

## CHAPTER 5

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**TRANSPORTATION**


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**SENATE BILL 09-108**

BY SENATOR(S) Gibbs, Bacon, Boyd, Foster, Heath, Hudak, Morse, Romer, Shaffer B., Veiga, Williams, Groff, Newell;  
also REPRESENTATIVE(S) Rice, Benefield, Carroll T., Court, Fischer, Frangas, Green, Hullinghorst, Judd, Labuda, Levy,  
McCann, Merrifield, Middleton, Ryden, Scanlan, Schafer S., Todd, Vigil.

**AN ACT**

**CONCERNING THE IMPROVEMENT OF THE TRANSPORTATION SYSTEM OF THE STATE, AND, IN CONNECTION THEREWITH, PROVIDING ADDITIONAL SOURCES OF FUNDING FOR TRANSPORTATION AND MODIFYING THE TRANSPORTATION PLANNING PROCESS.**

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

**SECTION 1.** Part 8 of article 4 of title 43, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**PART 8  
FUNDING ADVANCEMENT FOR SURFACE  
TRANSPORTATION AND ECONOMIC RECOVERY**

**43-4-801. Short title.** THIS PART 8 SHALL BE KNOWN AND MAY BE CITED AS THE "FUNDING ADVANCEMENTS FOR SURFACE TRANSPORTATION AND ECONOMIC RECOVERY ACT OF 2009".

**43-4-802. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE CONTINUED PROSPERITY OF THE STATE AND ITS CITIZENS REQUIRES A SAFE, WELL-MAINTAINED, INTEGRATED, MULTIMODAL, AND SUSTAINABLE SURFACE TRANSPORTATION SYSTEM THAT IS ACCESSIBLE IN ALL PARTS OF THE STATE AND THAT ALLOWS EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION;

(b) THE PRIMARY FUNDING SOURCES DEDICATED FOR SURFACE TRANSPORTATION, STATE AND FEDERAL MOTOR FUEL TAXES, ARE FLAT RATE PER GALLON TAXES THAT HAVE LOST AND WILL CONTINUE TO LOSE MUCH OF THEIR PURCHASING POWER

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

BECAUSE THEY ARE NOT INDEXED TO INFLATION, HAVE NOT BEEN INCREASED IN NEARLY TWO DECADES, AND GENERATE LESS REVENUE PER VEHICLE MILE TRAVELED AS MOTOR VEHICLES BECOME MORE FUEL EFFICIENT;

(c) DUE TO THE DECLINE IN THE PURCHASING POWER OF THE REVENUES GENERATED BY THE STATE AND FEDERAL MOTOR FUEL TAXES, THE STATE AND LOCAL GOVERNMENTS HAVE BEEN UNABLE TO MAINTAIN, REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER, WHICH HAS ALREADY CAUSED MANY BRIDGES IN THE STATE TO BECOME STRUCTURALLY DEFICIENT OR FUNCTIONALLY OBSOLETE AND WORSENEDED THE CONDITION OF ROAD SURFACES, DELAYED CAPACITY EXPANSION PROJECTS, AND INCREASED TRAFFIC CONGESTION AND GREENHOUSE GAS EMISSIONS; AND

(d) BECAUSE THIS DECLINE IN PURCHASING POWER IS ONGOING AND BECOMES MORE SEVERE WITH EACH PASSING YEAR, THE STATE AND LOCAL GOVERNMENTS WILL CONTINUE TO BE UNABLE TO MAINTAIN, REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER, AND THE SAFETY, EFFICIENCY, AND ENVIRONMENTAL IMPACT OF THE STATE'S SURFACE TRANSPORTATION SYSTEM WILL WORSEN MORE QUICKLY IN THE FUTURE IF SUFFICIENT AND SUSTAINABLE FUNDING SOURCES FOR SURFACE TRANSPORTATION CANNOT BE FOUND.

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

(a) THE NATIONAL AND STATE ECONOMIC RECESSION AND ATTENDANT RISE IN UNEMPLOYMENT REPRESENT ADDITIONAL SHORT- TO MEDIUM-TERM CHALLENGES FOR THE STATE AND ALL COLORADANS;

(b) THERE IS AN URGENT PRESENT NEED TO REPAIR AND REPLACE STRUCTURALLY DEFICIENT AND FUNCTIONALLY OBSOLETE BRIDGES AND IMPROVE HIGHWAY SAFETY IN THE STATE;

(c) INCREASING FUNDING FOR DESIGNATED BRIDGE PROJECTS AND ROAD SAFETY PROJECTS IN THE SHORT- AND MEDIUM-TERM THROUGH THE IMPOSITION OF BRIDGE AND ROAD SAFETY SURCHARGES AND OTHER NEW FEES AT RATES REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY THE PERSONS PAYING THE FEES WILL NOT ONLY PROVIDE FUNDING TO COMPLETE THE PROJECTS BUT WILL ALSO ACCELERATE THE STATE'S ECONOMIC RECOVERY BY INCREASING BRIDGE AND ROAD CONSTRUCTION, REPAIR, RECONSTRUCTION, AND MAINTENANCE ACTIVITY, AS WELL AS RELATED ECONOMIC ACTIVITY, AND BY EMPLOYING SIGNIFICANT NUMBERS OF COLORADANS;

(d) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE AUTHORIZED TO COMPLETE DESIGNATED BRIDGE PROJECTS, TO IMPOSE A BRIDGE SAFETY SURCHARGE AND ISSUE REVENUE BONDS, AND, IF REQUIRED APPROVALS ARE OBTAINED, TO CONTRACT WITH THE STATE TO RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED BY THIS PART 8 AND TO USE THE REVENUES GENERATED BY THE BRIDGE SAFETY SURCHARGE TO REPAY ANY SUCH LOAN OR LOANS, WILL IMPROVE THE SAFETY AND EFFICIENCY OF THE STATE TRANSPORTATION SYSTEM BY ALLOWING THE

STATE TO ACCELERATE THE REPAIR, RECONSTRUCTION, AND REPLACEMENT OF STRUCTURALLY DEFICIENT, FUNCTIONALLY OBSOLETE, AND RATED AS POOR BRIDGES;

(e) THE CREATION OF A HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE WITH THE AUTHORITY AND MISSION TO SEEK OUT OPPORTUNITIES FOR INNOVATIVE AND EFFICIENT MEANS OF FINANCING OTHER IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS WILL ENSURE THAT SUCH PROJECTS ARE ALSO PROPERLY PRIORITIZED AND ACCELERATED; AND

(f) GRANTING THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE BOTH RESPONSIBILITY FOR THE COMPLETION, RESPECTIVELY, OF DESIGNATED BRIDGE PROJECTS AND OTHER IMPORTANT SURFACE TRANSPORTATION PROJECTS AND THE FLEXIBILITY TO EXECUTE THEIR RESPECTIVE MISSIONS IN A VARIETY OF INNOVATIVE WAYS WILL ENSURE THAT AVAILABLE RESOURCES FOR SUCH PROJECTS ARE EFFICIENTLY AND EFFECTIVELY LEVERAGED SO THAT BOTH THE PROJECTS AND THE STATE'S ECONOMIC RECOVERY CAN BE COMPLETED AS QUICKLY AS POSSIBLE.

(3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) WHILE IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE TO FUND DESIGNATED BRIDGE PROJECTS AND HIGHWAY SAFETY PROJECTS AND STIMULATE ECONOMIC RECOVERY IN THE SHORT- AND MEDIUM-TERM, THE STATE MUST ALSO DEVELOP A LONG-TERM STRATEGY TO PROVIDE SUSTAINABLE LONG-TERM REVENUE STREAMS DEDICATED FOR THE CONSTRUCTION OF IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AND THE CONTINUING MAINTENANCE, REPAIR, AND RECONSTRUCTION OF THE STATEWIDE SURFACE TRANSPORTATION SYSTEM THAT WILL:

(I) ALLOW BOTH THE STATE AND LOCAL GOVERNMENTS TO MAINTAIN, REPAIR, RECONSTRUCT, AND IMPROVE THEIR TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER; AND

(II) PROVIDE THE STATE AND LOCAL GOVERNMENTS WITH THE RESOURCES AND FLEXIBILITY TO EXPLORE AND INVEST IN MODERN MULTIMODAL AND DEMAND-SIDE TRANSPORTATION SOLUTIONS THAT WILL HELP REDUCE TRAFFIC CONGESTION AND GREENHOUSE GAS EMISSIONS;

(b) THE SPECIFICATION OF ADDITIONAL POLICIES TO BE CONSIDERED AT ALL STAGES OF THE STATEWIDE TRANSPORTATION PLANNING PROCESS AND THE ESTABLISHMENT OF AN EFFICIENCY AND ACCOUNTABILITY COMMITTEE WITHIN THE DEPARTMENT OF TRANSPORTATION WILL HELP TO ENSURE THAT TRANSPORTATION PLANNING IS THOROUGH, INTEGRATED, AND STRATEGIC AND THAT ALL FUNDING DEDICATED FOR SURFACE TRANSPORTATION IS EXPENDED EFFECTIVELY.

**43-4-803. Definitions.** AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AUTHORIZED AGENT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (5), C.R.S.

(2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF EITHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE AUTHORIZED BY THIS PART 8, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED STATES.

(3) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS, INCLUDING, WITHOUT LIMITATION:

(a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST, PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS, SINKING FUNDS, AND COSTS OF ISSUANCE;

(b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;

(c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR, PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION PROVIDER;

(d) COVERAGE REQUIREMENTS; AND

(e) OTHER COSTS, FEES, AND EXPENSES RELATED TO THE FOREGOING AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT TO THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF THE BONDS.

(4) "BRIDGE ENTERPRISE" MEANS THE STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2).

(5) "BRIDGE ENTERPRISE BOARD" MEANS THE BOARD OF DIRECTORS OF THE BRIDGE ENTERPRISE.

(6) "BRIDGE ENTERPRISE DIRECTOR" MEANS THE DIRECTOR OF THE BRIDGE ENTERPRISE APPOINTED PURSUANT TO SECTION 43-4-805 (2) (a) (I).

(7) "BRIDGE SPECIAL FUND" MEANS THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3) (a).

(8) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106 (1).

(9) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 24-1-128.7, C.R.S.

(10) "DESIGNATED BRIDGE" MEANS EVERY BRIDGE, INCLUDING ANY ROADWAYS, SIDEWALKS, OR OTHER INFRASTRUCTURE CONNECTED OR ADJACENT TO OR REQUIRED FOR THE OPTIMAL FUNCTIONING OF THE BRIDGE, THAT:

(a) IS PART OF THE STATE HIGHWAY SYSTEM, AS DESCRIBED IN SECTION 43-2-101; AND

(b) HAS BEEN IDENTIFIED BY THE DEPARTMENT AS STRUCTURALLY DEFICIENT OR FUNCTIONALLY OBSOLETE, AND HAS BEEN RATED BY THE DEPARTMENT AS POOR, AS OF JANUARY 1, 2009, OR IS SUBSEQUENTLY SO IDENTIFIED AND RATED BY THE DEPARTMENT.

(11) "DESIGNATED BRIDGE PROJECT" MEANS A PROJECT THAT INVOLVES THE REPAIR, RECONSTRUCTION, REPLACEMENT, OR ONGOING OPERATION OR MAINTENANCE, OR ANY COMBINATION THEREOF, OF A DESIGNATED BRIDGE BY THE BRIDGE ENTERPRISE PURSUANT TO AN AGREEMENT BETWEEN THE ENTERPRISE AND THE COMMISSION OR DEPARTMENT AUTHORIZED BY SECTION 43-4-805 (5) (f).

(12) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(13) (a) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE TO THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE THAT IS NOT REQUIRED TO BE REPAID.

(b) "GRANT" DOES NOT INCLUDE ANY OF THE FOLLOWING OR ANY INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE FOLLOWING:

(I) ANY INDIRECT BENEFIT CONFERRED UPON THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE;

(II) ANY FEDERAL FUNDS RECEIVED BY THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE, REGARDLESS OF WHETHER THE FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE PRIOR TO RECEIPT BY THE ENTERPRISE;

(III) ANY REVENUES OF THE BRIDGE ENTERPRISE FROM THE BRIDGE SAFETY SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION 43-4-805 (5) (g) OR REVENUES OF THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM ANY OTHER AUTHORIZED RATE, FEE, ASSESSMENT, OR OTHER CHARGE IMPOSED BY EITHER ENTERPRISE FOR THE PROVISION OF GOODS OR SERVICES BY THE ENTERPRISE;

(IV) ANY MONEYS PAID OR ADVANCED TO THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE BY THE STATE, A LOCAL GOVERNMENT OR GROUP OF LOCAL GOVERNMENTS, AN AUTHORITY, OR ANY OTHER GOVERNMENT-OWNED BUSINESS OR GOVERNMENTAL ENTITY IN EXCHANGE FOR AN AGREEMENT BY EITHER ENTERPRISE TO COMPLETE A DESIGNATED BRIDGE PROJECT OR A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT; OR

(V) ANY MONEYS LOANED BY THE COMMISSION TO THE BRIDGE ENTERPRISE PURSUANT TO SECTION 43-4-805 (4) OR (5) (r) OR THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (4).

(14) "HIGHWAY" MEANS A ROAD AND RELATED IMPROVEMENTS AND SERVICES. A HIGHWAY MAY CONSIST OF IMPROVEMENTS AND SERVICES, INCLUDING, BUT NOT

LIMITED TO, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS, LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS, SHOULDERS, FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES, TRANSIT LANES AND SERVICES, PARK-AND-RIDE FACILITIES, TRAFFIC DEMAND MANAGEMENT FACILITIES AND SERVICES, OTHER MULTIMODAL IMPROVEMENTS AND SERVICES, TOLL COLLECTION FACILITIES, SERVICE AREAS, ADMINISTRATIVE OR MAINTENANCE FACILITIES, GAS, ELECTRIC, WATER, SEWER, AND OTHER UTILITIES LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF THE HIGHWAY, AND OTHER REAL OR PERSONAL PROPERTY, INCLUDING EASEMENTS, RIGHTS-OF-WAY, OPEN SPACE, AND OTHER INTERESTS THEREIN, RELATING TO THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE HIGHWAY.

(15) "ISSUING ENTERPRISE" MEANS, WITH RESPECT TO THE ISSUANCE OF BONDS AS AUTHORIZED BY THIS PART 8, EITHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE.

(16) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

(17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(18) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT, INCLUDING, BUT NOT LIMITED TO, AN OPERATING CONCESSION AGREEMENT BETWEEN THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

(a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT IN EXCHANGE FOR A PUBLIC BENEFIT CONCERNING THE PROJECT OTHER THAN ONLY A MONEY PAYMENT;

(b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS; OR

(c) COOPERATION IN RESEARCHING, DEVELOPING, AND IMPLEMENTING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.

(19) "PUBLIC TRANSPORTATION VEHICLE" MEANS A MOTOR VEHICLE THAT IS PART OF VEHICULAR SERVICE THAT TRANSPORTS THE GENERAL PUBLIC AND THAT IS PROVIDED BY A PUBLIC TRANSPORTATION DISTRICT OR BY A LOCAL GOVERNMENT.

(20) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL PLANNING COMMISSION FORMED UNDER THE PROVISIONS OF SECTION 30-28-105, C.R.S., THAT PREPARES AND SUBMITS A TRANSPORTATION PLAN PURSUANT TO SECTION 43-1-1103.

(21) "ROAD SAFETY PROJECT" MEANS A CONSTRUCTION, RECONSTRUCTION, OR MAINTENANCE PROJECT THAT THE COMMISSION DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A STATE HIGHWAY, A COUNTY DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A COUNTY ROAD, OR A MUNICIPALITY DETERMINES IS NEEDED TO

ENHANCE THE SAFETY OF A CITY STREET.

(22) "SURFACE TRANSPORTATION INFRASTRUCTURE" MEANS A HIGHWAY, A BRIDGE OTHER THAN A DESIGNATED BRIDGE, OR ANY OTHER INFRASTRUCTURE, FACILITY, OR EQUIPMENT USED PRIMARILY OR IN LARGE PART TO TRANSPORT PEOPLE ON SYSTEMS THAT OPERATE ON OR ARE AFFIXED TO THE GROUND.

(23) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE, OR OPERATION OF A DEFINED AMOUNT OF SURFACE TRANSPORTATION INFRASTRUCTURE BY:

(a) THE TRANSPORTATION ENTERPRISE; OR

(b) A PARTNER OF THE TRANSPORTATION ENTERPRISE UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

(24) "TRANSPORTATION ENTERPRISE" MEANS THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION 43-4-806 (2) (a).

(25) "TRANSPORTATION ENTERPRISE BOARD" MEANS THE BOARD OF DIRECTORS OF THE TRANSPORTATION ENTERPRISE.

(26) "TRANSPORTATION ENTERPRISE DIRECTOR" MEANS THE DIRECTOR OF THE TRANSPORTATION ENTERPRISE APPOINTED PURSUANT TO SECTION 43-4-806 (2) (b).

(27) "USER FEE" MEANS COMPENSATION TO BE PAID TO THE TRANSPORTATION ENTERPRISE OR A PARTNER OF THE TRANSPORTATION ENTERPRISE FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE TRANSPORTATION ENTERPRISE OR OPERATED BY ITS PARTNER UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

(28) "VEHICLE" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION 42-1-102 (58), C.R.S.; EXCEPT THAT, FOR PURPOSES OF THE IMPOSITION OF ANY SURCHARGE, FEE, OR FINE IMPOSED PURSUANT THIS PART 8 IN CONNECTION WITH A VEHICLE REQUIRED TO BE REGISTERED PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF TITLE 42, C.R.S., "VEHICLE" ALSO INCLUDES ANY VEHICLE WITHOUT MOTIVE POWER THAT IS REQUIRED TO BE REGISTERED.

**43-4-804. Highway safety projects - surcharges and fees - crediting of moneys to highway users tax fund.** (1) ON AND AFTER JULY 1, 2009, THE FOLLOWING SURCHARGES, FEES, AND FINES SHALL BE COLLECTED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a) AND ALLOCATED TO THE STATE HIGHWAY FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.3):

(a) (I) A ROAD SAFETY SURCHARGE, WHICH, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (II) AND (VI) OF THIS PARAGRAPH (a), SHALL BE IMPOSED FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR AFTER JULY 1, 2009, UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT

AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH (a), THE AMOUNT OF THE SURCHARGE SHALL BE:

(A) SIXTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE, MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO THOUSAND POUNDS OR LESS;

(B) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND POUNDS;

(C) TWENTY-EIGHT DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND POUNDS;

(D) THIRTY-SEVEN DOLLARS FOR ANY VEHICLE THAT IS A PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

(E) THIRTY-NINE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS.

(II) THE ROAD SAFETY SURCHARGE SHALL BE IMPOSED WHEN A VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S. EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, ALL ROAD SAFETY SURCHARGES COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL FORWARD ALL ROAD SAFETY SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY ROAD SAFETY SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE HIGHWAY USERS TAX FUND.

(III) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

(IV) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED ON ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND THE PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION APPORTIONED TO COLORADO.

(V) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED PURSUANT TO THIS PARAGRAPH (a) SHALL BE ONE-HALF OF THE AMOUNT SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY ONLY:

(A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING OPERATIONS; OR



(B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR RANCHER'S FARMING OR RANCHING OPERATIONS.

(VI) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION 42-3-219 (1) (a), C.R.S.

(VII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE ROAD SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE REGISTRATION FEES OR SURCHARGES IMPOSED.

(b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b), A DAILY VEHICLE RENTAL FEE, WHICH SHALL BE IMPOSED ON THE RENTAL OF ANY VEHICLE RENTED IN THE STATE AT THE RATE OF TWO DOLLARS PER DAY. ANY PERSON WHO OWNS VEHICLES THAT ARE BASED IN COLORADO FOR RENTAL PURPOSES OR WHO OWNS VEHICLES THAT ARE BASED IN A STATE OTHER THAN COLORADO FOR RENTAL PURPOSES BUT RENTS SUCH VEHICLES FROM A BUSINESS LOCATION IN COLORADO AND WHOSE PRIMARY BUSINESS IS THE RENTAL OF SUCH VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS, INCLUDING RENEWALS, TO ANOTHER PERSON SHALL COLLECT THE DAILY VEHICLE RENTAL FEE FROM THE RENTER OF EACH VEHICLE RENTED. THE RENTAL INVOICE SHALL LIST THE DAILY VEHICLE RENTAL FEE SEPARATELY AS A COLORADO ROAD SAFETY PROGRAM FEE.

(II) A PERSON WHO COLLECTS THE DAILY VEHICLE RENTAL FEE IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND WHO PAYS SPECIFIC OWNERSHIP TAX ON THE VEHICLES RENTED IN THE MANNER SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR BOTH, SHALL, NO LATER THAN THE TWENTIETH DAY OF EACH MONTH, SUBMIT TO THE DEPARTMENT OF REVENUE A REPORT, USING FORMS FURNISHED BY THE DEPARTMENT OF REVENUE, OF DAILY VEHICLE RENTAL FEES COLLECTED FOR THE PRECEDING MONTH AND SHALL INCLUDE WITH THE REPORT THE REMITTANCE OF ALL SUCH FEES. A PERSON WHO COLLECTS THE DAILY VEHICLE RENTAL FEE IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) BUT DOES NOT PAY SPECIFIC OWNERSHIP TAX ON THE VEHICLES IN THE MANNER SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR BOTH, SHALL SUBMIT THE REPORT AND THE REMITTANCE OF FEES COLLECTED IN THE SAME MANNER OR IN SUCH OTHER MANNER AS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL FORWARD ALL DAILY VEHICLE RENTAL FEES COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE DAILY VEHICLE RENTAL FEES TO THE HIGHWAY USERS TAX FUND.

(III) BECAUSE VEHICLE SHARING IS AN ALTERNATIVE TO PERSONAL VEHICLE OWNERSHIP THAT REDUCES THE NUMBER OF VEHICLE MILES TRAVELED ON THE HIGHWAYS OF THE STATE BY ENCOURAGING THE USE OF TRANSIT AND REDUCING THE NUMBER OF TRIPS MADE IN PRIVATELY OWNED VEHICLES AND THEREBY BENEFITS THE STATE BY REDUCING TRAFFIC CONGESTION, GREENHOUSE GAS EMISSIONS, AND THE AMOUNT OF WEAR AND TEAR ON THE HIGHWAYS, THE DAILY VEHICLE RENTAL FEE IMPOSED PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE IMPOSED ON ANY

VEHICLE RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT IF:

(A) UNDER THE TERMS OF THE ARRANGEMENT, AN ORGANIZATION PROVIDES PASSENGER VEHICLES FOR THE USE OF MEMBERS OF THE ORGANIZATION WHO HAVE PAID A MEMBERSHIP FEE TO THE ORGANIZATION AND CHARGES AN ADDITIONAL FEE FOR EACH USE OF A PASSENGER VEHICLE;

(B) A MEMBER OF THE ORGANIZATION IS NOT REQUIRED TO ENTER INTO A SEPARATE WRITTEN AGREEMENT WITH THE ORGANIZATION EACH TIME THE MEMBER RESERVES AND USES A PASSENGER VEHICLE;

(C) THE AVERAGE PAID USAGE PERIOD FOR ALL PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR WAS SIX HOURS OR LESS;

(D) AT LEAST THREE-QUARTERS OF ALL PASSENGER VEHICLE RENTALS MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR IN EACH MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES BUSINESS WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN A RESIDENCE WITHIN THE CITY OR COUNTY;

(E) FUEL AND FULL INSURANCE COVERAGE ARE INCLUDED IN THE MEMBER USAGE RATES; AND

(F) PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION ARE STATIONED IN SELF-SERVE LOCATIONS THROUGHOUT THE COUNTY OR MUNICIPALITY IN WHICH THE ORGANIZATION DOES BUSINESS.

(c) (I) A SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT OF THE FEE CHARGED PURSUANT TO SECTION 42-4-510 (11) (a), C.R.S., BY THE DEPARTMENT, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, OR THE COLORADO STATE PATROL FOR THE ISSUANCE OF THE SINGLE TRIP PERMIT; EXCEPT THAT THE SURCHARGE SHALL NOT BE IMPOSED ON A VEHICLE IF THE SINGLE TRIP PERMIT FEE WAS IMPOSED PURSUANT TO SECTION 42-4-510 (11) (a) (VI) (B), C.R.S.

(II) THE AGENCY ISSUING AN OVERSIZE OR OVERWEIGHT VEHICLE SINGLE TRIP PERMIT SHALL COLLECT THE SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGE AT THE SAME TIME AS IT COLLECTS THE SINGLE TRIP PERMIT FEE. THE AGENCY SHALL FORWARD ALL SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGES TO THE DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL FORWARD THE SUPPLEMENTAL SURCHARGES TO THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE HIGHWAY USERS TAX FUND.

(d) (I) A SUPPLEMENTAL UNREGISTERED VEHICLE FINE IMPOSED IN ADDITION TO THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3), C.R.S., UPON CONVICTION OF A MISDEMEANOR FOR KNOWINGLY FAILING TO REGISTER A VEHICLE WITHIN NINETY DAYS OF BECOMING A RESIDENT OF THIS STATE AS REQUIRED BY SECTION 42-3-103 (4) (a), C.R.S.

(II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3), C.R.S.

THE AMOUNT OF THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A MONTH THAT THE VEHICLE REMAINED UNREGISTERED FOLLOWING THE NINETY-DAY PERIOD DURING WHICH INITIAL REGISTRATION WAS REQUIRED; EXCEPT THAT THE AMOUNT OF THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL NOT EXCEED ONE HUNDRED DOLLARS. ALL SUPPLEMENTAL UNREGISTERED VEHICLE FINES SHALL BE FORWARDED TO THE STATE TREASURER, WHO SHALL CREDIT THE FINES TO THE HIGHWAY USERS TAX FUND.

(e) LATE REGISTRATION FEES REQUIRED TO BE CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 42-3-112 (2), C.R.S.

**43-4-805. Statewide bridge enterprise - creation - board - funds - powers and duties - reporting requirements - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS, HAZARDS, INJURIES, AND FATALITIES;

(b) DUE TO THE LIMITED AVAILABILITY OF STATE AND FEDERAL FUNDING AND THE NEED TO ACCOMPLISH THE FINANCING, REPAIR, RECONSTRUCTION, AND REPLACEMENT OF DESIGNATED BRIDGES AS PROMPTLY AND EFFICIENTLY AS POSSIBLE, IT IS NECESSARY TO CREATE A STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:

(I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE DESIGNATED BRIDGES IN THE STATE; AND

(II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY CALCULATED TO DEFRAY THE COSTS OF COMPLETING DESIGNATED BRIDGE PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAYING THE COSTS IN A MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE FEES AND USING DESIGNATED BRIDGES, RECEIVE AND EXPEND REVENUES GENERATED BY THE SURCHARGE AND OTHER MONEYS, ISSUE REVENUE BONDS AND OTHER OBLIGATIONS, CONTRACT WITH THE STATE, IF REQUIRED APPROVALS ARE OBTAINED, TO RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED BY THIS PART 8, EXPEND REVENUES GENERATED BY THE SURCHARGE TO REPAY ANY SUCH LOAN OR LOANS RECEIVED, AND EXERCISE OTHER POWERS NECESSARY AND APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

(c) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE IS IN THE PUBLIC INTEREST AND WILL PROMOTE THE HEALTH, SAFETY, AND WELFARE OF ALL COLORADANS AND VISITORS TO THE STATE BY PROVIDING BRIDGES THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN, EXPERIENCE, AND SAFETY.

(2)(a)(I) THE STATEWIDE BRIDGE ENTERPRISE IS HEREBY CREATED. THE BRIDGE ENTERPRISE SHALL BE AND SHALL OPERATE AS A GOVERNMENT-OWNED BUSINESS

WITHIN THE DEPARTMENT. THE COMMISSION SHALL SERVE AS THE BRIDGE ENTERPRISE BOARD AND SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A BRIDGE ENTERPRISE DIRECTOR WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD. THE BRIDGE ENTERPRISE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE BRIDGE ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE BRIDGE ENTERPRISE BOARD.

(II) THE BRIDGE ENTERPRISE AND THE BRIDGE ENTERPRISE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S.

(b) THE BUSINESS PURPOSE OF THE BRIDGE ENTERPRISE IS TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE ANY DESIGNATED BRIDGE IN THE STATE AND, AS AGREED UPON BY THE ENTERPRISE AND THE COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, TO MAINTAIN THE BRIDGES IT FINANCES, REPAIRS, RECONSTRUCTS, AND REPLACES. TO ALLOW THE BRIDGE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH THE BRIDGE ENTERPRISE BOARD, THE BRIDGE ENTERPRISE MAY:

(I) IMPOSE A BRIDGE SAFETY SURCHARGE AS AUTHORIZED IN PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION;

(II) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND OTHER AVAILABLE MONEYS OF THE BRIDGE ENTERPRISE PLEDGED FOR THEIR PAYMENT AS AUTHORIZED IN SECTION 43-4-807; AND

(III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS, INCLUDING, BUT NOT LIMITED TO, ONE OR MORE LOANS FROM THE STATE OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, TO BE USED TO SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

(c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH (c), THE BRIDGE ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. CONSISTENT WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL v. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH "ENTERPRISE" STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT A BRIDGE SAFETY SURCHARGE IMPOSED BY THE BRIDGE ENTERPRISE PURSUANT TO PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION IS NOT A TAX BUT IS INSTEAD A FEE IMPOSED BY THE BRIDGE ENTERPRISE TO DEFRAY THE COST OF COMPLETING DESIGNATED BRIDGE PROJECTS THAT THE ENTERPRISE PROVIDES AS A SPECIFIC SERVICE TO THE PERSONS UPON WHOM THE FEE IS IMPOSED AND AT RATES

REASONABLY CALCULATED BASED ON THE BENEFITS RECEIVED BY SUCH PERSONS.

(3) (a) THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "BRIDGE SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES RECEIVED BY THE BRIDGE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY REVENUES FROM A BRIDGE SAFETY SURCHARGE COLLECTED PURSUANT TO PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION AND ANY MONEYS LOANED TO THE ENTERPRISE BY THE STATE PURSUANT TO PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, SHALL BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. THE BRIDGE ENTERPRISE BOARD MAY ESTABLISH SEPARATE ACCOUNTS WITHIN THE BRIDGE SPECIAL FUND AS NEEDED IN CONNECTION WITH ANY SPECIFIC DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE BRIDGE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE BRIDGE ENTERPRISE BOARD, SHALL INVEST ANY MONEYS IN THE BRIDGE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

(b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE BRIDGE SPECIAL FUND SHALL BE CREDITED TO THE BRIDGE SPECIAL FUND AND, IF APPLICABLE, TO THE APPROPRIATE DESIGNATED BRIDGE PROJECT ACCOUNT. MONEYS IN THE BRIDGE SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE BRIDGE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE BRIDGE SPECIAL FUND SHALL REMAIN IN THE BRIDGE SPECIAL FUND FOR THE PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE BRIDGE SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSE.

(c) THE BRIDGE ENTERPRISE MAY EXPEND MONEYS IN THE BRIDGE SPECIAL FUND TO PAY BOND OR LOAN OBLIGATIONS, TO FUND THE ADMINISTRATION, PLANNING, FINANCING, REPAIR, RECONSTRUCTION, REPLACEMENT, OR MAINTENANCE OF DESIGNATED BRIDGES, AND FOR THE ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE MAY ALSO EXPEND MONEYS IN THE BRIDGE SPECIAL FUND TO PAY ITS OPERATING COSTS AND EXPENSES. THE BRIDGE ENTERPRISE BOARD SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE BRIDGE SPECIAL FUND.

(4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE BRIDGE ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR REVENUES BY THE ENTERPRISE. THE BRIDGE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEYS SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER SHALL CONSTITUTE A LOAN FROM THE COMMISSION TO THE BRIDGE ENTERPRISE AND SHALL NOT BE CONSIDERED A GRANT FOR PURPOSES OF SECTION 20

(2) (d) OF ARTICLE X OF THE STATE CONSTITUTION. AS THE BRIDGE ENTERPRISE RECEIVES SUFFICIENT REVENUES IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE STATE HIGHWAY FUND MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS LOANED FROM THE STATE HIGHWAY FUND TO THE BRIDGE ENTERPRISE PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE BRIDGE ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. MONEYS FROM THE BRIDGE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN FROM THE STATE HIGHWAY FUND OR ANY INTEREST THEREON.

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

(a) TO SUPERVISE AND ADVISE THE BRIDGE ENTERPRISE DIRECTOR;

(b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS;

(c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING, REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING DESIGNATED BRIDGES;

(d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

(f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER WHICH THE BRIDGE ENTERPRISE AGREES TO FINANCE, REPAIR, RECONSTRUCT, REPLACE, AND, IF ANY GIVEN AGREEMENT SO SPECIFIES, MAINTAIN DESIGNATED BRIDGES AS SPECIFIED IN THE AGREEMENTS;

(g) (I) AS NECESSARY FOR THE ACHIEVEMENT OF ITS BUSINESS PURPOSE, TO IMPOSE A BRIDGE SAFETY SURCHARGE, WHICH, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (III) AND (VII) OF THIS PARAGRAPH (g), SHALL BE IMPOSED, ON AND AFTER JULY 1, 2009, FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR AFTER JULY 1, 2009, OR ON AND AFTER SUCH LATER DATE AS MAY BE DETERMINED BY THE BRIDGE ENTERPRISE, FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR AFTER THE LATER DATE, UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (IV), (V), AND (VI) OF THIS PARAGRAPH (g), THE AMOUNT OF THE SURCHARGE SHALL NOT EXCEED:

(A) THIRTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE,

MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO THOUSAND POUNDS OR LESS;

(B) EIGHTEEN DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND POUNDS;

(C) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND POUNDS;

(D) TWENTY-NINE DOLLARS FOR ANY VEHICLE THAT IS A PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

(E) THIRTY-TWO DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS.

(II) THE BRIDGE SAFETY SURCHARGE SHALL BE IMPOSED WHEN A VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S. EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, ALL BRIDGE SAFETY SURCHARGES COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL FORWARD ALL BRIDGE SAFETY SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY BRIDGE SAFETY SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE BRIDGE SPECIAL FUND.

(III) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED PURSUANT TO SECTION 43-4-804 (1) (b).

(IV) THE AMOUNT OF THE BRIDGE SAFETY SURCHARGE IMPOSED ON ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) AND THE PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION APPORTIONED TO COLORADO.

(V) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) FOR ANY ANNUAL VEHICLE REGISTRATION PERIOD COMMENCING DURING THE 2009-10 FISCAL YEAR SHALL BE ONE-HALF OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN SAID SUBPARAGRAPH (I), AND THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) FOR ANY VEHICLE REGISTRATION PERIOD COMMENCING DURING THE 2010-11 FISCAL YEAR SHALL BE SEVENTY-FIVE PERCENT OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN SAID SUBPARAGRAPH (I).

(VI) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT OF THE SURCHARGE

IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY ONLY:

(A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING OPERATIONS; OR

(B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR RANCHER'S FARMING OR RANCHING OPERATIONS.

(VII) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION 42-3-219 (1) (a), C.R.S.

(VIII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE REGISTRATION FEES OR SURCHARGES IMPOSED.

(h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH A PRIVATE ENTITY, TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

(I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A DESIGNATED BRIDGE PROJECT; AND

(II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY DESIGNS, DEVELOPS, CONSTRUCTS, RECONSTRUCTS, REPAIRS, OPERATES, OR MAINTAINS ALL OR ANY PORTION OF A DESIGNATED BRIDGE PROJECT ON BEHALF OF THE BRIDGE ENTERPRISE;

(i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

(k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS, SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT WITHIN THE STATE;

(l) IN CONNECTION WITH ANY DESIGNATED BRIDGE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, AND MAINTAIN ANY DESIGNATED BRIDGE WITHIN THE STATE;

(m) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE BRIDGE ENTERPRISE;



(n) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

(o) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S.;

(p) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING A DESIGNATED BRIDGE PROJECT, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING ITS BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

(q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

(r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS UNDER THE TERMS OF ONE OR MORE LOAN CONTRACTS ENTERED INTO BY THE STATE AND THE BRIDGE ENTERPRISE PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), TO EXPEND ANY MONEYS BORROWED FROM THE STATE FOR THE PURPOSE OF COMPLETING DESIGNATED BRIDGE PROJECTS AND FOR ANY OTHER AUTHORIZED PURPOSE THAT CONSTITUTES THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF THE PUBLIC HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, AND TO USE REVENUES GENERATED BY ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION (5) AND ANY OTHER LEGALLY AVAILABLE MONEYS OF THE BRIDGE ENTERPRISE TO REPAY THE MONEYS BORROWED AND ANY OTHER AMOUNTS PAYABLE UNDER THE TERMS OF THE LOAN CONTRACT.

(II) IF THE BRIDGE ENTERPRISE BOARD SEEKS TO ENTER INTO A CONTRACT TO BORROW MONEYS FROM THE STATE AS AUTHORIZED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE BOARD SHALL PROVIDE THE GOVERNOR WITH A LIST OF DESIGNATED BRIDGE PROJECTS TO BE FINANCED WITH THE BORROWED MONEYS AND A STATEMENT OF BOTH THE TOTAL AMOUNT OF THE LOAN REQUESTED AND THE ESTIMATED AMOUNT OF THE LOAN THAT WILL BE USED TO FUND EACH PROJECT ON THE LIST. IF THE GOVERNOR DETERMINES, IN THE GOVERNOR'S SOLE DISCRETION, THAT LENDING MONEYS TO THE BRIDGE ENTERPRISE AS REQUESTED BY THE ENTERPRISE, OR LENDING A LESSER AMOUNT OF MONEYS TO THE ENTERPRISE, IS IN THE BEST INTEREST OF THE STATE, THE GOVERNOR, AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL AND THE STATE TREASURER, SHALL PREPARE AND PROVIDE TO THE STATE TREASURER A LIST OF STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY SELL OR LEASE AND LEASE BACK PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO

PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r). WHEN PROVIDING THE LIST, THE GOVERNOR SHALL ALSO SPECIFY TO THE STATE TREASURER THE MAXIMUM PERMITTED PRINCIPAL AMOUNT OF ANY LOAN THAT MAY BE MADE TO THE BRIDGE ENTERPRISE UNDER THE TERMS OF ANY LOAN CONTRACT THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

(III) (A) IF THE STATE TREASURER RECEIVES A LIST FROM THE GOVERNOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r), THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO A LOAN CONTRACT WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE MONEY NEEDED TO MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN CONTRACT BY SELLING OR LEASING ONE OR MORE OF THE STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES ON THE LIST. THE STATE TREASURER SHALL HAVE SOLE DISCRETION TO ENTER INTO A LOAN CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE AMOUNT OF A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN SHALL NOT EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE TREASURER SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE TIMING OF THE ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE SALE OR LEASE OF ONE OR MORE STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES. THE LOAN CONTRACT SHALL REQUIRE THE BRIDGE ENTERPRISE TO PLEDGE TO THE STATE ALL OR A PORTION OF THE REVENUES OF ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO REQUIRE THE ENTERPRISE TO PLEDGE TO THE STATE ANY OTHER LEGALLY AVAILABLE REVENUES OF THE ENTERPRISE. ANY LOAN CONTRACT ENTERED INTO BY THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r), A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r).

(B) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO ONE OR MORE LEASE-PURCHASE AGREEMENTS WITH RESPECT TO THE STATE BUILDINGS OR OTHER CAPITAL FACILITIES SOLD OR LEASED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION, TRUST, OR COMMERCIAL BANK ACTING AS A TRUSTEE, AS THE LESSOR.

(C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT SHALL BE SUBJECT TO THE

ACTION OF THE GENERAL ASSEMBLY IN ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

(D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE, AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE SOLE SECURITY AVAILABLE TO THE LESSOR SHALL BE THE PROPERTY THAT IS THE SUBJECT OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

(IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, MAY DEEM APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH LEASE-PURCHASE AGREEMENT SHALL SPECIFICALLY AUTHORIZE THE STATE TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT UPON PAYMENT OF ALL AMOUNTS PAYABLE UNDER THE TERMS OF THE LEASE-PURCHASE AGREEMENT AND ANY AMOUNT REQUIRED TO BE PAID TO REMOVE LIENS OR ENCUMBRANCES ON OR CLAIMS WITH RESPECT TO THE PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT, INCLUDING, BUT NOT LIMITED TO, LIENS, ENCUMBRANCES, OR CLAIMS RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r). ANY TITLE TO SUCH PROPERTY RECEIVED BY THE STATE ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT SHALL BE HELD FOR THE BENEFIT AND USE OF THE STATE.

(B) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND SALE OF INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND OTHER PAYMENTS MADE AND TO BE MADE UNDER THE LEASE-PURCHASE AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR SOLD ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR AND NOT BY THE STATE. THE INSTRUMENTS SHALL NOT CREATE A RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE PURCHASERS. THE INSTRUMENTS SHALL NOT BE NOTES, BONDS, OR ANY OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE STATE AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE

## CONSTITUTION.

(C) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING INTEREST REPRESENTED BY THE INSTRUMENTS, SHALL BE EXEMPT FROM STATE INCOME TAX.

(V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED TO DEEDS, LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED OR AN AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r).

(VI) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., SHALL NOT APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) OR ANY ANCILLARY AGREEMENT OR INSTRUMENT OR INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V) OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r). ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO SECTION 24-30-202 (1) AND (13), C.R.S., THAT THE STATE CONTROLLER DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A LEASE-PURCHASE AGREEMENT, ANCILLARY AGREEMENT OR INSTRUMENT, OR INTEREST RATE EXCHANGE AGREEMENT MAY BE WAIVED BY THE CONTROLLER OR HIS OR HER DESIGNEE.

(VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE INCREASES, THE LESSOR UNDER ANY LEASE-PURCHASE AGREEMENT OR THE STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST RATE EXCHANGE AGREEMENT IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF ARTICLE 59.3 OF TITLE 11, C.R.S.

(B) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE STATE SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

(C) ANY MONEYS RECEIVED BY THE STATE UNDER AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE USED TO MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH

(A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

(s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS SECTION.

(6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

**43-4-806. High-performance transportation enterprise - creation - board - funds - powers and duties - limitations - reporting requirements - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE FOR THE STATE TO AGGRESSIVELY PURSUE INNOVATIVE MEANS OF MORE EFFICIENTLY FINANCING IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT WILL IMPROVE THE SAFETY, CAPACITY, AND ACCESSIBILITY OF THE SURFACE TRANSPORTATION SYSTEM, CAN FEASIBLY BE COMMENCED IN A REASONABLE AMOUNT OF TIME, WILL ALLOW MORE EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION THROUGHOUT THE STATE, AND WILL ACCELERATE THE ECONOMIC RECOVERY OF THE STATE;

(b) SUCH INNOVATIVE MEANS OF FINANCING PROJECTS INCLUDE, BUT ARE NOT LIMITED TO, PUBLIC-PRIVATE PARTNERSHIPS, OPERATING CONCESSION AGREEMENTS, USER FEE-BASED PROJECT FINANCING, AND AVAILABILITY PAYMENT AND DESIGN-BUILD CONTRACTING; AND

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AND THAT THIS SECTION BE BROADLY CONSTRUED TO ALLOW THE TRANSPORTATION ENTERPRISE SUFFICIENT FLEXIBILITY, CONSISTENT WITH THE REQUIREMENTS OF THE STATE CONSTITUTION, TO PURSUE ANY AVAILABLE MEANS OF FINANCING SUCH SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS.

(2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION ENTERPRISE SHALL CONSIST OF

THE FOLLOWING SEVEN MEMBERS:

(A) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH OF WHOM SHALL HAVE PROFESSIONAL EXPERTISE IN TRANSPORTATION PLANNING OR DEVELOPMENT, LOCAL GOVERNMENT, DESIGN-BUILD CONTRACTING, PUBLIC OR PRIVATE FINANCE, ENGINEERING, ENVIRONMENTAL ISSUES, OR ANY OTHER AREA THAT THE GOVERNOR BELIEVES WILL BENEFIT THE BOARD IN THE EXECUTION OF ITS POWERS AND PERFORMANCE OF ITS DUTIES. THE GOVERNOR SHALL APPOINT ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS, ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA OF THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA OF THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION, AND ONE MEMBER WHO RESIDES WITHIN THE INTERSTATE 70 MOUNTAIN CORRIDOR.

(B) THREE MEMBERS OF THE COMMISSION APPOINTED BY RESOLUTION OF THE COMMISSION.

(II) INITIAL APPOINTMENTS TO THE TRANSPORTATION ENTERPRISE BOARD SHALL BE MADE NO LATER THAN JULY 1, 2009. MEMBERS OF THE BOARD SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND WITHOUT COMPENSATION. VACANCIES IN THE MEMBERSHIP OF THE TRANSPORTATION ENTERPRISE BOARD SHALL BE FILLED IN THE SAME MANNER AS REGULAR APPOINTMENTS.

(III) (A) THE TRANSPORTATION ENTERPRISE AND THE TRANSPORTATION ENTERPRISE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S.

(B) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803 (1), PRIOR TO THE REPEAL AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-108, ENACTED IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., TO THE TRANSPORTATION ENTERPRISE, AND THE STATEWIDE TOLLING ENTERPRISE IS ABOLISHED.

(b) THE TRANSPORTATION ENTERPRISE BOARD SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE ESTABLISHED BY THE BOARD AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE TRANSPORTATION ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE BOARD.

(c) THE BUSINESS PURPOSE OF THE TRANSPORTATION ENTERPRISE IS TO PURSUE PUBLIC-PRIVATE PARTNERSHIPS AND OTHER INNOVATIVE AND EFFICIENT MEANS OF COMPLETING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS. TO ALLOW THE TRANSPORTATION ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH THE TRANSPORTATION ENTERPRISE BOARD, THE TRANSPORTATION ENTERPRISE MAY:

(I) SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 43-4-808 (3), IMPOSE USER

FEES FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION INFRASTRUCTURE;

(II) ISSUE OR REISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND OTHER AVAILABLE MONEYS OF THE TRANSPORTATION ENTERPRISE PLEDGED FOR THEIR PAYMENT AS AUTHORIZED IN SECTION 43-4-807;

(III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS TO BE USED TO SUPPORT TRANSPORTATION ENTERPRISE FUNCTIONS; AND

(IV) SEEK OUT AND ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS.

(d) THE TRANSPORTATION ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH (d), THE TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(3) (a) THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "TRANSPORTATION SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES RECEIVED BY THE TRANSPORTATION ENTERPRISE, INCLUDING ANY REVENUES FROM USER FEES COLLECTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, SHALL BE DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. THE TRANSPORTATION ENTERPRISE BOARD MAY ESTABLISH SEPARATE ACCOUNTS WITHIN THE TRANSPORTATION SPECIAL FUND AS NEEDED IN CONNECTION WITH ANY SPECIFIC SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE TRANSPORTATION ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE TRANSPORTATION SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE TRANSPORTATION ENTERPRISE BOARD, SHALL INVEST ANY MONEYS IN THE TRANSPORTATION SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

(b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE CREDITED TO THE TRANSPORTATION SPECIAL FUND AND, IF APPLICABLE, TO THE APPROPRIATE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT ACCOUNT. MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE TRANSPORTATION ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE TRANSPORTATION SPECIAL FUND SHALL REMAIN IN THE FUND FOR THE PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE FUND SHALL BE USED FOR ANY OTHER PURPOSE.

(c) THE TRANSPORTATION ENTERPRISE SHALL PREPARE A SEPARATE ANNUAL ACCOUNTING OF THE USER FEES COLLECTED FROM ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT UPON WHICH ANY USER FEE IS IMPOSED; EXCEPT THAT A PARTNER OF THE ENTERPRISE MAY PREPARE THE ANNUAL ACCOUNTING FOR A PROJECT UPON WHICH IT IMPOSES A USER FEE PURSUANT TO THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

(d) THE TRANSPORTATION ENTERPRISE MAY EXPEND MONEYS IN THE TRANSPORTATION SPECIAL FUND TO PAY BOND OBLIGATIONS, TO FUND SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, AND FOR THE ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE TRANSPORTATION ENTERPRISE MAY ALSO EXPEND MONEYS IN THE TRANSPORTATION SPECIAL FUND TO PAY ITS OPERATING COSTS AND EXPENSES. THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN THE TRANSPORTATION SPECIAL FUND.

(4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE TRANSPORTATION ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE TRANSPORTATION ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR REVENUES BY THE ENTERPRISE. THE TRANSPORTATION ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEYS SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER SHALL CONSTITUTE A LOAN FROM THE COMMISSION TO THE TRANSPORTATION ENTERPRISE AND SHALL NOT BE CONSIDERED A GRANT FOR PURPOSES OF SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION. AS THE TRANSPORTATION ENTERPRISE RECEIVES SUFFICIENT REVENUES IN EXCESS OF EXPENDITURES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS LOANED TO THE TRANSPORTATION ENTERPRISE PURSUANT TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE TRANSPORTATION ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED, AND SHALL NOT BE DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. MONEYS FROM THE TRANSPORTATION SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN OR ANY INTEREST THEREON.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, USER FEE REVENUES SHALL BE EXPENDED ONLY FOR PURPOSES AUTHORIZED BY SUBSECTION (3) OF THIS SECTION AND ONLY FOR THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH THEY WERE COLLECTED, TO ADDRESS ONGOING CONGESTION MANAGEMENT NEEDS RELATED TO THE PROJECT, OR AS A PORTION OF THE EXPENDITURES MADE FOR ANOTHER SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT IS INTEGRATED WITH THE PROJECT AS PART OF A SURFACE TRANSPORTATION SYSTEM; EXCEPT THAT THE TRANSPORTATION ENTERPRISE BOARD MAY USE USER FEE REVENUES FROM EACH SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT IN PROPORTION TO THE TOTAL AMOUNT OF SUCH REVENUES GENERATED BY THE PROJECT TO PAY OVERHEAD OF THE TRANSPORTATION ENTERPRISE.



(6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS SECTION, THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE DIRECTOR;

(b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS;

(c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE TRANSPORTATION SPECIAL FUND, FOR THE PURPOSE OF COMPLETING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS;

(d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS, MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

(f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER WHICH THE TRANSPORTATION ENTERPRISE AGREES TO COMPLETE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AS SPECIFIED IN THE AGREEMENTS;

(g) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH ANY PRIVATE OR PUBLIC ENTITY TO FACILITATE A PUBLIC-PRIVATE PARTNERSHIP, INCLUDING, BUT NOT LIMITED TO:

(I) AN AGREEMENT PURSUANT TO WHICH THE TRANSPORTATION ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT; OR

(II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY COMPLETES ALL OR ANY PORTION OF A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT ON BEHALF OF THE TRANSPORTATION ENTERPRISE;

(h) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203, C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES;

(i) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS POWERS AND DUTIES;

(j) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS, SPECIFICATIONS, OR ESTIMATES FOR ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT

WITHIN THE STATE;

(k) IN CONNECTION WITH ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION INFRASTRUCTURE WITHIN THE STATE;

(l) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE TRANSPORTATION ENTERPRISE;

(m) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

(n) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE 11, C.R.S.;

(o) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING ITS BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

(p) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE TRANSPORTATION ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT OR FOR ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8; AND

(q) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES GRANTED IN THIS SECTION.

(7) (a) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN SUBSECTION (6) OF THIS SECTION, THE TRANSPORTATION ENTERPRISE BOARD HAS THE DUTY TO EVALUATE ANY TOLL HIGHWAY IN THE STATE THAT IS OWNED AND OFFERED FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION BY AN ENTITY OTHER THAN THE STATE IN ORDER TO DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE STATE FOR THE TRANSPORTATION ENTERPRISE TO PURCHASE OR LEASE THE TOLL HIGHWAY OR A PARTIAL INTEREST IN THE TOLL HIGHWAY THAT IS BEING OFFERED FOR SALE, LEASE, OR CONCESSION OR ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY. IN EVALUATING A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSIDER THE FINANCIAL COSTS AND BENEFITS TO THE STATE AND USERS OF THE TOLL HIGHWAY OF PURCHASING OR LEASING THE TOLL HIGHWAY OR A PARTIAL INTEREST IN THE TOLL HIGHWAY OR ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY; THE EFFECT OF SUCH A PURCHASE, LEASE, OR PUBLIC-PRIVATE PARTNERSHIP ON STATEWIDE, REGIONAL, OR LOCAL TRANSPORTATION PLANS PREVIOUSLY ADOPTED AND ON FUTURE TRANSPORTATION PLANNING; AND ANY OTHER FACTORS DEEMED SIGNIFICANT BY THE BOARD. IN CONSIDERING THE EFFECT

ON REGIONAL OR LOCAL TRANSPORTATION PLANS, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSULT WITH THE APPROPRIATE REGIONAL OR LOCAL TRANSPORTATION PLANNING AGENCY. SUBJECT TO CRITERIA, PROCEDURES, PROCESSES, AND RULES ESTABLISHED BY THE ENTITY OTHER THAN THE STATE OFFERING THE TOLL HIGHWAY FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION INCLUDING, WITHOUT LIMITATION, PROVISIONS FOR REJECTING ALL BIDS OR PROPOSALS AND SHORT-LISTING BIDDERS AND PROPOSERS, AND WITHOUT ANY SPECIAL CONSIDERATION FOR EITHER PUBLIC OR PRIVATE SECTOR INTERESTS THAT MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY OR A PARTIAL INTEREST IN A TOLL HIGHWAY SO OFFERED WITHOUT CHANGE OR DELAY OF SUCH CRITERIA, PROCEDURES, PROCESSES, AND RULES OR MAY ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH A TOLL HIGHWAY AND MAY FINANCE ALL OR A PORTION OF THE PURCHASE OR LEASE OF A TOLL HIGHWAY OR A PUBLIC-PRIVATE PARTNERSHIP ENTERED INTO IN CONNECTION WITH A TOLL HIGHWAY BY ISSUING BONDS AS AUTHORIZED BY SECTION 43-4-807 IF THE BOARD DETERMINES THAT THE PURCHASE, LEASE, OR PUBLIC-PRIVATE PARTNERSHIP IS IN THE BEST INTERESTS OF THE STATE. FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED BY THE DEPARTMENT AND MANAGED BY THE TRANSPORTATION ENTERPRISE BOARD. AN ENTITY OTHER THAN THE STATE SHALL CONSIDER AND REPRESENT THE INTERESTS OF ITS CONSTITUENCY AT ALL TIMES DURING AND AFTER THE EVALUATION PROCESS CONDUCTED BY THE TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

(b) FOR PURPOSES OF THIS SUBSECTION (7), "ENTITY OTHER THAN THE STATE" MEANS A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO SECTION 43-4-504, A REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO SECTION 43-4-603, A TOLL ROAD OR TOLL HIGHWAY COMPANY FORMED PURSUANT TO SECTION 7-45-101, C.R.S., OR ANY OTHER NATURAL PERSON OR ENTITY OTHER THAN THE STATE OR A DEPARTMENT OR AGENCY OF THE STATE THAT MAY OWN A TOLL HIGHWAY.

(c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL HIGHWAY.

(8) (a) WHEN THE TRANSPORTATION ENTERPRISE BOARD DECIDES TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERNS, THE BOARD SHALL INVITE EVERY METROPOLITAN PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION WITH PLANNING RESPONSIBILITY FOR ANY AREA IN WHICH THE PROJECT WILL BE LOCATED AND EVERY AFFECTED PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, AND REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF THIS ARTICLE TO COLLABORATE WITH THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE PROJECT. THE TRANSPORTATION ENTERPRISE BOARD AND A METROPOLITAN PLANNING ORGANIZATION, TRANSPORTATION PLANNING REGION, PUBLIC MASS TRANSIT

OPERATOR, PUBLIC HIGHWAY AUTHORITY, OR REGIONAL TRANSPORTATION AUTHORITY MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO DEFINE THE DEGREE OF COLLABORATION AND ANY SHARING OF COSTS AND REVENUES. THE TRANSPORTATION ENTERPRISE BOARD, IN COLLABORATION WITH THOSE METROPOLITAN PLANNING ORGANIZATIONS, TRANSPORTATION PLANNING REGIONS, PUBLIC MASS TRANSIT OPERATORS, AND AUTHORITIES THAT ARE ENTITLED TO AND WISH TO COLLABORATE WITH THE BOARD, MAY DEVELOP A PLAN FOR THE COMPLETION OF THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDRESSES THE FEASIBILITY OF THE PROJECT, THE TECHNOLOGY TO BE UTILIZED, PROJECT FINANCING, AND ANY OTHER FEDERALLY REQUIRED INFORMATION.

(b) IN ORDER TO ENSURE THAT THE LIMITED RESOURCES AVAILABLE FOR THE COMPLETION OF MAJOR SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS ARE ALLOCATED ONLY TO PROJECTS DEEMED ESSENTIAL BY ALL IMPACTED METROPOLITAN PLANNING ORGANIZATIONS AND OTHER TRANSPORTATION PLANNING REGIONS, EVERY METROPOLITAN PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF A PROPOSED SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT WILL ADD SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTER TRAFFIC PATTERNS IS TO BE COMPLETED SHALL HAVE THE RIGHT TO PARTICIPATE IN THE PLANNING AND DEVELOPMENT, AND APPROVE THE COMPLETION, OF THE PROJECT. THE RIGHT OF PARTICIPATION SHALL EXTEND, WITHOUT LIMITATION, TO DECISIONS REGARDING THE SCOPE OF THE PROJECT, THE TYPE OF SURFACE TRANSPORTATION INFRASTRUCTURE TO BE PROVIDED, PROJECT FINANCING, ALLOCATION OF PROJECT REVENUES, AND THE MANNER IN WHICH ANY USER FEES ARE TO BE IMPOSED. A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT SHALL NOT PROCEED PAST THE PLANNING STAGE UNTIL ALL METROPOLITAN PLANNING ORGANIZATIONS ENTITLED TO PARTICIPATE IN THE PLANNING, DEVELOPMENT, AND APPROVAL PROCESS, INCLUDING THE TRANSPORTATION ENTERPRISE AND ANY PARTNER OF THE ENTERPRISE UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP, HAVE APPROVED THE PROJECT.

(9) (a) THE TRANSPORTATION ENTERPRISE SHALL NOT SUPPLANT OR DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF THIS ARTICLE EXCEPT AS DESCRIBED IN DETAIL IN AN INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACTUAL AGREEMENT ENTERED INTO BY THE TRANSPORTATION ENTERPRISE AND THE OPERATOR, RAILROAD, OR AUTHORITY. THE CREATION OF AND UNDERTAKING OF SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS BY THE TRANSPORTATION ENTERPRISE PURSUANT TO THIS PART 8 IS NOT INTENDED TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY.

(b) MONEYS MADE AVAILABLE FOR ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT PURSUANT TO THIS PART 8 SHALL NOT BE USED TO SUPPLANT EXISTING OR BUDGETED DEPARTMENT FUNDING FOR ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE TERRITORY OF ANY TRANSPORTATION PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8), THAT INCLUDES ANY PORTION OF THE PROJECT.

(10) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE TRANSPORTATION ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE TRANSPORTATION ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF THE STATUS OF ANY CURRENT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

**43-4-807. Bonds - investments - bonds eligible for investment and exempt from taxation.** (1) (a) BOTH THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND AS THE CASE MAY BE.

(b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE; MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME; MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS.

(c) BONDS OF THE ISSUING ENTERPRISE MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE BOARD OF THE ISSUING ENTERPRISE, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN

CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ISSUING ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE ISSUING ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE BRIDGE SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND, AS THE CASE MAY BE; MAY, RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE BRIDGE ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, A BRIDGE SAFETY SURCHARGE AUTHORIZED BY SECTION 43-4-805 (5) (g) OR ALL OR A PORTION OF THE RIGHTS OF THE TRANSPORTATION ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-806; MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING ENTERPRISE DEEMS APPROPRIATE; MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN PROVISIONS THAT THE ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(e) ANY PLEDGE OF THE BRIDGE SPECIAL FUND, THE TRANSPORTATION SPECIAL FUND, OR OTHER PROPERTY MADE BY AN ISSUING ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH AN ISSUING ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR OTHER PLEDGED PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE THEREOF.

(g) AN ISSUING ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

(2) AN ISSUING ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, AN ISSUING ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS

OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE BOARD OF THE ISSUING ENTERPRISE DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE INVESTMENT WILL ASSIST THE ISSUING ENTERPRISE IN THE COMPLETION OF A DESIGNATED BRIDGE PROJECT OR OTHER AUTHORIZED SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT.

(3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

(4) THE INCOME OR OTHER REVENUES OF THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE, ALL PROPERTIES AT ANY TIME OWNED BY EITHER ENTERPRISE, BONDS ISSUED BY EITHER ENTERPRISE, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY EITHER ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE ISSUING ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY AN ISSUING ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51 OF TITLE 11, C.R.S.

**43-4-808. Toll highways - special provisions - limitations.** (1) THE TRANSPORTATION ENTERPRISE OR ANY PARTNER OF THE ENTERPRISE OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE THAT IS A TOLL HIGHWAY UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP SHALL, IN OPERATING THE TOLL HIGHWAY:

(a) ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO THE TOLL HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF VEHICLES TRAVEL UPON THE TOLL HIGHWAY; EXCEPT THAT THE ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY LANES FOR HIGH-OCCUPANCY VEHICLE USE ONLY AND MAY RESTRICT ACCESS TO VEHICLES CARRYING HAZARDOUS MATERIALS OR OTHER VEHICLES TO THE EXTENT NECESSARY TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC; AND

(b) ALLOW ANY PUBLIC TRANSPORTATION VEHICLE TO TRAVEL ON THE TOLL HIGHWAY WITHOUT PAYING A USER FEE.

(2) (a) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE TRANSPORTATION ENTERPRISE'S REGULATIONS REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF THE TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT AGREEMENTS WITH THE TRANSPORTATION ENTERPRISE. ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL APPROPRIATIONS

BY THE GENERAL ASSEMBLY TO THE LAW ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO THE AGREEMENT.

(b) THE TRANSPORTATION ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE TRANSPORTATION ENTERPRISE BOARD, RULES PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY THE TRANSPORTATION ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE TRANSPORTATION ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS. THE USE OF STATE OF THE ART TECHNOLOGY TO AID IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY THIS SECTION.

(c) (I) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL ORDINANCE, FOR TOLL EVASION.

(II) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR A MUNICIPAL SUMMONS AND COMPLAINT.

(III) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, THE NOTICE SHALL BE TENDERED BY A PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., AND SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE NUMBER OF THE MOTOR VEHICLE, THE PERSON'S DRIVER'S LICENSE NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION IF THE PRESCRIBED TOLL, FEE, OR CIVIL PENALTY ARE NOT PAID WITHIN TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE.

(IV) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE TRANSPORTATION ENTERPRISE AT THE OFFICE OF THE ENTERPRISE OR THE ENTERPRISE'S COLLECTION DESIGNEE EITHER IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL



EVASION PURSUANT TO THIS SECTION, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE.

(V) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL EVASION EXCEED THE LIMIT ESTABLISHED IN PARAGRAPH (b) OF THIS SUBSECTION (2).

(d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES, AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL PENALTY RULES ENACTED BY THE TRANSPORTATION ENTERPRISE. VENUE FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL ORDINANCE, STATE LAW, OR RULE OF THE TRANSPORTATION ENTERPRISE OCCURRED.

(II) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE TRANSPORTATION ENTERPRISE SHALL CONSIDER ESTABLISHING AN ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION, ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

(III) IF THE TRANSPORTATION ENTERPRISE ESTABLISHES AN ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION TO HEAR TOLL EVASION CASES ARISING ON A TOLL HIGHWAY OPERATED BY THE ENTERPRISE.

(IV) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE TRANSPORTATION ENTERPRISE. THE HEARING OFFICER MAY BE AN ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE OR AN INDEPENDENT CONTRACTOR OF THE TRANSPORTATION ENTERPRISE. THE CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE TRANSPORTATION ENTERPRISE MAY ENTER INTO CONTRACTS PURSUANT TO SECTION 29-1-203, C.R.S., FOR JOINT ADJUDICATION OF TOLL EVASION CASES PURSUANT TO THIS SECTION.

(V) THE TRANSPORTATION ENTERPRISE MAY FILE A CERTIFIED COPY OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED BY THE HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED AT ANY TIME AFTER THE

ORDER IS ENTERED. THE CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER SHALL THENCEFORTH HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT, AND EXECUTION MAY ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER CASES.

(VI) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY THE TRANSPORTATION ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

(VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS OWED TO THE ENTERPRISE.

(e) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT TO RULES ADOPTED AS AUTHORIZED IN PARAGRAPH (b) OF THIS SUBSECTION (2) SHALL BE REMITTED TO THE TRANSPORTATION ENTERPRISE AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY ENFORCEMENT AGREEMENT.

(f) (I) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE PROVIDED FOR IN PARAGRAPH (c) OF THIS SUBSECTION (2), WHERE AN INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TRANSPORTATION ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE DATE, TIME, AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (f), THE REGISTERED OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE PRESUMED LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE TRANSPORTATION ENTERPRISE.

(II) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT THE DISCRETION OF SUCH OWNER:

(A) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE TRANSPORTATION ENTERPRISE; OR

(B) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH TO THE TRANSPORTATION ENTERPRISE AN AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE. AS A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO THE TRANSPORTATION ENTERPRISE WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

(III) THE REGISTERED OWNER OF A VEHICLE INVOLVED IN A TOLL EVASION VIOLATION MAY REBUT THE PRESUMPTION OF LIABILITY FOR THE VIOLATION BY PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

(A) THE OWNER SOLD OR OTHERWISE TRANSFERRED OWNERSHIP OF THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE VIOLATION AS EVIDENCED BY A BILL OF SALE OR SIMILAR DOCUMENT; OR

(B) THE OWNER DID NOT HAVE CUSTODY AND CONTROL OF THE VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT AS EVIDENCED BY A REPORT TO A LAW ENFORCEMENT AGENCY.

(IV) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE TRANSPORTATION ENTERPRISE SHALL SEND A SECOND PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED, RELIABILITY, AND PRICE, CONTAINING THE SAME INFORMATION AS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (f). THE NOTICE SHALL SPECIFY THAT THE REGISTERED OWNER OF THE VEHICLE MAY PAY THE SAME PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING. IF THE REGISTERED OWNER OF THE VEHICLE DOES NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL

CONSTITUTE A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE REGISTERED OWNER OF THE VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THE COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF THE REGISTERED OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE OUTSTANDING TOLL, FEE, OR CIVIL PENALTY SET FORTH IN THE NOTICE OR TO APPEAR AND ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE REGISTERED OWNER OF THE VEHICLE SHALL BE DEEMED TO HAVE ADMITTED LIABILITY AND TO HAVE WAIVED THE RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY IN DEFAULT AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE ENTERED.

(g) A COURT WITH JURISDICTION IN A TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (2) OR THE TRANSPORTATION ENTERPRISE, IF IT HAS JURISDICTION IN A TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION (2), MAY REPORT TO THE DEPARTMENT OF REVENUE ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE TOLL, FEE, OR CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF A CERTIFIED REPORT FROM A COURT OR THE TRANSPORTATION ENTERPRISE STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS FAILED TO PAY A TOLL, FEE, OR CIVIL PENALTY RESULTING FROM A FINAL ORDER ENTERED BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT RENEW THE REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY ARE PAID IN FULL. THE TRANSPORTATION ENTERPRISE SHALL CONTRACT WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE REGISTRATION PURSUANT TO THIS PARAGRAPH (g). THE DEPARTMENT HAS NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY TOLL EVASION.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806 (8) AND ANY LIMITATIONS SET FORTH IN THE STATE CONSTITUTION OR IN FEDERAL LAW, THE TRANSPORTATION ENTERPRISE MAY:

(a) IMPOSE USER FEES ON A HIGHWAY SEGMENT OR HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON A USER FEE-FREE BASIS IF:

(I) IT HAS OBTAINED ANY REQUIRED FEDERAL APPROVAL FOR THE USER FEES; AND

(II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY SEGMENT OR HIGHWAY LANES;

(b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY SYSTEM; AND

(c) AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE REVENUES FOR COST-EFFECTIVE MULTIMODAL TRANSPORTATION PROJECTS THAT PROMOTE MOBILITY, REDUCTIONS IN EMISSIONS OF GREENHOUSE GASES, AND ENERGY

EFFICIENCY.

(4) WHEN DETERMINING WHETHER TO UNDERTAKE AND COMPLETE A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT TO BE FUNDED, IN WHOLE OR IN PART, THROUGH THE IMPOSITION OF ANY USER FEE, THE TRANSPORTATION ENTERPRISE SHALL CONSIDER WHETHER THE COMPLETION OF THE PROJECT WILL HELP TO RECONNECT OR REINTEGRATE ANY LOCAL GOVERNMENT OR OTHER COMMUNITY THAT HAS BEEN DISCONNECTED OR DIVIDED BY EXISTING TRANSPORTATION INFRASTRUCTURE.

(5) BEFORE IMPOSING A USER FEE ON A HIGHWAY SEGMENT OR HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON A TOLL-FREE BASIS, THE TRANSPORTATION ENTERPRISE SHALL PREPARE OR CAUSE TO BE PREPARED A LOCAL AIR QUALITY IMPACT STATEMENT AND A LOCAL COMMUNITY TRAFFIC SAFETY ASSESSMENT THAT SPECIFICALLY TAKE INTO ACCOUNT ANY DIVERSION OF VEHICULAR TRAFFIC FROM THE HIGHWAY SEGMENT OR HIGHWAY LANES ONTO OTHER HIGHWAYS, ROADS, OR STREETS THAT IS EXPECTED TO RESULT FROM THE IMPOSITION OF THE USER FEE.

**43-4-809. Enterprises - applicability of other laws.** (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEITHER THE BRIDGE ENTERPRISE NOR THE TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

(2) (a) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF TITLE 24, C.R.S.

(b) FOR PURPOSES OF PART 2 OF THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(3) REVENUES OF THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 43-1-1205.

(4) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL EACH CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

(5) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY TO THE DEPARTMENT SHALL APPLY WITH EQUAL FORCE TO THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE.

**43-4-810. Fees and surcharges - limitations on use.** AS REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE PROVISIONS OF THIS PART 8 THAT IS A

LICENSE FEE, REGISTRATION FEE, OR OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

**43-4-811. Transit and rail division - funding for local transit grants.**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR STATE FISCAL YEAR 2009-10 AND FOR EACH SUCCEEDING STATE FISCAL YEAR THE ALLOCATION OF THE SURCHARGES, FEES, AND FINES IMPOSED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1)(a) PURSUANT TO SECTION 43-4-804 (1) AND ALLOCATED TO THE STATE HIGHWAY FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.3) SHALL BE MODIFIED AS FOLLOWS:

(a) THE ALLOCATION TO THE STATE HIGHWAY FUND SHALL BE INCREASED BY FIVE MILLION DOLLARS.

(b) THE ALLOCATION TO COUNTIES SHALL BE REDUCED BY TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

(c) THE ALLOCATION TO MUNICIPALITIES SHALL BE REDUCED BY TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS.

(2) FOR STATE FISCAL YEAR 2009-10 AND FOR EACH SUCCEEDING STATE FISCAL YEAR, FIVE MILLION DOLLARS OF THE MONEYS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE CREDITED TO THE STATE TRANSIT AND RAIL FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND USED BY THE STATE TRANSIT AND RAIL DIVISION CREATED IN SECTION 43-1-117.5 (1), ENACTED BY SENATE BILL 09-094, ENACTED IN 2009, TO PROVIDE GRANTS TO LOCAL GOVERNMENTS FOR LOCAL TRANSIT PROJECTS; EXCEPT THAT NO FUNDS SHALL BE USED FOR THE CONDEMNATION OF LAND FOR THE PURPOSE OF RELOCATING A RAIL CORRIDOR OR RAIL LINE.

**43-4-812. Use of user fees for transit - legislative declaration.**

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE TRANSPORTATION ENTERPRISE, A PUBLIC HIGHWAY AUTHORITY CREATED AND EXISTING PURSUANT TO PART 5 OF THIS ARTICLE, A REGIONAL TRANSPORTATION AUTHORITY CREATED AND EXISTING PURSUANT TO PART 6 OF THIS ARTICLE, OR ANY OTHER ENTITY THAT, AS OF THE EFFECTIVE DATE OF THIS SECTION, IS IMPOSING A USER FEE OR TOLL FOR THE PRIVILEGE OF TRAVELING ON ANY HIGHWAY SEGMENT OR HIGHWAY LANES MAY USE REVENUES GENERATED BY THE USER FEE OR TOLL FOR TRANSIT-RELATED PROJECTS THAT RELATE TO THE MAINTENANCE OR SUPERVISION OF THE HIGHWAY SEGMENT OR HIGHWAY LANES ON WHICH THE USER FEE OR TOLL IS IMPOSED.

(2) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE FUNDING OF TRANSIT-RELATED PROJECTS AUTHORIZED BY SUBSECTION (1) OF THIS SECTION CONSTITUTES MAINTENANCE AND SUPERVISION OF STATE HIGHWAYS BECAUSE IT WILL HELP TO REDUCE TRAFFIC ON STATE HIGHWAYS AND THEREBY REDUCE WEAR AND TEAR ON STATE HIGHWAYS AND BRIDGES AND INCREASE THEIR RELIABILITY, SAFETY, AND EXPECTED USEFUL LIFE.

**43-4-813. Transportation deficit report - annual reporting requirement. NO**

LATER THAN JUNE 30, 2009, AND NO LATER THAN MARCH 1 OF ANY FISCAL YEAR IN WHICH ROAD OR BRIDGE SAFETY SURCHARGES ARE IMPOSED PURSUANT TO SECTION 43-4-804 (1) (a) OR 43-4-805 (5) (g), THE DEPARTMENT SHALL PREPARE AND PRESENT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, A TRANSPORTATION DEFICIT REPORT THAT SEPARATELY ADDRESSES THE GOALS OF REPAIRING DEFICIENT HIGHWAYS AND BRIDGES, AS EVIDENCED BY A C OR D RATING, SUSTAINING EXISTING TRANSPORTATION SYSTEM PERFORMANCE LEVELS, AND ACHIEVING THE CORRIDOR VISIONS DESCRIBED BY REGIONAL TRANSPORTATION PLANS AND PUBLIC PREFERENCES. FOR EACH GOAL, THE REPORT SHALL INCLUDE A LISTING OF THE ANNUAL COSTS FOR EACH OF THE NEXT TEN FISCAL YEARS OF ACHIEVING THE GOAL; THE ANNUAL INCREASE AND RATE OF INCREASE OF THE COSTS; THE FACTORS CONTRIBUTING TO THE COSTS, INCLUDING, BUT NOT LIMITED TO, THE RATE AND GEOGRAPHIC DISTRIBUTION OF POPULATION GROWTH, VEHICLE SIZE AND WEIGHT, LAND USE POLICIES, AND WORK PATTERNS; METHODS OF REDUCING THE IMPACT OF THE COST FACTORS, INCLUDING, BUT NOT LIMITED TO, LAND USE POLICY CHANGES, INCREASED USE OF TRANSIT, TELECOMMUTING, AND PEAK TRANSPORTATION SYSTEM DEMAND REDUCTION PRACTICES AND ECONOMIC INCENTIVES; AND A COMPARISON OF THE COSTS OF MITIGATING THE COST FACTORS AND THE COSTS OF ACHIEVING THE GOAL BY REPAIRING, UPGRADING, OR EXPANDING THE TRANSPORTATION SYSTEM. THE REPORT SHALL EXPLAIN WHY ANY COST ESTIMATE FOR A GOAL DIFFERS BY MORE THAN FIVE PERCENT FROM ANY DEPARTMENT ESTIMATE OF SUCH COSTS PUBLISHED BEFORE THE EFFECTIVE DATE OF THIS SECTION AND SHALL SEPARATELY ACCOUNT FOR COST OVERRUNS OTHER THAN OVERRUNS ATTRIBUTABLE TO INCREASES IN THE COLORADO CONSTRUCTION COST INDEX. THE DEPARTMENT SHALL PUBLISH THE REPORT ON ITS WEB SITE IN A FORMAT THAT CAN BE DOWNLOADED.

**SECTION 2.** 24-1-128.7, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**24-1-128.7. Department of transportation - creation.** (5) THE STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S., SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

(6) (a) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION 43-4-806 (2) (a), C.R.S., SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

(b) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE TRANSPORTATION COMMISSION PURSUANT TO SECTION 43-4-803 (1), C.R.S., PRIOR TO THE REPEAL AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-108, ENACTED IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION 43-4-806 (2) (a), C.R.S., AND THE STATEWIDE TOLLING ENTERPRISE IS ABOLISHED.

**SECTION 3.** 1-5-407 (5), Colorado Revised Statutes, is amended to read:

**1-5-407. Form of ballots.** (5) Whenever the approval of a ballot issue or ballot question is submitted to the vote of the people, the ballot issue or question shall be printed upon the ballot following the lists of candidates. EXCEPT AS OTHERWISE PROVIDED IN SECTION 32-9-119.3 (2), C.R.S., constitutional issues shall be printed first, followed by statewide issues and questions, county issues and questions, municipal issues and questions, school district issues and questions, ballot issues and questions for other political subdivisions which are in more than one county, and then ballot issues and questions for other political subdivisions which are wholly within a county. The measures in each category shall be placed in the following order: Measures to increase taxes; measures to retain revenues in excess of a district's fiscal year spending limit; measures to increase debt; citizen petitions; and referred measures.

**SECTION 4.** The introductory portion to 32-9-119 (2) (a), Colorado Revised Statutes, is amended to read:

**32-9-119. Additional powers of district.** (2) (a) To provide revenue to finance the operations of the district, to defray the cost of construction of capital improvements and acquisition of capital equipment, and to pay the interest and principal on securities of the district, the board, for and on behalf of the district after approval by election held pursuant to articles 1 to 13 of title 1, C.R.S., AND, WITH RESPECT TO ANY TAX RATE INCREASE THAT TAKES EFFECT ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, IN ACCORDANCE WITH SECTION 32-9-119.3, shall have the power to levy uniformly throughout the district a sales tax at the rate of six-tenths of one percent, or at the rate of one percent if approved by the eligible electors of the district in accordance with section ~~32-9-119.4~~; ANY RATE THAT MAY BE APPROVED BY THE BOARD upon every transaction or other incident with respect to which a sales tax is now levied by the state, pursuant to the provisions of article 26 of title 39, C.R.S.; except that:

**SECTION 5.** 32-9-119.3, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

**32-9-119.3. Elections for sales tax rate increase.** (1) THE BOARD, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION, MAY SUBMIT TO THE REGISTERED ELECTORS OF THE DISTRICT ONE OR MORE BALLOT QUESTIONS TO INCREASE THE RATE OF THE SALES TAX LEVIED BY THE DISTRICT PURSUANT TO SECTION 32-9-119 (2) (a) TO ANY RATE APPROVED BY THE BOARD, WITH OR WITHOUT AN ACCOMPANYING INCREASE IN DISTRICT DEBT, FOR SUCH PURPOSES AUTHORIZED BY THIS ARTICLE AS MAY BE SPECIFIED IN ANY SUCH BALLOT QUESTION.

(2) A BALLOT QUESTION SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE SUBMITTED AT A GENERAL ELECTION OR AN ELECTION HELD ON THE FIRST TUESDAY OF NOVEMBER IN AN ODD-NUMBERED YEAR THAT IS CONDUCTED IN ACCORDANCE WITH THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S. THE SECRETARY OF STATE SHALL DETERMINE THE IDENTIFYING NUMBERING OR LETTERING OF SUCH A BALLOT QUESTION, AND THE QUESTION SHALL BE PRINTED UPON THE BALLOT IMMEDIATELY FOLLOWING ANY STATEWIDE ISSUES AND QUESTIONS.



(3) IF A MAJORITY OF THE REGISTERED ELECTORS VOTING ON A BALLOT QUESTION SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION VOTE AFFIRMATIVELY ON THE QUESTION, THE RATE OF THE SALES TAX LEVIED BY THE DISTRICT PURSUANT TO SECTION 32-9-119 (2) (a) SHALL BE INCREASED TO THE RATE SPECIFIED IN THE BALLOT QUESTION AND APPROVED BY THE REGISTERED ELECTORS.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE ABILITY OF THE DISTRICT TO SEEK THE APPROVAL OF THE REGISTERED ELECTORS OF THE DISTRICT REGARDING ANY OTHER MATTER FOR WHICH SUCH APPROVAL MAY BE SOUGHT.

**SECTION 6.** 42-3-103 (4) (a), Colorado Revised Statutes, is amended to read:

**42-3-103. Registration required - exemptions.** (4) (a) Within ~~thirty~~ NINETY days after becoming a resident of Colorado, an owner of a motor vehicle required to be registered by subsection (1) of this section shall register such vehicle with the department, irrespective of such vehicle being registered within another state or country. A person who violates this paragraph (a) is subject to the penalties provided in ~~section~~ SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

**SECTION 7.** 42-3-112, Colorado Revised Statutes, is amended to read:

**42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject to taxation under this article is not registered when required by law, the vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as determined by the department or authorized agent registering the vehicle, which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF APPLICABLE, THE EXPIRATION OF THE GRACE PERIOD DESCRIBED IN SECTION 42-3-114 FOR WHICH THE VEHICLE IS UNREGISTERED; EXCEPT THAT THE AMOUNT OF THE LATE FEE SHALL NOT EXCEED ONE HUNDRED DOLLARS. THE LATE FEE SHALL BE DUE WHEN THE VEHICLE IS REGISTERED. ~~The department or the authorized agent registering the vehicle may waive the late fee.~~

(2) TEN DOLLARS OF the late registration fee shall be retained by the department or the authorized agent who registers the motor vehicle. EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE REMAINDER OF THE LATE REGISTRATION FEES COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR SHALL FORWARD ALL LATE REGISTRATION FEES REMITTED BY AUTHORIZED AGENTS PLUS THE REMAINDER OF THE LATE REGISTRATION FEES COLLECTED DIRECTLY BY THE DEPARTMENT TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND IN ACCORDANCE WITH SECTION 43-4-804 (1) (e), C.R.S.

(3) THE LATE FEE DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL NOT BE IMPOSED ON A VEHICLE SUBJECT TO TAXATION UNDER THIS ARTICLE IF:

(a) THE PERSON WHO OWNS THE VEHICLE USES THE VEHICLE IN OPERATING A COMMERCIAL BUSINESS AND, AS PART OF THE NORMAL OPERATION OF THE BUSINESS, IDLES THE VEHICLE SO THAT IT IS NOT OPERATED ON ANY PUBLIC HIGHWAY IN THIS STATE FOR AT LEAST ONE FULL REGISTRATION PERIOD. NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO EXEMPT THE OWNER OF AN IDLED VEHICLE FROM

PAYING ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE BEFORE AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

(b) THE PERSON WHO OWNS THE VEHICLE IS IN THE ACTIVE MILITARY SERVICE OF THE UNITED STATES AND IS SERVING OUTSIDE THE STATE WHEN A REGISTRATION PERIOD AND GRACE PERIOD FOR RENEWAL OF REGISTRATION FOR THE VEHICLE END AND THE VEHICLE IS NOT OPERATED ON ANY PUBLIC HIGHWAY OF THE STATE BETWEEN THE TIME THE REGISTRATION PERIOD AND GRACE PERIOD END AND THE TIME THE VEHICLE IS REREGISTERED. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO EXEMPT THE OWNER OF SUCH A VEHICLE FROM PAYING ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE BEFORE AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

**SECTION 8.** 42-4-508 (1) (b), Colorado Revised Statutes, is amended to read:

**42-4-508. Gross weight of vehicles and loads.** (1) Except as provided in subsection (1.5) of this section, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

(b) Subject to the limitations prescribed in section 42-4-507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula  $W \text{ equals } 1,000 (L \text{ plus } 40)$ ,  $W =$  the gross weight in pounds,  $L =$  the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed ~~eighty-five~~ NINETY-TWO thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

**SECTION 9.** 42-4-510 (5), Colorado Revised Statutes, is amended to read:

**42-4-510. Permits for excess size and weight and for manufactured homes - rules.** (5) The department of transportation, the motor carrier services division of the department of revenue, or the Colorado state patrol shall, unless such action will jeopardize distribution of federal highway funds to the state, authorize the operation or movement of a vehicle or combination of vehicles on the interstate highway system of Colorado at a maximum weight of ~~eighty-five~~ NINETY-TWO thousand pounds.

**SECTION 10.** 42-4-510 (1) (b) (II) (A), (1) (b) (II) (B), and (11) (a) (VI) (B), Colorado Revised Statutes, are amended, and the said 42-4-510 (11) (a) (VI) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**42-4-510. Permits for excess size and weight and for manufactured homes**

**- rules.** (1) (b) (II) An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:

(A) The vehicle has a quad axle grouping AND THE MAXIMUM GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED ONE HUNDRED TEN THOUSAND POUNDS; OR

(B) The VEHICLE HAS A TANDEM AXLE GROUPING ON THE POWER UNIT AND THE TRAILER AND THE maximum gross weight OF THE VEHICLE does not exceed ~~one hundred ten thousand~~ NINETY-TWO THOUSAND pounds; AND

(11) (a) The department of transportation, the motor carrier services division of the department of revenue, or the Colorado state patrol may charge permit applicants permit fees as follows:

(VI) For overweight permits for divisible vehicles or loads exceeding legal weight limits issued pursuant to subparagraph (II) of paragraph (b) of subsection (1) of this section:

(B) Single trip permit FOR A VEHICLE THAT HAS A QUAD AXLE GROUPING, thirty dollars plus ten dollars per axle; ~~and~~

(D) SINGLE TRIP PERMIT FOR A VEHICLE THAT HAS A TANDEM AXLE GROUPING ON THE POWER UNIT AND THE TRAILER, FIFTEEN DOLLARS PLUS TEN DOLLARS PER AXLE.

**SECTION 11.** 42-6-139 (3), Colorado Revised Statutes, is amended to read:

**42-6-139. Registration - where made.** (3) A person who knowingly violates any of the provisions of subsection (2) of this section, section 42-3-103 (4) (a), section 42-6-140, or any rule of the director promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND dollars.

**SECTION 12.** 42-6-140, Colorado Revised Statutes, is amended to read:

**42-6-140. Registration upon becoming resident.** Within ~~thirty~~ NINETY days after becoming a resident of Colorado, the owner of a motor vehicle shall apply for a Colorado certificate of title, a license, and registration for the vehicle that is registered, that is licensed, or for which a certificate of title is issued in another state. Any person who violates the provisions of this section is subject to the penalties provided in ~~section~~ SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

**SECTION 13.** 42-12-102 (1) (a), Colorado Revised Statutes, is amended to read:

**42-12-102. Registration of collectors' items - fees.** (1) Except for those motor vehicles that are entitled to registration under the provisions of section 42-3-219, collectors' items shall be titled, registered, and a specific ownership tax shall be paid thereon in the same manner as provided in this title for other motor vehicles, with the following exceptions:

(a) Such collectors' items shall be registered for periods of five years. The taxes and fees imposed for registration of a collector's item for each five-year registration

period shall be equal to five times the annual taxes and fees which would otherwise be imposed for the registration of such motor vehicle under this title and under title 43, C.R.S.; EXCEPT THAT THE AMOUNT OF A SURCHARGE IMPOSED PURSUANT TO SECTION 43-4-804 (1) (a) OR 43-4-805 (5) (g), C.R.S., SHALL BE THE AMOUNT SPECIFIED IN THE APPLICABLE SECTION. In addition to any other such taxes and fees, if a collector's item is registered in a county which is a member of one or more highway authorities and such authority or authorities have imposed an annual motor vehicle registration fee or fees pursuant to the provisions of section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle registration fee or fees shall be imposed and remitted to such authority or authorities.

**SECTION 14.** 43-1-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-1-106. Transportation commission - powers and duties.** (17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM, AND LONG TERM. THE COMMITTEE SHALL INCLUDE:

(I) FROM STATE GOVERNMENT:

(A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE COMMISSION;

(B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR DESIGNATED BY THE EXECUTIVE DIRECTOR;

(C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH DIVISION; AND

(D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE EXECUTIVE DIRECTOR MAY DESIGNATE;

(II) FROM OUTSIDE STATE GOVERNMENT, REPRESENTATIVES OF:

(A) THE CONSTRUCTION INDUSTRY;

(B) THE ENGINEERING INDUSTRY;

(C) THE ENVIRONMENTAL COMMUNITY;

(D) TRANSPORTATION PLANNING ORGANIZATIONS;

(E) PUBLIC TRANSPORTATION PROVIDERS; AND

(F) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.

(b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL PERIODICALLY

REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT MAY EXECUTE THEIR DUTIES MORE EFFICIENTLY. THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT AT LEAST ONCE PER CALENDAR YEAR TO EITHER THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION OR THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145 (1) REGARDING THE ACTIVITIES AND RECOMMENDATIONS OF THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE AND ANY ACTIONS TAKEN BY THE COMMISSION OR THE DEPARTMENT TO IMPLEMENT RECOMMENDATIONS OF THE COMMITTEE.

**SECTION 15.** The introductory portion to 43-1-1103 (5), Colorado Revised Statutes, is amended, and the said 43-1-1103 (5) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**43-1-1103. Transportation planning.** (5) The department shall integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan. The formation of such state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission. The state plan shall ~~include~~ ADDRESS but shall not be limited to the following factors:

(d) THE TARGETING OF INFRASTRUCTURE INVESTMENTS, INCLUDING PRESERVATION OF THE EXISTING TRANSPORTATION SYSTEM COMMONLY KNOWN AS "FIXING IT FIRST" TO SUPPORT THE ECONOMIC VITALITY OF THE STATE AND REGION;

(e) SAFETY ENHANCEMENT;

(f) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;

(g) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;

(h) ENVIRONMENTAL STEWARDSHIP;

(i) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND

(j) REDUCTION OF GREENHOUSE GAS EMISSIONS.

**SECTION 16.** 38-1-202 (1) (b) (IV) (J), Colorado Revised Statutes, is amended, and the said 38-1-202 (1) (b) (IV) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

**38-1-202. Governmental entities, corporations, and persons authorized to use eminent domain.** (1) The following governmental entities, types of governmental entities, and public corporations, in accordance with all procedural and other requirements specified in this article and articles 2 to 7 of this title and to the extent and within any time frame specified in the applicable authorizing statute may exercise the power of eminent domain:

(b) The state:

(IV) By action of the general assembly or by action of any of the following officers and agencies of the state:

(J) The statewide tolling BRIDGE enterprise as authorized in ~~section 43-4-806 (1)~~  
(g) SECTION 43-4-805 (5) (e), C.R.S.; and

(J.5) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE AS AUTHORIZED IN SECTION 43-4-806 (6) (e), C.R.S.; AND

**SECTION 17.** 43-1-1402 (3), Colorado Revised Statutes, is amended to read:

**43-1-1402. Definitions.** As used in this part 14:

(3) "Design-build contract" means the procurement of both the design and the construction of a transportation project in a single contract with a single design-build firm or a combination of such firms that are capable of providing the necessary design and construction services. A DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE PROJECT.

**SECTION 18.** 43-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-4-205. Allocation of fund.** (6.3) REVENUES FROM THE SURCHARGES, FEES, AND FINES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804 (1) SHALL BE ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION.

**SECTION 19.** 43-4-206, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-4-206. State allocation.** (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION ONLY FOR ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21); EXCEPT THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE WITH SECTION 43-4-810, EXPEND TEN MILLION DOLLARS PER YEAR OF THE REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE, OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS, INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE HIGHWAYS FOR TRANSIT USERS.

**SECTION 20.** 43-4-207 (1), Colorado Revised Statutes, is amended to read:

**43-4-207. County allocation.** (1) After paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general

assembly, twenty-six percent of the balance of the highway users tax fund shall be paid to the county treasurers of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. The moneys thus received shall be allocated to the counties as provided by law and shall be expended by ~~said~~ THE counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems and any other public highways, including any state highways, together with acquisition of rights-of-way and access rights for the same and for no other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

**SECTION 21.** 43-4-208 (1), Colorado Revised Statutes, is amended to read:

**43-4-208. Municipal allocation.** (1) After paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, and making allocation as provided by sections 43-4-206 and 43-4-207, the remaining nine percent of the highway users tax fund shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. Each city treasurer shall account for the moneys thus received as provided in this part 2. ~~Such~~ Moneys so allocated shall be expended by ~~said~~ THE cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for no other purpose; EXCEPT THAT MONEYS PAID TO THE CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE EXPENDED BY THE CITIES AND INCORPORATED TOWNS ONLY FOR ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each city's share of the funds available.

**SECTION 22. Effective date - applicability.** (1) Except as otherwise provided in subsections (2) and (3) of this section, this act shall take effect upon passage.

(2) Sections 8, 9, and 10 of this act shall take effect January 1, 2010, and shall apply to overweight permits issued on or after said date.

(3) Section 43-4-811, Colorado Revised Statutes, enacted by section 1 of this act, shall take effect only if Senate Bill 09-094 is enacted and becomes law.

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

Approved: March 2, 2009