

Transportation Legislation Review Committee

Members of the Committee

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

Senator John Cooke
Senator Leroy Garcia
Senator Ray Scott
Senator Nancy Todd

Representative Jon Becker
Representative Perry Buck
Representative Terri Carver
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

October 2016

Transportation Legislation Review Committee

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of the development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers, and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including penalties imposed for violating traffic statutes and rules.

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete financial or performance audits. The committee may also conduct a post-operation review of any project completed by these entities to determine whether it was completed in the most cost-effective and efficient manner.

Committee Activities

The TLRC toured the south-central region of the state to visit infrastructure projects and transportation facilities, and held two meetings at the State Capitol during the 2016 interim. The following subsections discuss the TLRC's activities during the 2016 interim.

South-Central Colorado 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 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.

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.

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.

As a result of this discussion, the committee recommends Bill C, which requires 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 cannot exceed \$5.5 billion or take longer than 20 years to repay. The bill also eliminates the final three years of Senate Bill 09-228 transfers and diverts 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).

Southwest Chief rail. 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.

Transportation Commission districts and the 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.

As a result of this discussion, the committee recommends 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.

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 the 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 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 Public Utilities Commission (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, and specific to the A Line crossings and quiet zones, as well as 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. The committee asked for clarification on 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 committee asked for clarification on the length of the 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.

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.

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

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 recommends 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 this bill to 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 recommends 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 recommends Bill E which prohibits local governments from imposing inspection requirements or charging inspection fees for underground petroleum storage tanks.

Committee Recommendations

As a result of committee discussion and deliberation, the TLRC recommends five bills for consideration in the 2016 legislative session.

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
- to 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 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 C — Authorize New Transportation Revenue Anticipation Notes. Bill C requires 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 cannot exceed \$5.5 billion or take longer than 20 years to repay. TRANs proceeds must be spent on a list of 42 transportation projects across the state described in the bill.

The bill also eliminates the final three years of Senate Bill 09-228 transfers and diverts 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). Both the Senate Bill 09-228 transfers and the sales tax diversions to the HUTF are transferred to the State Highway Fund, so this change will not impact the local distribution of the HUTF.

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.