20 recommend legislation. The report shall be public and shall be available
21 on the website of the department on or before January 15 of the year in
22 which the report is presented.

23 (c) BEGINNING WITH THE REPORT DUE NO LATER THAN MARCH 1,
24 2025, THE REPORT SHALL ALSO DETAIL THE TRANSPORTATION
25 ENTERPRISE'S WORK TO REDUCE TRAFFIC CONGESTION AND GREENHOUSE
26 GAS EMISSIONS AND SUPPORT THE EXPANSION OF PUBLIC TRANSIT.

27 **SECTION 14.** In Colorado Revised Statutes, **amend** 43-4-812 as

1 follows:

2 **43-4-812. Use of user fees for transit - legislative declaration.**

3 (1) Notwithstanding any other provision of law, the transportation
4 enterprise, a public highway authority created and existing pursuant to
5 part 5 of this article, a regional transportation authority created and
6 existing pursuant to part 6 of this article, or any other entity that, as of
7 March 2, 2009, is imposing a user fee or toll for the privilege of traveling
8 on any highway segment or highway lanes may use ~~revenues~~ REVENUE
9 generated by the user fee or toll for RAIL- AND transit-related projects that
10 relate to the maintenance or supervision of the highway segment or
11 highway lanes on which the user fee or toll is imposed.

12 (2) The general assembly hereby finds and declares that the
13 funding of RAIL- AND transit-related projects authorized by subsection (1)
14 of this section constitutes maintenance and supervision of state highways
15 because it will help to reduce traffic on state highways and thereby reduce
16 wear and tear on state highways and bridges and increase their reliability,
17 safety, and expected useful life.

18 **SECTION 15. Appropriation.** (1) For the 2024-25 state fiscal
19 year, \$42,399 is appropriated to the department of revenue. This
20 appropriation is from the general fund. To implement this act, the
21 department may use this appropriation as follows:

22 (a) \$23,175 for tax administration IT system (GenTax) support;

23 (b) \$11,104 for personal services related to taxation services; and,

24 (c) \$8,120 for personal services related to administration and
25 support.

26 **SECTION 16. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.