



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0411	Date:	September 2, 2021
Prime Sponsors:	Sen. Smallwood Rep. Gray	Bill Status:	Signed into Law
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Bill Topic: LOCAL GOVERNMENT AUTHORITY ROUGHED-IN ROADS

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows local governments to prohibit the operation of motor vehicle or off-highway vehicles on roughed-in roads. Beginning in FY 2021-22, the bill may increase local government expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

Current law allows local governments to prohibit the operation of trucks and commercial vehicles on designated highways under their jurisdiction. This bill expands that authority, and allows local governments to prohibit the operation of motor vehicles or off-highway vehicles on roughed-in roads. Roughed-in roads are areas where the ground has been cut with the intention to make a road, but has not been improved enough to qualify as a road. The operation of vehicles on roughed-in roads that are prohibited by local governments is a class B traffic offense subject to a \$35 fine and a \$10 surcharge.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data. This bill expands the current offense of operating a vehicle in violation of a local ordinance, a class B traffic infraction, to include a roughed-in road where such operation has been prohibited by a local government. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of disobeying a temporarily closed sign as a comparable

crime. From 2018 to 2020, 45 offenders have been sentenced and convicted for this existing offense, of which 38 were male, 6 were female, and 1 where gender was unknown. Demographically, 38 were White, 2 were African American, 1 was Hispanic, 1 was Asian, 1 was designated as Other, and 1 where race was not identified.

Assumptions. Because roughed-in roads are assumed to be less prevalent than highways with closed signs, the fiscal note assumes that there will be minimal additional infractions under the bill. Because the bill is not expected to have a tangible impact on traffic infraction-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Local Government

Starting in FY 2021-22, if a local government chooses to enact restrictions on roughed-in roads, administrative costs will increase, and there will likely be costs related to sign purchase and installation. These costs have not been estimated for this fiscal note, but will vary based on jurisdiction.

Effective Date

The bill was signed into law by the Governor on April 22, 2021, and takes effect on September 7, 2021, assuming no referendum petition is filed.

State and Local Government Contacts

Counties	Information Technology	Local Affairs
Municipalities	Public Safety	Transportation