

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0811.01 Jason Gelender x4330

HOUSE BILL 16-1304

HOUSE SPONSORSHIP

Tyler, Coram, Becker J., Mitsch Bush, Ryden

SENATE SPONSORSHIP

Heath,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNITY CONVERSATIONS ON TRANSPORTATION**
102 **PRIORITIES AND PREFERRED FUNDING OPTIONS.**

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://www.leg.state.co.us/billsummaries>.)

The bill requires the department of transportation (CDOT) to hold at least one community conversation in each transportation planning region of the state (TPR) no later than October 1, 2016, in order to allow members of the public to testify and be questioned regarding their top priorities for transportation funding and their preferred means of raising the revenue needed to fund those priorities. To ensure maximum public

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.

HOUSE
Amended 2nd Reading
April 22, 2016

participation for each community conversation, CDOT and the Colorado office of economic development must provide extensive public notice of each community conversation and CDOT must hold each community conversation at a time outside of regular business hours or most convenient to the local community and at a location that is convenient for as much of the population of the TPR as feasible and allow remote testimony.

Within each TPR, the representative of the TPR on the statewide transportation advisory committee must convene an open house meeting or panel of individuals with expertise in transportation and economic development to interact with and receive testimony from the public at any community conversation. The representative of the TPR must lead the meeting or serve as the chair of the panel, and the meeting or panel must also include any member of the transportation commission and any regional transportation director for CDOT whose district or region includes any portion of the TPR and a representative of any regional economic development district that includes any portion of the TPR. The representative of the TPR shall also ensure that each state legislator, county commissioner, and municipal mayor and council member whose district, county, or municipality includes any portion of the TPR receives an invitation to participate in any community conversation held in the TPR.

After all community conversations in a TPR are held, and no later than November 1, 2016, the representative of the TPR who convened the community conversations must develop and submit to the executive director of CDOT a regional community conversation report that ranks both the top transportation priorities for the TPR and the preferred means of raising the revenue needed to fund those priorities. The executive director must compile the regional reports into a statewide report that ranks the top transportation priorities for the state and the preferred means of raising the revenue to fund those priorities. The executive director must present the report during CDOT's SMART Act presentation made before the commencement of the 2017 regular legislative session.

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

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

4 (a) In 1991, when the gas tax was last increased, the state was
5 spending one hundred twenty-five dollars per person per year on roads,
6 but today it is spending less than sixty-four dollars per person, barely half

1 as much;

2 (b) With an unchanging gas tax, more vehicle miles traveled, and
3 rapid construction cost inflation, the state has very limited funding for
4 new construction of transportation infrastructure of any kind, does not
5 have enough money to fund capacity expansion projects, and cannot
6 perform enough maintenance on our roads to keep up with deterioration,
7 all of which leads to increased traffic congestion and more expensive and
8 inconvenient travel;

9 (c) These problems are likely to worsen because Colorado's
10 population is increasing and the state will have nearly one million more
11 people in 2020 than it had in 2000;

12 (d) Robust transportation infrastructure is both a bipartisan
13 priority and a necessity for all Coloradans because:

14 (I) Workers need it to get to their jobs;

15 (II) Students need it to get to school safely;

16 (III) Farmers and ranchers need it to move their commodities and
17 get to market;

18 (IV) Manufacturers need it to move materials in and products out;

19 (V) Retailers need it to get products and customers to their stores;

20 and

21 (VI) The tourism industry needs it to get vacationers to their
22 destinations;

23 (e) Traffic congestion, road and bridge deterioration, and
24 unplowed snow are obvious to every driver, and recent polling indicates
25 that Coloradans have identified transportation issues as one of their top
26 concerns;

27 (f) Other states facing similar challenges with respect to the

1 provision and maintenance of robust transportation infrastructure have
2 already taken action, and in just the past two years alone twenty-two
3 states, including the nearby states of Wyoming, Nebraska, Utah, and
4 Idaho, have found ways to raise more revenue and increase dedicated
5 transportation funding;

6 (g) The Colorado department of transportation has extensive data
7 regarding the condition of Colorado's roads, and that data indicates that
8 pavement has been deteriorating since 2005 and will continue to
9 deteriorate unless more maintenance is done; and

10 (h) The department of transportation knows how to better
11 maintain our roads and reduce traffic congestion, how much it costs to do
12 it, how to prioritize the use of limited resources, and how to use creative
13 strategies to do more with less.

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

15 (a) As representatives of the people, the members of the general
16 assembly respect the intelligence and good judgment of our constituents,
17 and therefore believe that it is in the best interest of the state to require a
18 series of community conversations about transportation priorities and
19 preferred funding options to be held throughout the state as required by
20 this act so that the general assembly and the department of transportation
21 can better understand the specifics of what the people of the state want
22 from their transportation system and to what extent they are willing to pay
23 to achieve it; and

24 (b) This act requires at least fifteen community conversations to
25 be held throughout the state, one in each transportation planning region
26 of the state, so that the members of the general assembly can hear what
27 our constituents' transportation priorities are and receive their input as to

1 their preferred means of raising the money needed to address those
2 priorities. These community conversations will tell the general assembly
3 whether Coloradans are willing to raise taxes or fees to upgrade roads,
4 whether they prefer to put up with congestion and bumpy rides, or
5 whether they have other options for the general assembly to consider.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 43-1-1106 as
7 follows:

8 **43-1-1106. Community conversations about transportation**
9 **priorities and funding - regional and statewide reports - definition -**
10 **repeal.**

11 (1) NO LATER THAN OCTOBER 1, 2016, THE DEPARTMENT SHALL
12 ASSIST EACH TRANSPORTATION PLANNING REGION IN HOLDING AT LEAST
13 ONE COMMUNITY CONVERSATION IN EACH TRANSPORTATION PLANNING
14 REGION CONCERNING TRANSPORTATION PRIORITIES AND PREFERRED
15 FUNDING OPTIONS. FOR PURPOSES OF THIS SECTION, A "COMMUNITY
16 CONVERSATION" MEANS A PUBLIC MEETING AT WHICH THE REGIONAL
17 COMMISSION AND THE DEPARTMENT MUST PRESENT POTENTIAL PRIORITIES
18 PREVIOUSLY DEVELOPED BY THE REGIONAL COMMISSION AND ALL
19 IDENTIFIED FUNDING OPTIONS FOR THE REGION AND THE STATE AND AT
20 WHICH ANY MEMBER OF THE PUBLIC MAY TESTIFY AND BE CONSULTED
21 REGARDING HIS OR HER TOP PRIORITIES FOR TRANSPORTATION FUNDING
22 AND HIS OR HER PREFERRED MEANS OF RAISING THE REVENUE NEEDED TO
23 FUND THOSE PRIORITIES, AND THE PURPOSE OF A COMMUNITY
24 CONVERSATION IS TO ALLOW THE DEPARTMENT TO IDENTIFY AND RANK
25 BOTH THE TOP TRANSPORTATION PRIORITIES OF THE PUBLIC FOR EACH
26 TRANSPORTATION PLANNING REGION AND THE PUBLIC'S PREFERRED MEANS
27 OF RAISING THE REVENUE NEEDED TO FUND THOSE PRIORITIES.

(2) IN ORDER TO ENSURE MAXIMUM PUBLIC PARTICIPATION FOR

1 EACH COMMUNITY CONVERSATION, THE DEPARTMENT AND THE
2 COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN ARTICLE 48.5
3 OF TITLE 24, C.R.S., IN CLOSE COLLABORATION WITH EACH REGIONAL
4 COMMISSION, SHALL PROVIDE EXTENSIVE PUBLIC NOTICE, INCLUDING
5 NOTICE THROUGH SOCIAL MEDIA, PRESS RELEASES, NEWSPAPER
6 ADVERTISING, RADIO AND TELEVISION ADVERTISING, TELEPHONE TOWN
7 HALL MEETINGS, AND SUCH OTHER MEANS OF PROVIDING NOTICE AS ARE
8 LIKELY TO REACH LARGE AUDIENCES, AND THE DEPARTMENT SHALL:

9 (a) HOLD EACH COMMUNITY CONVERSATION AT A TIME OUTSIDE
10 OF REGULAR BUSINESS HOURS OR MOST CONVENIENT TO THE LOCAL
11 COMMUNITY AND AT A LOCATION THAT IS CONVENIENT FOR AS MUCH OF
12 THE POPULATION OF THE TRANSPORTATION PLANNING REGION AS
13 FEASIBLE; AND

14 (b) ALLOW REMOTE TESTIMONY IF PRACTICABLE FROM MEMBERS
15 OF THE PUBLIC WHO ARE UNABLE TO OR DO NOT WISH TO ATTEND THE
16 COMMUNITY CONVERSATION IN PERSON.

17 (3) WITHIN EACH TRANSPORTATION PLANNING REGION, THE
18 REPRESENTATIVE OF THE REGION ON THE COMMITTEE CREATED PURSUANT
19 TO SECTION 43-1-1104 SELECTED BY THE REGIONAL COMMISSION SHALL
20 CONVENE AN OPEN HOUSE MEETING OR PANEL OF INDIVIDUALS, INCLUDING
21 MEMBERS OF THE REGIONAL COMMISSION, WITH EXPERTISE IN
22 TRANSPORTATION AND ECONOMIC DEVELOPMENT TO INTERACT WITH AND
23 RECEIVE TESTIMONY FROM THE PUBLIC AT ANY COMMUNITY
24 CONVERSATION HELD IN THE REGION. THE COMMITTEE REPRESENTATIVE
25 SHALL PREPARE THE REGIONAL COMMUNITY CONVERSATION REPORT
26 REQUIRED BY SUBSECTION (4) OF THIS SECTION. THE REGIONAL
27 COMMISSION REPRESENTATIVE SHALL LEAD THE MEETING OR SERVE AS

1 THE CHAIR OF THE PANEL, AND THE MEETING OR PANEL MUST ALSO
2 INCLUDE ANY MEMBER OF THE TRANSPORTATION COMMISSION CREATED
3 IN SECTION 43-1-106 WHOSE DISTRICT INCLUDES ANY PORTION OF THE
4 TRANSPORTATION PLANNING REGION, ANY REGIONAL TRANSPORTATION
5 DIRECTOR FOR THE DEPARTMENT WHOSE TRANSPORTATION REGION
6 INCLUDES ANY PORTION OF THE TRANSPORTATION PLANNING REGION, AND
7 A REPRESENTATIVE OF ANY REGIONAL ECONOMIC DEVELOPMENT DISTRICT
8 OR OTHER COMMUNITY ECONOMIC DEVELOPMENT ORGANIZATION THAT
9 INCLUDES ANY PORTION OF THE TRANSPORTATION PLANNING REGION. THE
10 REGIONAL COMMISSION REPRESENTATIVE, ASSISTED BY DEPARTMENT
11 STAFF, SHALL ALSO ENSURE THAT EACH STATE LEGISLATOR, COUNTY
12 COMMISSIONER, AND MUNICIPAL MAYOR AND COUNCIL MEMBER WHOSE
13 DISTRICT, COUNTY, OR MUNICIPALITY INCLUDES ANY PORTION OF THE
14 TRANSPORTATION PLANNING REGION RECEIVES AN INVITATION TO
15 PARTICIPATE IN ANY COMMUNITY CONVERSATION HELD IN THE REGION.

16 (4) AFTER ALL COMMUNITY CONVERSATIONS IN A
17 TRANSPORTATION PLANNING REGION ARE HELD, AND NO LATER THAN
18 NOVEMBER 1, 2016, THE COMMITTEE REPRESENTATIVE WHO CONVENED
19 THE COMMUNITY CONVERSATIONS, ASSISTED BY DEPARTMENT STAFF,
20 SHALL DEVELOP AND SUBMIT TO THE EXECUTIVE DIRECTOR OF THE
21 DEPARTMENT A REGIONAL COMMUNITY CONVERSATION REPORT THAT
22 RANKS BOTH THE TOP TRANSPORTATION PRIORITIES FOR THE
23 TRANSPORTATION PLANNING REGION AND THE PREFERRED MEANS OF
24 RAISING THE REVENUE NEEDED TO FUND THOSE PRIORITIES. THE
25 EXECUTIVE DIRECTOR SHALL COMPILE THE REGIONAL COMMUNITY
26 CONVERSATION REPORTS INTO A STATEWIDE REPORT THAT RANKS THE TOP
27 TRANSPORTATION PRIORITIES FOR THE STATE AND REFLECTS THE

1 PRIORITIES AND CHOICES OF EACH REGIONAL COMMISSION AND REGIONAL
2 COMMUNITY CONVERSATION AND THE PREFERRED MEANS OF RAISING THE
3 REVENUE TO FUND THOSE PRIORITIES. THE EXECUTIVE DIRECTOR SHALL
4 PROVIDE A COPY OF THE REPORT TO EACH REGIONAL COMMISSION AND TO
5 THE STATEWIDE TRANSPORTATION ADVISORY COMMITTEE AND THEN
6 PRESENT THE REPORT DURING THE DEPARTMENT'S PRESENTATION TO
7 LEGISLATIVE COMMITTEES OF REFERENCE MADE PURSUANT TO SECTION
8 2-7-203, C.R.S., BEFORE THE COMMENCEMENT OF THE 2017 REGULAR
9 LEGISLATIVE SESSION.

10 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.