



**Report to the
Colorado General Assembly**

**Transportation
Legislation Review
Committee**

Prepared by

*The Colorado Legislative Council
Research Publication No. 672
December 2016*

Transportation Legislation Review Committee

Members of the Committee

Senator Randy Baumgardner, Chair
Representative Max Tyler, Vice-Chair

Senator John Cooke	Representative Jon Becker
Senator Leroy Garcia	Representative Perry Buck
Senator Ray Scott	Representative Terri Carver
Senator Nancy Todd	Representative Don Coram
	Representative Daneya Esgar
	Representative Tracy Kraft-Tharp
	Representative Jovan Melton
	Representative Diane Mitsch Bush
	Representative Dominick Moreno
	Representative Patrick Neville
	Representative Dan Nordberg
	Representative Faith Winter

Legislative Council Staff

Erin Reynolds, Senior Fiscal Analyst
Bo Pogue, Senior Research Analyst
Katie Ruedebusch, Research Analyst

Office of Legislative Legal Services

Jason Gelender, Managing Senior Attorney
Jery Payne, Senior Attorney

December 2016

COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE

Rep. Dickey Lee Hullinghorst, Chairman
Sen. Bill Cadman, Vice Chairman
Sen. Lucia Guzman
Sen. Mark Scheffel
Rep. Brian DelGrosso
Rep. Crisanta Duran

STAFF

Mike Mauer, Director
Todd Herreid, Deputy Director
Cathy Eslinger, Research Manager
Manish Jani, IT Manager



COMMITTEE

Sen. Rollie Heath
Sen. Matt Jones
Sen. Kevin Lundberg
Sen. Vicki Marble
Sen. Ellen Roberts
Sen. Jessie Ulibarri
Rep. Perry Buck
Rep. Lois Court
Rep. Lois Landgraf
Rep. Polly Lawrence
Rep. Jovan Melton
Rep. Angela Williams

LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784

E-mail: lcs.ga@state.co.us

303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

December 2016

To Members of the Seventy-first General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee (TLRC). This committee was created pursuant to Section 43-2-145, C.R.S. The purpose of this committee is to give guidance and direction to the Colorado Department of Transportation on the development of the state transportation system, and to provide legislative oversight of and input into such development. The TLRC is granted statutory oversight responsibilities for certain activities of the state's regional transportation and public highway authorities, as well as the Regional Transportation District in the Denver metropolitan area. The TLRC also monitors the activities of the Colorado Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

At its meeting on October 14, 2016, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2017 session was approved.

Sincerely,

/s/ Representative Dickey Lee Hullinghorst
Chairman

Table of Contents

Committee Charge	1
Committee Activities	2
House Bill 16-1031 Report.....	2
South-Central Colorado Tour.....	2
Transportation Bonding	3
Department Updates	3
Other Policy Areas.....	5
Summary of Recommendations	7
Bill A — Hearings on Transportation Commission Districts	7
Text of Bill A.....	11
Bill B — Modify Definition of a Commercial Vehicle	7
Text of Bill B.....	15
Bill D — Autocycle Characteristics and Safety Requirements	7
Text of Bill D.....	19
Bill E — Limits on Underground Storage Tank Regulation.....	7
Text of Bill E.....	23
Resource Materials	9

This report is also available on line at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/2016-transportation-legislation-review-committee>

Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 members of the House Transportation and Energy Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation (CDOT), regional transportation authorities, public highway authorities, and the Regional Transportation District (RTD). In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., authorizes the TLRC to:

- give guidance and direction to CDOT in the development of the state transportation system;
- provide legislative oversight of and input into such development;
- make recommendations concerning the financing of the state's transportation system;
- review any phase of CDOT's operations, including the planning and construction of highway projects;
- review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- require CDOT to conduct long-term planning efforts for the state transportation system, and may require financial and performance audits to be conducted; and
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for traffic law violations.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review public highway authority projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans, and may require financial or performance audits of these entities.

Regional Transportation District. The RTD is authorized to contract up to 58 percent of its transportation services to private businesses through competitive bidding. The RTD must ensure that these contracted companies meet certain standards relating to experience, safety, and financial responsibility. The TLRC is required to monitor the RTD's implementation of this

statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8)(a), C.R.S.). The RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenue, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3)(d), C.R.S.). In this regard, the RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

Committee Activities

The committee held two meetings during the 2016 interim and toured the South-Central region of the state. Briefings and presentations were made by CDOT, DOR, the Southwest Chief Rail Line Commission, RTD, the Public Utilities Commission, public highway authorities, Montrose County representatives, the Colorado Motor Carriers Association (CMCA), the Colorado State Patrol, the Colorado-Wyoming Petroleum Marketers Association, and members of the public on a wide range of subjects, including:

- the House Bill 16-1031 report;
- transportation bonding;
- departmental updates;
- US 550; and
- other policy issues.

The following sections discuss the committee's activities during the 2016 interim.

House Bill 16-1031 Report

Legislative Council Staff presented the Transportation Commission District Research Study pursuant to House Bill 16-1031. Staff provided an overview of Transportation Commission duties and discussed boundary changes since its inception in 1913. In addition, staff provided an overview of statewide changes to population and annual vehicle miles traveled since 1991, clarifying that the report focuses solely on roads in the state highway system, which include interstates, U.S. highways, toll roads, and the numbered state highways. Also, staff discussed each commission district in detail and highlighted significant boundary changes to Transportation Planning Regions, regional transportation authorities and the Regional Transportation District (RTD), counties, and municipalities. The committee expressed an interest in learning more about the devolution of state highways to local control and how this impacts rural roads and mountain passes.

Committee recommendations. As a result of this discussion, the committee recommended Bill A, which requires the TLRC to hold public hearings around the state to make available the House Bill 16-1031 research study and to offer an opportunity for public input regarding the districts, the study, and whether the districts should be modified. The bill was approved by Legislative Council at its meeting on October 14, 2016.

South-Central Tour

The committee traveled to South-Central Colorado and visited the following projects and sites:

- CDOT's US 24 Trout Creek Pass Passing Lanes Project outside of Johnson Village, which is creating new passing zones for motorists;
- the Cumbres and Toltec Scenic Railroad, a national historic landmark and scenic railroad that travels between Antonito, Colorado and Chama, New Mexico, on the former San Juan Extension of the Denver & Rio Grande Western Railroad; and
- the I-25 Ilex Street to City Center Drive Project in Pueblo, which is a bridge replacement, widening, and rehabilitation project where most of the segment is over 60 years old.

Transportation Bonding

The committee heard a presentation on transportation bonding. The presentation contained an overview of how other states use bonding to fund transportation projects and Colorado's past transportation bonding projects. The committee received information that noted the current low interest rates for municipal securities. The committee discussed repayment of bonds, alternatives to bonding, and the impacts of potential bonding on Western Slope communities.

Committee recommendations. As a result of this discussion, the committee recommended Bill C, which would have required the state Transportation Commission to submit a ballot question to voters in 2017 for approval of \$3.5 billion in Transportation Revenue Anticipation Notes (TRANS) once existing transportation bonds have been repaid. The maximum repayment cost would not have exceeded \$5.5 billion or take longer than 20 years to repay. The bill also would have eliminated the final three years of Senate Bill 09-228 transfers and diverted 5 percent of state sales tax revenue to the Highway Users Tax Fund (HUTF) and 1 percent of state sales tax revenue to the Capital Construction Fund (CCF). Bill C was not approved by Legislative Council at its meeting on October 14, 2016.

Department Updates

Regional Transportation District. Representatives from the RTD briefed the committee on recent developments concerning RTD, including: the 2016 openings of the Flatiron Flyer, the University of Colorado A Line to the airport, and the B Line to Westminster, as well as the late 2016 planned openings of the G Line to Arvada and Golden, and the R Line in Aurora. The representatives also discussed recent budget adjustments and revenue shortfalls, and RTD's efforts to improve its disability access. Finally, representatives discussed technology updates to RTD's mobile application, smart cards, and real time updates, and responded to questions from the committee about issues related to the University of Colorado A Line and other FasTracks projects.

Division of Motor Vehicles. A representative from the Division of Motor Vehicles (DMV) within DOR provided an overview of the DMV organization; driver's licenses office wait times and other performance metrics; the new driver's license implemented in April 2016; DMV office queueing; the new temporary vehicle tag; and other topics related to the state's registration and titling system. The DMV representative also discussed its veterans services, the technology project (DRIVES) that is replacing the legacy DMV computing system, and online services.

Public Utilities Commission. Representatives from the PUC in the Department of Regulatory Agencies provided an overview of the organization, 2016 legislation that affected the PUC, the history of the PUC, duties of the commissioners, and the types of transportation services the PUC regulates. They discussed recent changes in regulations related to taxis,

transportation network companies, and tow companies, and the PUC's outreach efforts to these groups. Further, they discussed challenges related to their statutory charges, including the high burden of proof for enforcement and inability to adjust certain fees. On the subject of rail and transit safety, the PUC representatives discussed the PUC's authority over at-grade crossings and the fixed rail system; A Line crossings and quiet zones; and issues related to rural highway crossings.

Public Highway Authorities. Representatives from the E-470 and the Northwest Parkway Public Highway Authorities (PHAs) provided overviews of their agencies.

E-470 PHA. The E-470 Public Highway Authority is a 47-mile corridor that was completed in 2003, with all-electronic tolling rolled out in 2009. The E-470 representative discussed several capital improvement projects underway on the toll road and constituent outreach efforts. It also discussed a recent economic impact analysis completed by E-470 about what the entity offers to the Denver metropolitan area's economy. The E-470 representative discussed the authority's work as the state's electronic toll provider, as well as how out-of-state license plate tolls are collected and percentage of collection.

Northwest Parkway PHA. Representatives from the Northwest Parkway PHA provided an overview of their authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided a timeline, an overview of the concession agreement, expansion possibilities, and statistics. The representatives discussed the differences in their PHA compared to E-470, the length of their lease agreement, automatic payments, and toll revenue increases.

High Performance Transportation Enterprise. Representatives from the High-Performance Transportation Enterprise (HPTE) within CDOT provided an overview of the HPTE, its mission, and the process by which it pursues transportation financing. The presentation covered the express lanes currently operating and new projects underway, the benefits of express lanes, the transition to a minimum of three passengers to qualify for the High Occupancy Vehicle lane (HOV 3+) in January 2017, and the HPTE's outreach efforts. There was also discussion about the HOV transponder reimbursement that the HPTE is performing administratively and efforts CDOT is making to get people ready for HOV 3+, including helping arrange carpools.

Southwest Chief Rail Line. The Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Commission (commission) presented an update on the Southwest Chief rail line. The commission coordinates with state and local governments and cooperates with Kansas, New Mexico, Amtrak, and the Burlington Northern and Santa Fe railway to continue Southwest Chief rail line service in Colorado. The commission also plans to expand service to Pueblo and explore expanding service to Walsenburg. The presentation provided an overview of the Southwest Chief rail line, including the commission's purpose and concerns for the railroad, as well as successes and next steps.

RoadX program. CDOT provided a presentation on the department's RoadX program, which seeks to employ innovative technologies (i.e., connected vehicles, traffic sensors, etc.) to improve the statewide transportation system. The RoadX program's mission includes five areas: commuting, sustainability, transport, safety, and connection. Specific strategies include:

- a smart truck parking program, which reports available parking to truckers with the goal of saving fuel and mitigating road wear and pollution;

- smart pavement striping improvements, like LED lights in hard-to-see areas; and
- the Smart 70 program, which is a partnership with an international mapping firm, HERE, to provide drivers with real-time data while traveling.

Other Policy Areas

During the committee's bill draft request discussion, several stakeholder groups presented on issues for which these groups were seeking a legislative change.

Discussion of US 550. Representatives from Montrose County discussed fatality rates on US 550 and showed a video made by the county coroner on the subject. They requested the committee's attention to the ten-mile stretch of road called the Billy Creek segment. Committee members discussed the issue and offered suggestions to the representatives.

Commercial vehicle weights. A representative of the Colorado Motor Carriers Association (CMCA) presented two issues to the committee. The first issue related to raising the weight threshold for commercial motor vehicles in order to bring consistency to the overall definition of these vehicles and to remove existing confusion for motor carriers as to when they are subject to certain state regulations.

As a result of this discussion, the committee recommended Bill B, which modifies the definition of a commercial vehicle by increasing the minimum weight for commercial vehicles from 10,001 pounds to 16,001 pounds.

Vehicle inspections. The second issue presented by the CMCA had to do with making an exception for physical vehicle identification number (VIN) inspections as a condition for vehicle registration or certificate of title issuance if the vehicle is new or being transferred from another county in the state.

The committee requested a bill draft related to the issue of VIN inspections but, due to its five bill limit, did not recommend that this bill go forward to Legislative Council.

Autocycle safety. A representative from the Colorado State Patrol in the Department of Public Safety presented an issue related to newly manufactured autocycles and child safety and seatbelt requirements for these vehicles.

As a result of this discussion, the committee recommended Bill D to clarify that child restraint and safety belt laws apply to autocycles.

Underground petroleum storage tank registration fees. A representative from the Colorado-Wyoming Petroleum Marketers Association discussed the issue of duplicate state and local underground storage tank registration fees.

As a result of this discussion, the committee recommended Bill E, which prohibits local governments from imposing inspection requirements or charging inspection fees for underground petroleum storage tanks.

Summary of Recommendations

As a result of the committee's activities, the committee recommended five bills to the Legislative Council for consideration in the 2017 session. At its meeting on October 14, 2016, the Legislative Council approved four recommended bills for introduction. The approved bills are described below.

Bill A — Hearings on Transportation Commission Districts

Bill A requires the TLRC to meet five times before November 15, 2017, to:

- make available the House Bill 16-1031 research study of changes to the Colorado Transportation Commission districts since 1991; and
- offer an opportunity for public input regarding the districts, the study, and whether the districts should be modified.

Of the five meetings, four are to take place in each quadrant of the state and one in the Denver metropolitan area. The committee may also consider the use of remote testimony.

Bill B — Modify Definition of a Commercial Vehicle

Bill B modifies the definition of a commercial vehicle by increasing the minimum weight for commercial vehicles from 10,001 pounds to 16,001 pounds, and allows the Colorado State Patrol to adopt rules for vehicles that would otherwise be considered commercial vehicles but for weighing between 10,001 and 16,000 pounds.

Bill D — Autocycle Characteristics & Safety Requirements

Bill D amends the definition of an autocycle to:

- exclude motorcycles;
- specify that autocycles are three-wheeled motor vehicles where the driver and passengers ride in a fully or partly enclosed seating area equipped with safety belts for all occupants;
- define "partly enclosed seating area" as an area that is surrounded on the sides by the frame or body of the vehicle; and
- remove air bag and hardtop enclosure requirements.

The bill also clarifies that child restraint and safety belt laws apply to autocycles.

Bill E — Limits on Underground Storage Tank Regulation

Bill E prohibits a local government from imposing inspection requirements or charging inspection fees for underground petroleum storage tanks.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/interim-committees>

Meeting Date and Topics Discussed

South-Central Colorado Tour (July 13 – July 15, 2016)

- ◆ Tour US 24 Trout Creek Pass Passing Lane Project near Buena Vista
- ◆ Cumbres and Toltec Scenic Railroad
- ◆ I-25 Ilex Street to City Center Drive project in Pueblo

August 31, 2016

- ◆ Presentation from the CDOT on RoadX implementation
- ◆ Transportation bonding
- ◆ Update from Southwest Chief Rail Line Commission
- ◆ Transportation Commission overview
- ◆ Presentation of the Transportation Commission District Research Study pursuant to House Bill 16-1031
- ◆ Discussion of and requests for interim bills

October 5, 2016

- ◆ Regional Transportation District
- ◆ Division of Motor Vehicles
- ◆ Public Utilities Commission
- ◆ Public Highway Authorities
- ◆ High-Performance Transportation Enterprise
- ◆ Discussion of US 550
- ◆ Discussion and approval of interim bills

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL A

LLS NO. 17-0177.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Carver and Mitsch Bush,

SENATE SPONSORSHIP

Cooke and Todd,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE TRANSPORTATION
102 LEGISLATION REVIEW COMMITTEE CONDUCT HEARINGS
103 THROUGHOUT THE STATE REGARDING STATE TRANSPORTATION
104 COMMISSION DISTRICTS.

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>.)

Transportation Legislation Review Committee. The bill requires the transportation legislation review committee to meet 5 times before November 15, 2017, once in each geographic quadrant of the state

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

11

and once in the Denver metropolitan area, to:

- Make available to meeting attendees the 2016 research study of changes to the state transportation commission districts (districts) since the boundaries of the districts were last redrawn in 1991, prepared by legislative council staff with the cooperation of the department of transportation as required by House Bill 16-1031; and
- Offer opportunities to members of the public to express their opinions regarding the districts or the research study and offer comments and suggestions regarding whether the districts should be modified.

The committee may consider the availability of remote testimony, and a public hearing conducted by remote testimony for the purpose of obtaining testimony from a single geographic quadrant of the state or from the Denver metropolitan area may count toward the requirements of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 43-1-124 as
3 follows:

4 **43-1-124. Study of transportation commission districts.** (1) No
5 later than August 1, 2016, legislative council staff, with the cooperation
6 of the department, shall prepare and present to the transportation
7 legislation review committee a research study of the commission districts
8 established in section 43-1-106 (2). The study must document changes
9 since the last time the general assembly modified the number and
10 boundaries of the commission districts, including changes in population,
11 number of lane miles, and annual vehicle miles traveled for each of the
12 districts and must take into account existing county and municipal
13 boundaries, regional transportation authorities and districts, and
14 transportation planning regions.

15 (2) NO LATER THAN NOVEMBER 15, 2017, THE TRANSPORTATION
16 LEGISLATION REVIEW COMMITTEE SHALL HOLD FIVE HEARINGS, ONE IN

1 EACH GEOGRAPHIC QUADRANT OF THE STATE AND ONE IN THE DENVER
2 METROPOLITAN AREA. AT EACH HEARING, THE COMMITTEE SHALL:

3 (a) MAKE AVAILABLE TO MEETING ATTENDEES THE RESEARCH
4 STUDY PREPARED PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

5 (b) OFFER OPPORTUNITIES TO MEMBERS OF THE PUBLIC TO EXPRESS
6 THEIR OPINIONS REGARDING THE COMMISSION DISTRICTS OR THE
7 RESEARCH STUDY AND OFFER COMMENTS AND SUGGESTIONS REGARDING
8 WHETHER THE DISTRICTS SHOULD BE MODIFIED. THE COMMITTEE MAY
9 CONSIDER THE AVAILABILITY OF REMOTE TESTIMONY, AND A PUBLIC
10 HEARING CONDUCTED BY REMOTE TESTIMONY FOR THE PURPOSE OF
11 OBTAINING TESTIMONY FROM A SINGLE GEOGRAPHIC QUADRANT OF THE
12 STATE OR FROM THE DENVER METROPOLITAN AREA MAY COUNT TOWARD
13 THE REQUIREMENTS OF THIS SUBSECTION (2).

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2018 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 17-0179.02 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Becker J. and Melton, Buck, Carver, Coram, Esgar, Kraft-Tharp, Mitsch Bush, Neville P., Nordberg, Winter

SENATE SPONSORSHIP

Todd and Scott, Baumgardner, Cooke, Moreno

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE CLASS OF VEHICLES THAT IS**
102 **SUBJECT TO REGULATION AS COMMERCIAL VEHICLES.**

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>.)

Transportation Legislation Review Committee. The bill increases the minimum weight for classification as a commercial vehicle subject to the statutory and regulatory standards for commercial vehicles from 10,001 pounds to 16,001 pounds unless the vehicle is registered for use in interstate commerce. With respect to vehicles that would be classified as commercial vehicles but for the fact that they weigh between

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

15

10,001 and 16,000 pounds, the chief of the Colorado state patrol is authorized to adopt rules that authorize the Colorado state patrol to:

- Annually inspect these vehicles;
- Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and
- Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-235, **amend**
3 (1)(a)(I) and (4)(a) as follows:

4 **42-4-235. Minimum standards for commercial vehicles - motor**
5 **carrier safety fund - created - definition - rules.** (1) As used in this
6 section, unless the context otherwise requires:

7 (a) "Commercial vehicle" means:

8 (I) ~~Any self-propelled or towed vehicle bearing an apportioned~~
9 ~~plate or having a manufacturer's gross vehicle weight rating or gross~~
10 ~~combination rating of ten thousand one pounds or more, which vehicle is~~
11 ~~used in commerce on the public highways of this state or is designed to~~
12 ~~transport sixteen or more passengers, including the driver, unless such~~
13 ~~vehicle is a school bus regulated pursuant to section 42-4-1904 or any~~
14 ~~vehicle that does not have a gross vehicle weight rating of twenty-six~~
15 ~~thousand one or more pounds and that is owned or operated by a school~~
16 ~~district so long as such school district does not receive remuneration for~~
17 ~~the use of such vehicle, not including reimbursement for the use of such~~
18 ~~vehicle~~ A SELF-PROPELLED OR TOWED VEHICLE:

19 (A) BEARING AN APPORTIONED PLATE;

20 (B) HAVING A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING

1 OR GROSS COMBINATION RATING OF AT LEAST SIXTEEN THOUSAND ONE
2 POUNDS AND USED IN COMMERCE ON PUBLIC HIGHWAYS; OR

3 (C) HAVING A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING
4 OR GROSS COMBINATION RATING OF AT LEAST SIXTEEN THOUSAND ONE
5 POUNDS AND USED TO TRANSPORT SIXTEEN OR MORE PASSENGERS,
6 INCLUDING THE DRIVER, UNLESS THE VEHICLE IS A SCHOOL BUS
7 REGULATED IN ACCORDANCE WITH SECTION 42-4-1904 OR A VEHICLE THAT
8 DOES NOT HAVE A GROSS VEHICLE WEIGHT RATING OF TWENTY-SIX
9 THOUSAND ONE OR MORE POUNDS AND THAT IS OWNED OR OPERATED BY
10 A SCHOOL DISTRICT SO LONG AS THE SCHOOL DISTRICT DOES NOT RECEIVE
11 REMUNERATION, OTHER THAN REIMBURSEMENT OF THE SCHOOL DISTRICT'S
12 COSTS, FOR THE USE OF THE VEHICLE;

13 (4) (a) (I) The chief of the Colorado state patrol shall adopt rules
14 for the operation of all commercial vehicles AND, AS SPECIFIED IN
15 SUBSECTION (4)(a)(II) OF THIS SECTION, VEHICLES THAT WOULD BE
16 COMMERCIAL VEHICLES BUT FOR THE FACT THAT THEY HAVE A
17 MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS
18 COMBINATION RATING OF TEN THOUSAND ONE POUNDS OR MORE BUT NOT
19 MORE THAN SIXTEEN THOUSAND POUNDS. In adopting the rules, the chief
20 shall use as general guidelines the standards contained in the current rules
21 and regulations of the United States department of transportation relating
22 to safety regulations, qualifications of drivers, driving of motor vehicles,
23 parts and accessories, notification and reporting of accidents, hours of
24 service of drivers, inspection, repair and maintenance of motor vehicles,
25 financial responsibility, insurance, and employee safety and health
26 standards; except that rules regarding financial responsibility and
27 insurance do not apply to a commercial vehicle as defined in subsection
28 (1) of this section that is also subject to regulation by the public utilities

1 commission under article 10.1 of title 40. ~~C.R.S.~~ On and after September
2 1, 2003, all commercial vehicle safety inspections conducted to determine
3 compliance with rules promulgated by the chief pursuant to this
4 paragraph (a) ~~shall~~ MUST be performed by an enforcement official, as
5 defined in section 42-20-103 (2), who has been certified by the
6 commercial vehicle safety alliance, or any successor organization thereto,
7 to perform level I inspections.

8 (II) WITH RESPECT TO THE OPERATION OF ALL VEHICLES THAT
9 WOULD BE COMMERCIAL VEHICLES BUT FOR THE FACT THAT THEY HAVE A
10 MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS
11 COMBINATION RATING OF TEN THOUSAND ONE POUNDS OR MORE BUT NOT
12 MORE THAN SIXTEEN THOUSAND POUNDS, THE CHIEF OF THE COLORADO
13 STATE PATROL MAY ADOPT RULES THAT AUTHORIZE THE COLORADO STATE
14 PATROL TO:

15 (A) ANNUALLY INSPECT THESE VEHICLES;

16 (B) ENFORCE WITH RESPECT TO THESE VEHICLES ALL
17 REQUIREMENTS FOR THE SECURING OF LOADS THAT APPLY TO
18 COMMERCIAL VEHICLES; AND

19 (C) ENFORCE WITH RESPECT TO THESE VEHICLES ALL
20 REQUIREMENTS RELATING TO THE USE OF COUPLING DEVICES FOR
21 COMMERCIAL VEHICLES.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL D

LLS NO. 17-0181.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Mitsch Bush,

SENATE SPONSORSHIP

Todd,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTOCYCLES, AND, IN CONNECTION THEREWITH,**
102 **MODIFYING THE DEFINITION OF AUTOCYCLE AND CLARIFYING**
103 **THAT MANDATORY SAFETY BELT AND CHILD RESTRAINT SYSTEM**
104 **REQUIREMENTS APPLY TO AUTOCYCLES.**

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/bills summaries>.)

Transportation Legislation Review Committee. The bill amends the definition of autocycle to explicitly exclude motorcycles, clarify that the driver and each passenger in an autocycle ride in either a fully or a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

19

partly enclosed seating area, and eliminate the requirements that an auticycle be equipped with air bags and a hardtop enclosure that protects occupants from the elements and can support the weight of the vehicle without harming occupants when the vehicle is resting on the enclosure. The bill also amends the definitions of "motor vehicle" used in the laws governing mandatory safety belt and child restraint system use to clarify that those laws apply to autocycles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend**
3 (7.5) as follows:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
5 unless the context otherwise requires:

6 (7.5) "Autocycle" means a three-wheeled motor vehicle THAT IS
7 NOT A MOTORCYCLE AND in which the driver and each passenger ~~rides~~
8 RIDE in ~~an~~ A FULLY OR PARTLY enclosed seating area that is equipped
9 ~~with:~~ WITH SAFETY BELTS FOR ALL OCCUPANTS THAT COMPLY WITH
10 SECTION 42-4-237. FOR PURPOSES OF THIS SUBSECTION (7.5), "PARTLY
11 ENCLOSED SEATING AREA" MEANS A SEATING AREA THAT IS ENTIRELY OR
12 PARTLY SURROUNDED ON THE SIDES BY THE FRAME OR BODY OF A VEHICLE
13 BUT IS NOT FULLY ENCLOSED.

14 ~~(a) Safety belts for all occupants that comply with section~~
15 ~~42-4-237.~~

16 ~~(b) Air bag protection; and~~

17 ~~(c) A hardtop enclosure that protects occupants from the elements~~
18 ~~and that supports the vehicle's weight without harming the occupants~~
19 ~~when the vehicle is resting on the enclosure.~~

20 **SECTION 2.** In Colorado Revised Statutes, 42-4-236, **amend**
21 (1)(a.8) as follows:

22 **42-4-236. Child restraint systems required - definitions -**

1 **exemptions.** (1) As used in this section, unless the context otherwise
2 requires:

3 (a.8) "Motor vehicle" means a passenger ~~car~~; CAR, a pickup ~~truck~~;
4 TRUCK, AN AUTOCYCLE, or a van, minivan, or sport utility vehicle with a
5 gross vehicle weight rating of less than ten thousand pounds. "Motor
6 vehicle" does not include motorcycles, low-power scooters,
7 motorscooters, motorbicycles, motorized bicycles, and farm tractors and
8 implements of husbandry designed primarily or exclusively for use in
9 agricultural operations.

10 **SECTION 3.** In Colorado Revised Statutes, 42-4-237, **amend**
11 (1)(a) as follows:

12 **42-4-237. Safety belt systems - mandatory use - exemptions -**
13 **penalty.** (1) As used in this section:

14 (a) "Motor vehicle" means a self-propelled vehicle intended
15 primarily for use and operation on the public highways, including
16 passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,
17 AUTOCYCLES, and pickups. The term does not include motorcycles,
18 low-power scooters, passenger buses, school buses, and farm tractors and
19 implements of husbandry designed primarily or exclusively for use in
20 agricultural operations.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL E

LLS NO. 17-0182.02 Jason Gelender x4330

SENATE BILL

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

Coram and Becker J.,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST THE IMPOSITION OF INSPECTION**
102 **REQUIREMENTS FOR UNDERGROUND PETROLEUM STORAGE**
103 **TANKS OR THE CHARGING OF INSPECTION FEES FOR THE**
104 **INSPECTION OF UNDERGROUND PETROLEUM STORAGE TANKS BY**
105 **A LOCAL GOVERNMENT.**

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>.)

Transportation Legislation Review Committee. The bill prohibits a local government from imposing inspection requirements for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT Dashes through the words indicate deletions from existing statute.

23

underground petroleum storage tanks or charging inspection fees for the inspection of underground petroleum storage tanks.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-20.5-205, **amend**
3 (1) as follows:

4 **8-20.5-205. More stringent requirements prohibited.** (1) No
5 municipality, city, home rule city, city and county, county, or other
6 political subdivision of the state shall adopt or enforce any requirement
7 more stringent than the provisions of this part 2. This section does not
8 apply to requirements established pursuant to the uniform fire code or the
9 national fire protection association codes, ~~nor does it~~ BUT A
10 MUNICIPALITY, CITY, HOME RULE CITY, CITY AND COUNTY, COUNTY, OR
11 OTHER POLITICAL SUBDIVISION SHALL NOT IMPOSE INSPECTION
12 REQUIREMENTS FOR UNDERGROUND PETROLEUM STORAGE TANKS OR
13 CHARGE INSPECTION FEES FOR THE INSPECTION OF UNDERGROUND
14 PETROLEUM STORAGE TANKS. THIS SECTION DOES NOT apply to
15 requirements established pursuant to local zoning regulations.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.