

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

PREAMENDED

This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

LLS NO. 24-0244.01 Jason Gelender x4330

SENATE BILL 24-036

SENATE SPONSORSHIP

Winter F. and Cutter,

HOUSE SPONSORSHIP

Lindsay and Lindstedt,

Senate Committees

Transportation & Energy
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ENTERPRISE TO PROVIDE**
102 **INFRASTRUCTURE IMPROVEMENTS THAT PROTECT VULNERABLE**
103 **ROAD USERS.**

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/>.)

Transportation Legislation Review Committee. The bill creates the vulnerable road user protection enterprise in the department of transportation (CDOT) for the purpose of providing funding for transportation system infrastructure improvements and other data-driven strategies identified in the federal highway administration-mandated

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.*

vulnerable road user safety assessment, which CDOT is required to develop, that reduce the number of collisions with motor vehicles that result in death or serious injury to vulnerable road users (eligible projects). The enterprise is required to impose a vulnerable road user protection fee, which is imposed in tiered amounts that are calculated based on motor vehicle weight and configuration, on the registration of passenger cars and light trucks that are not commercial vehicles. Fee revenue is credited to a newly created vulnerable road user protection enterprise cash fund and continuously appropriated to the enterprise. The enterprise is authorized to provide grants, subject to specified parameters relating to grant amounts, matching money requirements, and the use of grant money, to fund eligible projects.

The enterprise is required to:

- Publish and post on its website a 5-year plan that details how the enterprise will execute its business purpose and estimates the amount of funding that will be available to implement the plan;
- Create, maintain, and regularly update on its website a public accountability dashboard; and
- Prepare an annual report, present the report to the transportation commission and specified legislative committees, and post the report on its website.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 16 to article
3 4 of title 43 as follows:

4 PART 16

5 VULNERABLE ROAD USER PROTECTION ENTERPRISE

6 **43-4-1601. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT:

8 (a) ADVANCING THE SAFETY OF THE TRANSPORTATION SYSTEM OF
9 COLORADO IS OF PARAMOUNT IMPORTANCE;

10 (b) ONE OF THE BEST WAYS TO IMPROVE THE SAFETY OF THE
11 TRANSPORTATION SYSTEM IS TO REDUCE THE NUMBER OF FATALITIES AND
12 SERIOUS INJURIES CAUSED BY COLLISIONS BETWEEN MOTOR VEHICLES
13 THAT ENCLOSE OCCUPANTS AND UNENCLOSED VULNERABLE ROAD USERS

1 SUCH AS PEDESTRIANS, BICYCLISTS, AND INDIVIDUALS USING OTHER
2 NONMOTORIZED OR MOTORIZED PERSONAL CONVEYANCES;

3 (c) BETWEEN 2010 AND 2021, THE NUMBER OF PEDESTRIAN
4 DEATHS RESULTING FROM SUCH COLLISIONS INCREASED BY
5 SEVENTY-SEVEN PERCENT WHILE THE NUMBER OF ALL OTHER
6 TRAFFIC-RELATED DEATHS INCREASED BY ONLY TWENTY-FIVE PERCENT;

7 (d) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
8 VEHICLE AND A VULNERABLE ROAD USER WILL RESULT IN A FATALITY OR
9 SERIOUS INJURY TO THE VULNERABLE ROAD USER IS DIRECTLY RELATED TO
10 THE SPEED AT WHICH THE MOTOR VEHICLE IS TRAVELING, THE WEIGHT OF
11 THE MOTOR VEHICLE, AND THE CONFIGURATION OF THE MOTOR VEHICLE
12 AS FOLLOWS:

13 (I) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
14 VEHICLE AND A PEDESTRIAN WILL RESULT IN A SERIOUS INJURY TO THE
15 PEDESTRIAN IS:

16 (A) TEN PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
17 SIXTEEN MILES PER HOUR;

18 (B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
19 THIRTY-ONE MILES PER HOUR; AND

20 (C) NINETY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
21 FORTY-SIX MILES PER HOUR;

22 (II) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
23 VEHICLE AND A PEDESTRIAN WILL RESULT IN DEATH TO THE PEDESTRIAN
24 IS:

25 (A) TEN PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
26 TWENTY-THREE MILES PER HOUR;

27 (B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT

1 FORTY-TWO MILES PER HOUR; AND

2 (C) NINETY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
3 FIFTY-EIGHT MILES PER HOUR;

4 (III) BECAUSE FORCE EQUALS MASS TIMES ACCELERATION, AT THE
5 SAME SPEED, THE FORCE TRANSMITTED TO A VULNERABLE ROAD USER
6 DURING A COLLISION WITH A MOTOR VEHICLE, AND THE ATTENDANT
7 LIKELIHOOD THAT THE COLLISION WILL RESULT IN SERIOUS INJURY OR
8 DEATH TO THE VULNERABLE ROAD USER, INCREASES AS THE WEIGHT OF
9 THE MOTOR VEHICLE INCREASES. IN ADDITION, THE INSURANCE
10 INSTITUTE FOR HIGHWAY SAFETY AND THE HIGHWAY LOSS DATA
11 INSTITUTE HAVE FOUND THAT MOTOR VEHICLES WITH HOOD HEIGHTS OF
12 MORE THAN FORTY INCHES ARE ABOUT FORTY-FIVE PERCENT MORE LIKELY
13 TO CAUSE FATALITIES IN COLLISIONS WITH PEDESTRIANS THAN MOTOR
14 VEHICLES WITH HOOD HEIGHTS OF THIRTY INCHES OR LESS, IN PART
15 BECAUSE THEY CAUSE MORE HEAD AND TORSO INJURIES, AND AN
16 ANALYSIS BY CONSUMER REPORTS FOUND THAT THE AVERAGE HOOD
17 HEIGHT OF PASSENGER TRUCKS HAS INCREASED BY ELEVEN PERCENT SINCE
18 2000 AND THE WEIGHT OF NEW TRUCKS INCREASED BY TWENTY-FOUR
19 PERCENT BETWEEN 2000 AND 2018.

20 (e) THE FEDERAL HIGHWAY ADMINISTRATION SUPPORTS THE
21 VISION OF HAVING ZERO TRAFFIC FATALITIES AND PROVIDES A LIST OF
22 PROVEN SAFETY COUNTERMEASURES THAT WERE SELECTED BASED ON
23 PROVEN RESEARCH THAT DEMONSTRATES THEIR EFFECTIVENESS. THESE
24 STRATEGIES ARE DESIGNED TO IMPROVE SAFETY FOR ALL ROAD USERS, NOT
25 ONLY VULNERABLE ROAD USERS, AND THE FEDERAL HIGHWAY
26 ADMINISTRATION STRONGLY ENCOURAGES TRANSPORTATION AGENCIES TO
27 CONSIDER WIDESPREAD IMPLEMENTATION OF THESE MEASURES TO

1 ACCELERATE THE ACHIEVEMENT OF LOCAL, STATE, AND NATIONAL SAFETY
2 GOALS.

3 (f) ACCORDINGLY, IT IS INSTEAD NECESSARY AND APPROPRIATE TO
4 MAKE THE TRANSPORTATION SYSTEM SAFER FOR VULNERABLE ROAD
5 USERS BY CREATING THE VULNERABLE ROAD USERS PROTECTION
6 ENTERPRISE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
7 DEPARTMENT AND AUTHORIZING THE ENTERPRISE TO IMPOSE MOTOR
8 VEHICLE REGISTRATION FEES THAT ARE REASONABLY CALCULATED BASED
9 ON BOTH THE BENEFITS OF A SAFER TRANSPORTATION SYSTEM THAT THE
10 ENTERPRISE PROVIDES TO ALL FEE PAYERS, INCLUDING THE LARGE
11 NUMBER OF FEE PAYERS WHO BOTH REGISTER MOTOR VEHICLES AND USE
12 OR HAVE THE OPPORTUNITY TO USE ROADS AS VULNERABLE ROAD USERS,
13 AND THE VARYING IMPACTS OF DIFFERENT WEIGHTS AND TYPES OF MOTOR
14 VEHICLES ON VULNERABLE ROAD USERS AND USE THE FEE REVENUE IN
15 FURTHERANCE OF ITS BUSINESS PURPOSE OF PROVIDING FUNDING FOR
16 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS AND OTHER
17 DATA-DRIVEN STRATEGIES THAT REDUCE THE NUMBER OF COLLISIONS
18 WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO
19 VULNERABLE ROAD USERS.

20 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

21 (a) THE ENTERPRISE PROVIDE BENEFITS TO ALL FEE PAYERS
22 BECAUSE, WHEN IT PROVIDES DEDICATED FUNDING FOR TRANSPORTATION
23 SYSTEM INFRASTRUCTURE IMPROVEMENTS AND DATA-DRIVEN STRATEGIES
24 THAT REDUCE THE NUMBER OF COLLISIONS BETWEEN MOTOR VEHICLES
25 AND VULNERABLE ROAD USERS THAT RESULT IN DEATH OR SERIOUS
26 INJURY, IT:

27 (I) MAKES IT LESS LIKELY THAT ANY GIVEN FEE PAYER'S MOTOR

1 VEHICLE WILL BE INVOLVED IN SUCH A COLLISION, WHICH:

2 (A) REDUCES THE RISKS THAT THE FEE PAYER OR OTHER
3 OPERATOR OF THE MOTOR VEHICLE OR A PASSENGER IN THE MOTOR
4 VEHICLE WILL BE KILLED OR INJURED IN OR THAT THE MOTOR VEHICLE OR
5 PROPERTY IN OR ATTACHED TO THE MOTOR VEHICLE WILL BE DAMAGED IN
6 SUCH A COLLISION;

7 (B) REDUCES THE RISKS THAT THE OWNER OR OPERATOR OF THE
8 MOTOR VEHICLE WILL BE LEGALLY LIABLE FOR THE DEATH OF OR INJURY
9 TO SUCH AN OPERATOR OR PASSENGER OR THE DEATH OF OR INJURY TO A
10 VULNERABLE ROAD USER OR FOR DAMAGE TO THEIR PROPERTY, SOME OF
11 WHICH RISKS ARE GREATER FOR THE HEAVIER MOTOR VEHICLES AND
12 MOTOR VEHICLES WITH CONFIGURATIONS THAT ARE MORE DANGEROUS TO
13 VULNERABLE ROAD USERS ON WHICH THE ENTERPRISE WILL IMPOSE
14 HIGHER MOTOR VEHICLE REGISTRATION FEES; AND

15 (C) LOWERS THE COSTS OF MOTOR VEHICLE INSURANCE,
16 ESPECIALLY FOR THE HEAVIER MOTOR VEHICLES AND MOTOR VEHICLES
17 WITH CONFIGURATIONS THAT ARE MORE DANGEROUS TO VULNERABLE
18 ROADUSERS AND ON WHICH THE ENTERPRISE WILL IMPOSE HIGHER MOTOR
19 VEHICLE REGISTRATION FEES; AND

20 (II) MAKES IT LESS LIKELY THAT A VULNERABLE ROAD USER, WHO
21 IN MANY CASES IS ALSO A FEE PAYER, WILL BE KILLED OR SERIOUSLY
22 INJURED IN SUCH AN ACCIDENT.

23 (b) IN ADDITION TO THE DIRECT BENEFITS THAT IT PROVIDES TO FEE
24 PAYERS, THE ENTERPRISE ALSO PROVIDES IMPACT REMEDIATION SERVICES
25 WHEN, IN EXCHANGE FOR THE PAYMENT OF MOTOR VEHICLE REGISTRATION
26 FEES THAT IT IMPOSES ON MOTOR VEHICLES IN WEIGHT- AND
27 CONFIGURATION-BASED AMOUNTS THAT INCREASE AS THE POTENTIAL

1 HARM TO VULNERABLE ROAD USERS FROM SUCH MOTOR VEHICLES
2 INCREASES, IT MAKES THE TRANSPORTATION SYSTEM SAFER SPECIFICALLY
3 FOR VULNERABLE ROAD USERS AND MORE GENERALLY FOR ALL ROAD
4 USERS.

5 (c) BY PROVIDING DIRECT AND INDIRECT BENEFITS AND IMPACT
6 REMEDIATION SERVICES AS AUTHORIZED BY THIS PART 16, THE ENTERPRISE
7 PROVIDES A BENEFIT TO FEE PAYERS AND THEREFORE OPERATES AS A
8 BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO
9 SUPREME COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY*
10 *OF ASPEN*, 2018 CO 36;

11 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
12 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
13 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
14 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
15 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
16 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
17 GENERATED BY FEES, NOT TAXES, BECAUSE THE MOTOR VEHICLE
18 REGISTRATION FEES IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
19 SECTION 43-4-1603 ARE:

20 (I) IMPOSED FOR THE SPECIFIC PURPOSES OF PROVIDING DIRECT
21 AND INDIRECT BENEFITS TO FEE PAYERS AND ALLOWING THE ENTERPRISE
22 TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION SERVICES
23 SPECIFIED IN THIS SECTION, SPECIFICALLY THE FUNDING OF
24 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS THAT ARE
25 DESIGNED TO MITIGATE THE HARM TO VULNERABLE ROAD USERS CAUSED
26 BY THE OPERATION OF THE MOTOR VEHICLES ON WHICH THE FEES ARE
27 ASSESSED, AND CONTRIBUTE TO THE IMPLEMENTATION OF THE

1 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
2 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
3 SUPERVISION OF A SUSTAINABLE AND SAFE TRANSPORTATION SYSTEM;
4 AND

5 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
6 BASED ON THE DIRECT AND INDIRECT BENEFITS PROVIDED TO AND IMPACTS
7 CAUSED BY FEE PAYERS AND THE COSTS OF PROVIDING THOSE BENEFITS
8 AND REMEDIATING THOSE IMPACTS; AND

9 (e) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
10 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
11 REVENUE FROM THE MOTOR VEHICLE REGISTRATION FEES COLLECTED BY
12 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
13 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
14 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
15 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
16 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
17 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

18 **43-4-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

21 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF
22 TRANSPORTATION.

23 (3) "ELIGIBLE ENTITY" MEANS A COUNTY, A MUNICIPALITY, A CITY
24 AND COUNTY, OR ANY OTHER PUBLIC ENTITY OTHER THAN A PUBLIC
25 ENTITY THAT IS PART OF THE STATE, AS DEFINED IN SECTION 24-77-102
26 (16), THAT IS SEEKING FUNDING FROM THE FUND FOR AN ELIGIBLE
27 PROJECT.

1 (4) "ELIGIBLE PROJECT" MEANS A PROJECT THAT IMPROVES
2 TRANSPORTATION SYSTEM INFRASTRUCTURE OR OTHERWISE IMPLEMENTS
3 DATA-DRIVEN STRATEGIES _____ THAT REDUCE THE NUMBER OF
4 COLLISIONS WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS
5 INJURY TO VULNERABLE ROAD USERS. ELIGIBLE PROJECTS INCLUDE:

6 (a) THE FOLLOWING PROJECT TYPES DRAWN FROM THE FEDERAL
7 HIGHWAY ADMINISTRATION'S LIST OF PROVEN SAFETY
8 COUNTERMEASURES:

9 (I) WALKWAYS SUCH AS SIDEWALKS AND SHARED-USE PATHS;

10 (II) BICYCLE LANES, WITH A PREFERENCE FOR BICYCLE LANES
11 THAT WILL BE DEVELOPED, DESIGNED, AND DELIVERED IN ACCORDANCE
12 WITH GUIDELINES AND PROCESSES SET FORTH IN THE FEDERAL HIGHWAY
13 ADMINISTRATION'S BIKEWAY SELECTION GUIDE;

14 (III) MEDIANS AND PEDESTRIAN REFUGE ISLANDS;

15 (IV) LIGHTING ALONG PEDESTRIAN AND BICYCLE FACILITIES,
16 INTERSECTIONS, AND CROSSINGS;

17 (V) CROSSING SAFETY FEATURES SUCH AS CROSSWALK VISIBILITY
18 ENHANCEMENTS, LEADING PEDESTRIAN INTERVALS, PEDESTRIAN HYBRID
19 BEACONS, AND RECTANGULAR RAPID FLASHING BEACONS;

20 (VI) ROAD DIETS AND OTHER ROADWAY RECONFIGURATIONS THAT
21 IMPROVE SAFETY;

22 (VII) TRAFFIC CIRCLES AND OTHER TRAFFIC CALMING OR SPEED
23 MANAGEMENT DEVICES;

24 (VIII) THE SYSTEMIC APPLICATION OF MULTIPLE LOW-COST
25 COUNTERMEASURES AT STOP-CONTROLLED INTERSECTIONS;

26 (IX) THE IMPLEMENTATION OF APPROPRIATE SPEED LIMITS FOR ALL
27 ROAD USERS;

- 1 (X) SPEED SAFETY AND RED LIGHT CAMERAS;
- 2 (XI) CORRIDOR ACCESS MANAGEMENT; AND
- 3 (XII) LONGITUDINAL RUMBLE STRIPS AND STRIPES;
- 4 (b) OTHER VULNERABLE ROAD USER SAFETY PROJECTS PROPOSED
- 5 BY ELIGIBLE ENTITIES AND APPROVED BY THE BOARD; AND
- 6 (c) PROJECTS THAT ARE PARTLY LOCATED IN OR BENEFIT A
- 7 COUNTY IN WHICH THE VULNERABLE ROAD USER FEE IS IMPOSED
- 8 PURSUANT TO SUBSECTION (7) OF THIS SECTION BUT ARE ALSO LOCATED
- 9 IN OR BENEFIT ONE OR MORE ADJACENT COUNTIES.

10 (5) "ENTERPRISE" MEANS THE VULNERABLE ROAD USER
11 PROTECTION ENTERPRISE CREATED IN SECTION 43-4-1603 (1)(a).

12 (6) "FEDERAL HIGHWAY ADMINISTRATION-MANDATED
13 VULNERABLE ROAD USER ASSESSMENT" MEANS THE VULNERABLE ROAD
14 USER SAFETY ASSESSMENT REQUIRED TO BE PREPARED AND PERIODICALLY
15 UPDATED BY THE DEPARTMENT AS PART OF THE HIGHWAY SAFETY
16 IMPROVEMENT PROGRAM PURSUANT TO 23 U.S.C. § 148 (1).

17 (7) "FUND" MEANS THE VULNERABLE ROAD USER PROTECTION
18 ENTERPRISE FUND CREATED IN SECTION 43-4-1603 (5)(a).

19 (8) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
20 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
21 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
22 ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR
23 SUCCESSOR INDEX, FOR THE YEAR ENDING ON THE DECEMBER 31 BEFORE
24 A STATE FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT IS TO BE
25 MADE BEGINS.

26 (9) "LIGHT TRUCK" MEANS A MOTOR VEHICLE OTHER THAN A
27 MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE, AS DEFINED IN SECTION

1 42-1-102 (17.5), THAT HAS TWO AXLES AND AT LEAST FOUR WHEELS
2 AND IS A PICKUP TRUCK, A SPORT UTILITY VEHICLE, A VAN, OR A MINIVAN.

3 (10) "PASSENGER CAR" MEANS A MOTOR VEHICLE OTHER THAN A
4 MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE, AS DEFINED IN SECTION
5 42-1-102 (17.5), THAT HAS TWO AXLES AND FOUR WHEELS, IS
6 MANUFACTURED PRIMARILY FOR USE IN THE TRANSPORTATION OF NOT
7 MORE THAN TEN INDIVIDUALS, AND IS NOT A PICKUP TRUCK, A SPORT
8 UTILITY VEHICLE, A VAN, OR A MINIVAN.

9 (11) "VULNERABLE ROAD USER" MEANS AN INDIVIDUAL WHO IS
10 UNPROTECTED BY AN OUTSIDE SHIELD WHEN USING A ROAD INCLUDING,
11 BUT NOT LIMITED TO, A PEDESTRIAN, A BICYCLIST, AND AN INDIVIDUAL
12 USING ANY OTHER NONMOTORIZED OR MOTORIZED PERSONAL
13 CONVEYANCE THAT DOES NOT ENCLOSE THE INDIVIDUAL.

14 (12) "WEIGHT", WITH RESPECT TO A MOTOR VEHICLE, MEANS
15 DECLARED EMPTY VEHICLE WEIGHT.

16 **43-4-1603. Vulnerable road users protection enterprise -**
17 **creation - board - powers and duties - rules - fees - fund.** (1) (a) THE
18 VULNERABLE ROAD USERS PROTECTION ENTERPRISE IS CREATED IN THE
19 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
20 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
21 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS
22 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND
23 FUNCTIONS SET FORTH IN THIS SECTION.

24 (b) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
25 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
26 FUNCTIONS UNDER THE DEPARTMENT.

27 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

1 FIVE MEMBERS AS FOLLOWS:

2 (I) AN EMPLOYEE OF A STATEWIDE OR REGIONAL MULTIMODAL
3 ADVOCACY ORGANIZATION APPOINTED BY THE PRESIDENT OF THE SENATE;

4 (II) A REPRESENTATIVE OF A COMMUNITY ORGANIZATION
5 INVOLVED IN ENVIRONMENTAL JUSTICE APPOINTED BY THE SPEAKER OF
6 THE HOUSE OF REPRESENTATIVES;

7 (III) TWO EMPLOYEES OF THE DEPARTMENT APPOINTED BY THE
8 EXECUTIVE DIRECTOR OF THE DEPARTMENT, ONE OF WHOM MUST BE AN
9 ENGINEER WHO IS WORKING ON THE DEPARTMENT'S STATEWIDE SAFETY
10 PLAN; AND

11
12 (IV) A MAYOR, MEMBER OF A BOARD OF COUNTY COMMISSIONERS,
13 OR MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY WHO HAS
14 EXPERTISE IN MULTIMODAL TRANSPORTATION PLANNING APPOINTED BY
15 THE GOVERNOR.

16 (b) MEMBERS OF THE BOARD SERVE AT THE PLEASURE OF THEIR
17 RESPECTIVE APPOINTING AUTHORITY.

18 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO PROVIDE
19 FUNDING FOR TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS
20 OR OTHER DATA-DRIVEN IMPROVEMENTS THAT REDUCE THE NUMBER OF
21 COLLISIONS WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS
22 INJURY TO VULNERABLE ROAD USERS. TO ALLOW THE ENTERPRISE TO
23 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
24 THROUGH THE BOARD, THE ENTERPRISE MAY:

25 (a) IMPOSE VULNERABLE ROAD USER PROTECTION FEES ON THE
26 REGISTRATION OF MOTOR VEHICLES AS AUTHORIZED BY SUBSECTION (7)
27 OF THIS SECTION;

1 (b) ISSUE GRANTS AS AUTHORIZED BY SUBSECTION (8) OF THIS
2 SECTION; AND

3 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
4 OTHER AVAILABLE MONEY OF THE ENTERPRISE. BECAUSE OF THE
5 HEIGHTENED AND INCREASING DANGER TO VULNERABLE ROAD USERS
6 THAT RESULTS FROM A DEARTH OF TRANSPORTATION SYSTEM
7 INFRASTRUCTURE THAT PROTECTS THEM FROM COLLISIONS WITH MOTOR
8 VEHICLES, IT IS OF CRITICAL IMPORTANCE THAT THE ENTERPRISE
9 COMPLETE ELIGIBLE PROJECTS AS SOON AS IT CAN TO SAVE LIVES AND
10 PREVENT SERIOUS INJURIES, AND THE ENTERPRISE IS THEREFORE
11 ENCOURAGED TO ISSUE REVENUE BONDS SO THAT IT CAN ACCELERATE THE
12 COMPLETION OF ELIGIBLE PROJECTS.

13 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
14 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
15 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
16 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
17 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
18 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
19 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
20 CONSTITUTION.

21 (5) (a) THE VULNERABLE ROAD USER PROTECTION ENTERPRISE
22 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS
23 OF VULNERABLE ROAD USER PROTECTION FEE REVENUE CREDITED TO THE
24 FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY
25 GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE
26 ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND,
27 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE

1 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
2 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
3 MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY
4 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS
5 PART 16 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY
6 OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN
7 RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

8 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
9 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
10 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
11 REVENUE OR REVENUE BOND PROCEEDS, AND SUCH EXPENSES MAY
12 INCLUDE REIMBURSEMENT TO THE DEPARTMENT OF REVENUE FOR COSTS
13 INCURRED IN UPDATING COLORADO DRIVES, AS DEFINED IN SECTION
14 42-1-102 (16.5), AS NECESSARY TO COLLECT THE FEES IMPOSED BY THE
15 ENTERPRISE PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE
16 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,
17 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY
18 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE
19 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER
20 IS A LOAN FROM THE DEPARTMENT TO THE ENTERPRISE THAT IS REQUIRED
21 TO BE REPAYED AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF
22 ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION
23 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
24 SHALL BE CREDITED TO THE FUND. LOAN LIABILITIES THAT ARE RECORDED
25 IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT
26 FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT
27 STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE

1 ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE
2 ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL
3 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A
4 RATE SET BY THE DEPARTMENT.

5 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
6 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
7 DUTIES:

8 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
9 THE CONDUCT OF ITS BUSINESS;

10 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
11 PERSONAL PROPERTY;

12 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
14 SUPERVISE SUCH INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
15 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
16 BUSINESS PURPOSE;

17 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
18 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
19 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
20 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
21 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.

22 THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A COMPETITIVE
23 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
24 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT
25 APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE
26 CONTRACTS.

27 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR

1 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
2 OF THIS PART 16 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
3 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
4 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
5 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
6 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
7 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
8 MONEY TO THE FUND.

9 (f) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
10 ACCEPTS GRANT APPLICATIONS, THE CRITERIA FOR EVALUATING
11 APPLICATIONS, AND A LIST OF ELIGIBLE ENTITIES AWARDED GRANTS
12 PURSUANT TO SUBSECTION (8) OF THIS SECTION;

13 (g) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
14 THE AMOUNT OF THE VULNERABLE ROAD USER PROTECTION FEE AT OR
15 BELOW THE MAXIMUM AMOUNTS AUTHORIZED IN SUBSECTION (7) OF THIS
16 SECTION; AND

17 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
18 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
19 GRANTED BY THIS SECTION.

20 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
21 JANUARY 1, 2025, THE ENTERPRISE SHALL IMPOSE A VULNERABLE ROAD
22 USER PROTECTION FEE UPON THE REGISTRATION OF CERTAIN MOTOR
23 VEHICLES FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO
24 THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42.

25 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (7)(c),
26 (7)(d), (7)(e), AND (7)(f) OF THIS SECTION, FOR MOTOR VEHICLE
27 REGISTRATION PERIODS COMMENCING ON OR AFTER JANUARY 1, 2025, BUT

1 BEFORE JULY 1, 2025, THE ENTERPRISE SHALL IMPOSE A WEIGHT- AND
2 CONFIGURATION-BASED VULNERABLE ROAD USER PROTECTION FEE ON
3 PASSENGER CARS AND LIGHT TRUCKS REGISTERED IN THE TWELVE MOST
4 POPULOUS COUNTIES IN THE STATE ONLY IN THE FOLLOWING MAXIMUM
5 AMOUNTS:

6 (I) FOR A MOTOR VEHICLE THAT IS A PASSENGER CAR:

7 (A) ZERO DOLLARS IF THE MOTOR VEHICLE WEIGHT IS LESS THAN
8 THREE THOUSAND FIVE HUNDRED POUNDS;

9 (B) THREE DOLLARS IF THE MOTOR VEHICLE WEIGHT IS AT LEAST
10 THREE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN FOUR
11 THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

12 (C) FOUR DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
13 WEIGHT IS AT LEAST FOUR THOUSAND FIVE HUNDRED POUNDS BUT NO
14 MORE THAN FIVE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

15 (D) SIX DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
16 WEIGHT IS AT LEAST FIVE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
17 THAN SIX THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

18 (E) NINE DOLLARS AND THIRTY CENTS IF THE MOTOR VEHICLE
19 WEIGHT IS AT LEAST SIX THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
20 THAN SEVEN THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

21 (F) THIRTEEN DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE
22 WEIGHT IS AT LEAST SEVEN THOUSAND FIVE HUNDRED POUNDS BUT NO
23 MORE THAN EIGHT THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

24 (G) NINETEEN DOLLARS AND NINETY CENTS IF THE MOTOR
25 VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS
26 BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE
27 POUNDS; AND

1 (H) TWENTY-NINE DOLLARS AND TEN CENTS IF THE MOTOR
2 VEHICLE WEIGHT IS NINE THOUSAND FIVE HUNDRED POUNDS OR MORE;

3 (II) FOR A MOTOR VEHICLE THAT IS A LIGHT TRUCK:

4 (A) ZERO DOLLARS IF THE MOTOR VEHICLE WEIGHT IS LESS THAN
5 THREE THOUSAND FIVE HUNDRED POUNDS;

6 (B) FOUR DOLLARS AND FIFTY CENTS IF THE MOTOR VEHICLE
7 WEIGHT IS AT LEAST THREE THOUSAND FIVE HUNDRED POUNDS BUT NO
8 MORE THAN FOUR THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

9 (C) SIX DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE WEIGHT
10 IS AT LEAST FOUR THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN
11 FIVE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

12 (D) NINE DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE
13 WEIGHT IS AT LEAST FIVE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
14 THAN SIX THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

15 (E) FOURTEEN DOLLARS IF THE MOTOR VEHICLE WEIGHT IS AT
16 LEAST SIX THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN SEVEN
17 THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

18 (F) TWENTY DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
19 WEIGHT IS AT LEAST SEVEN THOUSAND FIVE HUNDRED POUNDS BUT NO
20 MORE THAN EIGHT THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

21 (G) TWENTY-NINE DOLLARS AND NINETY CENTS IF THE MOTOR
22 VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS
23 BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE
24 POUNDS; AND

25 (H) FORTY-THREE DOLLARS AND SIXTY CENTS IF THE MOTOR
26 VEHICLE WEIGHT IS NINE THOUSAND FIVE HUNDRED POUNDS OR MORE.

27 (c) FOR MOTOR VEHICLE REGISTRATION PERIODS COMMENCING

1 DURING THE STATE FISCAL YEAR COMMENCING JULY 1, 2025, OR DURING
2 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
3 VULNERABLE ROAD USER PROTECTION FEE IN A MAXIMUM AMOUNT THAT
4 IS THE APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
5 ADJUSTED FOR INFLATION AND ROUNDED TO THE NEAREST
6 ONE-HUNDREDTH OF A DOLLAR. THE ENTERPRISE SHALL NOTIFY THE
7 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE VULNERABLE ROAD
8 USER PROTECTION FEE TO BE COLLECTED FOR MOTOR VEHICLES
9 REGISTERED FOR REGISTRATION PERIODS COMMENCING DURING EACH
10 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
11 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
12 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
13 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

14 (d) NOTWITHSTANDING THE MAXIMUM FEE AMOUNTS SPECIFIED IN
15 SUBSECTIONS (7)(b) AND (7)(c) OF THIS SECTION, IF IMPOSING THE
16 VULNERABLE ROAD USER PROTECTION FEE IN THOSE MAXIMUM AMOUNTS
17 WOULD CAUSE THE ENTERPRISE TO RECEIVE MORE THAN ONE HUNDRED
18 MILLION DOLLARS IN TOTAL REVENUES FROM THE FEE IN ITS FIRST FIVE
19 FISCAL YEARS, THE ENTERPRISE SHALL IMPOSE THE FEE IN LOWER
20 AMOUNTS TO THE EXTENT NECESSARY TO ENSURE THAT THE ENTERPRISE
21 DOES NOT RECEIVE MORE THAN ONE HUNDRED MILLION DOLLARS IN TOTAL
22 REVENUE FROM THE FEE IN ITS FIRST FIVE FISCAL YEARS.

23 (e) THE ENTERPRISE SHALL NOT IMPOSE THE VULNERABLE ROAD
24 USER PROTECTION FEE ON ANY MOTOR VEHICLE THAT IS OWNED OR LEASED
25 BY THE STATE OR ANY DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION
26 OF THE STATE.

27 (f) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY THAT IS

1 NOT ONE OF THE TWELVE MOST POPULOUS COUNTIES IN THE STATE MAY,
2 BY RESOLUTION, AUTHORIZE THE ENTERPRISE TO IMPOSE THE VULNERABLE
3 ROAD USER PROTECTION FEE ON THE REGISTRATION OF PASSENGER CARS
4 AND LIGHT TRUCKS REGISTERED IN THE COUNTY AND SHALL PROVIDE A
5 COPY OF ANY SUCH RESOLUTION TO THE ENTERPRISE. AFTER RECEIVING
6 SUCH A RESOLUTION, THE ENTERPRISE, COMMENCING ON AN
7 ADMINISTRATIVELY FEASIBLE DATE DETERMINED BY THE ENTERPRISE IN
8 CONSULTATION WITH THE DEPARTMENT OF REVENUE, SHALL IMPOSE THE
9 FEE ON THE REGISTRATION OF PASSENGER CARS AND LIGHT TRUCKS
10 REGISTERED IN THE COUNTY AND INCLUDE ELIGIBLE ENTITIES IN THE
11 COUNTY WHEN MAKING GRANTS IN ACCORDANCE WITH SUBSECTION (8) OF
12 THIS SECTION.

13 (g) THE DEPARTMENT OF REVENUE AND ITS AUTHORIZED AGENTS
14 SHALL TRANSMIT ALL NET VULNERABLE ROAD USER PROTECTION FEE
15 REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
16 REVENUE TO THE FUND.

17 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, ON AND AFTER
18 JULY 1, 2025, THE ENTERPRISE IS AUTHORIZED TO PROVIDE GRANTS TO
19 ELIGIBLE ENTITIES FOR ELIGIBLE PROJECTS. IN ADDITION, THE ENTERPRISE
20 SHALL SPEND MONEY FROM THE FUND TO PAY THE COMPENSATION FOR
21 ONE FULL-TIME EQUIVALENT EMPLOYEE TO PROVIDE EDUCATION TO LOCAL
22 AND REGIONAL PUBLICLY EMPLOYED ENGINEERS ON NEW ENGINEERING
23 STANDARDS FOR SAFETY AND TO PROVIDE SAFETY RELATED SIGNAGE.

24 (b) WHEN EVALUATING GRANT APPLICATIONS, THE ENTERPRISE
25 BOARD SHALL CONSIDER AND GIVE PRIORITY TO PROJECTS THAT:

26 (I) ARE EXPECTED TO IMPROVE SAFETY MORE RELATIVE TO THEIR
27 COST THAN OTHER PROJECTS FOR WHICH APPLICATIONS HAVE BEEN

1 SUBMITTED;

2 (II) WILL BE COMPLETED ON OR NEAR A HIGH-INJURY OR HIGH-
3 RISK NETWORK, INCLUDING A HIGH-RISK OR HIGH-INJURY NETWORK THAT
4 HAS BEEN IDENTIFIED BY A METROPOLITAN PLANNING ORGANIZATION OR
5 LOCAL JURISDICTION, OR THAT PROVIDES ALTERNATIVE ROUTES FOR
6 PEOPLE TRAVELING OUTSIDE OF MOTOR VEHICLES;

7 (III) TAKE PLACE IN TRANSIT-ORIENTED CORRIDORS OR THAT
8 IMPROVE CONNECTIVITY BETWEEN HOUSING, JOBS, TRANSIT, AND OTHER
9 DESTINATIONS FOR PEOPLE TRAVELING OUTSIDE OF MOTOR VEHICLES;

10 (IV) IMPROVE ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES;

11 AND

12 (V) FOR WHICH GRANT FUNDING WILL SUPPLEMENT AND NOT
13 SUPLANT LOCAL FUNDING FOR RELATED PROJECTS.

14 (c) WHEN AWARDING GRANTS, THE ENTERPRISE SHALL TAKE INTO
15 CONSIDERATION THE SOURCES OF ITS FEE REVENUE AND SEEK, OVER TIME,
16 TO AWARD GRANTS SO THAT THE TOTAL AMOUNT OF GRANTS AWARDED TO
17 ELIGIBLE ENTITIES WITHIN EACH COUNTY IS REASONABLY PROPORTIONAL
18 TO THE AMOUNT OF FEE REVENUE COLLECTED FROM EACH COUNTY.
19 GRANTS MUST ALSO BE ISSUED IN ACCORDANCE WITH THE FOLLOWING
20 PARAMETERS:

21 (I) THE AMOUNT OF A GRANT MUST BE AT LEAST TWO HUNDRED
22 FIFTY THOUSAND DOLLARS;

23 (II) THE ENTERPRISE SHALL NOT REQUIRE THE RECIPIENT OF A
24 GRANT THAT IS LESS THAN ONE MILLION DOLLARS TO PROVIDE MATCHING
25 MONEY FOR THE GRANT;

26 (III) THE ENTERPRISE SHALL REQUIRE THE RECIPIENT OF A GRANT
27 TO PROVIDE MATCHING MONEY IN AN AMOUNT EQUAL TO TWENTY

1 PERCENT OF THE GRANT AMOUNT FOR A GRANT THAT IS AT LEAST ONE
2 MILLION DOLLARS; AND

3 (IV) GRANTS MAY BE USED AS MATCHING MONEY FOR FEDERAL
4 FUNDS OR IN COMBINATION WITH OTHER STATE SOURCES OF
5 TRANSPORTATION INFRASTRUCTURE FUNDING IN ACCORDANCE WITH ANY
6 APPLICABLE REQUIREMENTS FOR THE USE OF SUCH FEDERAL FUNDS OR
7 OTHER STATE SOURCES OF FUNDING.

8 (d) THE DEPARTMENT SHALL REDUCE OVERSIGHT REQUIREMENTS
9 FOR FEDERAL OFF-SYSTEM AND STATE OFF-SYSTEM ELIGIBLE PROJECTS
10 THAT ARE PARTIALLY OR OF FULLY FUNDED BY THE ENTERPRISE IF NO
11 FEDERAL FUNDS ARE INVOLVED IN THE ELIGIBLE PROJECT AND THE
12 DEPARTMENT DETERMINES THAT FEDERAL REQUIREMENTS DO NOT APPLY.

13 (9) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
14 ENTERPRISE SHALL:

15 (I) NO LATER THAN JUNE 1, 2025, PUBLISH AND POST ON ITS
16 WEBSITE A FIVE-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
17 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2025-26
18 THROUGH 2029-30 AND ESTIMATES THE AMOUNT OF FUNDING THAT WILL
19 BE AVAILABLE TO IMPLEMENT THE PLAN;

20 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
21 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
22 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
23 IMPLEMENTATION OF ITS FIVE-YEAR PLAN, THE FUNDING STATUS AND
24 PROGRESS TOWARD COMPLETION OF EACH ELIGIBLE PROJECT THAT IT
25 WHOLLY OR PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING
26 AND EXPENDITURES; AND

27 (III) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND

1 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
2 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
3 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT AND ENERGY AND
4 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
5 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
6 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
7 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
8 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
9 REQUIRED IN THIS SUBSECTION (9)(a)(IV) TO THE SPECIFIED LEGISLATIVE
10 COMMITTEES CONTINUES INDEFINITELY.

11 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
12 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
13 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
14 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

15 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
16 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
17 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
18 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
19 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
20 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
21 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
22 LOCAL GOVERNMENTS COMBINED.

23 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
24 OF ARTICLE 57 OF TITLE 11.

25 **SECTION 2. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.