

Transportation
Funding



Be it enacted by the voters of the State of Colorado:

SECTION 1. Legislative declaration.

1 (1) The voters of the state of Colorado hereby find and declare that:

2 (a) It is critical to construct, improve, and maintain transportation
3 infrastructure throughout the state in order to meet the demands created
4 by both current and future statewide economic expansion and population
5 growth;

6 (b) Sufficient, sustainable, steady, and dedicated funding streams
7 are needed to fund the critical transportation infrastructure construction,
8 improvement, and maintenance that will allow the statewide
9 transportation system to meet both current and future demands;

10 (c) Current sources of dedicated transportation funding are not
11 generating enough revenue to fund current and future transportation
12 infrastructure needs throughout the state. The state last increased the rates
13 of the taxes on gasoline and special fuel, the largest source of dedicated
14 transportation funding, in the early 1990s, and these taxes do not increase
15 with inflation. As a result, the declining purchasing power of the revenue
16 generated by these taxes has prevented the state's transportation budget
17 from keeping pace with the growing transportation infrastructure needs
18 throughout the state.

19 (d) An additional source of voter-approved funding for
20 transportation is needed to meet statewide transportation infrastructure
21 funding needs.

22 (2) The general assembly further finds and declares that all new
23 voter-approved transportation funding will be spent throughout the state
24 to:

25 (a) Address poor road and bridge conditions like potholes and
26 rough pavement that damage vehicles, require vehicle owners to pay for
27 expensive vehicle repairs, and increase costs for Colorado families;

1 (b) Reconstruct and rehabilitate state highways to better maintain
2 them and prevent and avoid costly future repairs;
3 (c) Support local government efforts to fund local transportation
4 projects that are critical for their communities;
5 (d) Improve highways to increase their capacity and accommodate
6 population growth;
7 (e) Provide additional seasonal maintenance on state highways;
8 (f) Address increased traffic congestion through multimodal
9 transportation options;
10 (g) Allow the state's growing population of seniors to age in place
11 and provide greater mobility for persons with disabilities; and
12 (h) Invest in the economic future of the state by providing a
13 modern multimodal statewide transportation system that will support and
14 strengthen the economy of the state and attract more businesses and
15 employers to the state.

16 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.7, **add** (8)
17 as follows:

18 **24-1-128.7. Department of transportation - creation - repeal.**

19 (8) THE MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN
20 SECTION 43-4-1104 (1) SHALL EXERCISE ITS POWERS AND PERFORM ITS
21 DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
22 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF
23 TRANSPORTATION.

24 **SECTION 3.** In Colorado Revised Statutes, 24-75-219, **amend**
25 (2)(c) introductory portion, (3)(b), and (4)(a) introductory portion; and
26 **repeal** (1)(c) and (2)(c)(I) as follows:

27 **24-75-219. Transfers - transportation - capital construction -**

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

3 ~~(c) "Funds" means the highway users tax fund and the capital~~
4 ~~construction fund.~~

5 (2) (c) For each state fiscal year from state fiscal year 2017-18
6 through the state fiscal year 2019-20, the state treasurer shall transfer
7 from the general fund to the:

8 ~~(I) Highway users tax fund, an amount equal to two percent of the~~
9 ~~total general fund revenues for the state fiscal year in which the transfer~~
10 ~~is made; and~~

11 (3) (b) Except as otherwise ~~set forth~~ PROVIDED in subsection (4)
12 of this section, the transfers required pursuant to ~~paragraph (c) of~~
13 ~~subsection (2)~~ SUBSECTION (2)(c)(II) of this section ~~shall~~ MUST be made
14 as follows:

15 (I) On the fifteenth day of the first month of each quarter of each
16 state fiscal year in which the transfers are required, an amount equal to
17 twenty percent of the total ~~amounts that are~~ AMOUNT THAT IS required to
18 be transferred to ~~the highway users tax fund and~~ the capital construction
19 fund for ~~such~~ THE state fiscal year, which ~~amounts shall~~ AMOUNT MUST
20 be based on the most recent revenue estimate prepared by legislative
21 council staff that is available at the time of the ~~transfers~~ TRANSFER, shall
22 be transferred to the ~~respective funds~~ FUND.

23 (II) On the date during the state fiscal year on which the state
24 controller distributes the comprehensive annual financial report of the
25 state, the state treasurer shall transfer an amount equal to the ~~differences~~
26 DIFFERENCE between the actual ~~amounts~~ AMOUNT required to be
27 transferred to the ~~funds~~ CAPITAL CONSTRUCTION FUND and the TOTAL OF

1 THE estimated amounts previously transferred pursuant to ~~subparagraph~~
2 ~~(I) of this paragraph (b)~~ SUBSECTION (3)(b)(I) of this section.

3 (4) (a) For any state fiscal year for which there are excess state
4 revenues that are required to be refunded pursuant to section 20 of article
5 X of the state constitution, the quarterly and year-end amounts that are
6 required to be transferred to the ~~funds~~ CAPITAL CONSTRUCTION FUND
7 pursuant to ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this
8 section shall:

9 **SECTION 4.** In Colorado Revised Statutes, 24-75-402, **add**
10 (5)(II) as follows:

11 **24-75-402. Cash funds - limit on uncommitted reserves -**
12 **reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding
13 any provision of this section to the contrary, the following cash funds are
14 excluded from the limitations specified in this section:

15 (II) THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED
16 IN SECTION 43-4-1103.

17 **SECTION 5.** In Colorado Revised Statutes, 39-26-105, **amend**
18 (1)(a)(I)(A) as follows:

19 **39-26-105. Vendor liable for tax - repeal.** (1) (a) (I) (A) Except
20 as provided in ~~sub-subparagraph (B) of this subparagraph (I) and in~~
21 ~~subparagraph (II) of this paragraph (a)~~ SUBSECTIONS (1)(a)(I)(B) AND
22 (1)(a)(II) OF THIS SECTION, every retailer shall, irrespective of the
23 provisions of section 39-26-106, be liable and responsible for the
24 payment of an amount equivalent to two and ninety one-hundredths
25 percent of all sales made on or after January 1, 2001, BUT BEFORE
26 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, AND AN AMOUNT
27 EQUAL TO THREE AND FIFTY ONE-HUNDREDTHS PERCENT OF ALL

1 SALES MADE ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
2 2038, by the retailer of commodities or services as specified in section
3 39-26-104.

4 **SECTION 6.** In Colorado Revised Statutes, 39-26-106, **amend**

5 (1) as follows:

6 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise

7 provided in ~~subparagraph (II) of this paragraph (a)~~, SUBSECTION (1)(a)(II)

8 OF THIS SECTION, there is imposed upon all sales of commodities and

9 services specified in section 39-26-104 a tax at the rate of ~~three~~-TWO AND

10 NINETY ONE-HUNDREDTHS percent of the amount of the sale, to be

11 computed in accordance with schedules or systems approved by the

12 executive director of the department of revenue. ~~Said~~THE schedules or

13 systems shall be designed so that no ~~such~~-tax is charged on any sale of

14 seventeen cents or less.

15 (II) On and after ~~January 1, 2001~~JANUARY 1, 2018, BUT BEFORE

16 JANUARY 1, 2038, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION

17 (1)(a)(I) OF THIS SECTION, there is imposed upon all sales of commodities

18 and services specified in section 39-26-104 a tax at the rate of ~~two and~~

19 ~~ninety~~-SIXTY one-hundredths percent of the amount of the sale to be

20 computed in accordance with schedules or systems approved by the

21 executive director of the department of revenue. ~~Said~~THE schedules or

22 systems shall be designed so that no ~~such~~-tax is charged on any sale of

23 seventeen cents or less.

24 (b) ~~Notwithstanding the three percent rate provisions of paragraph~~

25 ~~(a) of this subsection (1), for the period May 1, 1983, through July 31,~~

26 ~~1984, the rate of the tax imposed pursuant to this subsection (1) shall be~~

27 ~~three and one-half percent.~~

1 **SECTION 7.** In Colorado Revised Statutes, **amend** 39-26-112 as
2 follows:

3 **39-26-112. Excess tax - remittance.** If ~~any~~A vendor, during any
4 reporting period, collects as a tax an amount in excess of ~~three percent of~~
5 ~~all taxable sales made prior to January 1, 2001, and~~ two and ninety
6 one-hundredths percent of all taxable sales made on or after January 1,
7 2001, ~~such~~ BUT BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY
8 1, 2038, OR COLLECTS AS A TAX AN AMOUNT IN EXCESS OF THREE AND FIFTY
9 ONE-HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON
10 OR AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1, 2038, THE vendor
11 shall remit to the executive director of the department of revenue the full
12 net amount of the tax imposed in this part 1 and also ~~such~~ THE excess.
13 The retention by the retailer or vendor of any excess of tax collections
14 over the said APPLICABLE percentage of the total taxable sales of ~~such~~ THE
15 retailer or vendor or the intentional failure to remit punctually to the
16 executive director the full amount required to be remitted by the
17 provisions of this part 1 is ~~declared to be~~ unlawful and constitutes a
18 misdemeanor.

19 **SECTION 8.** In Colorado Revised Statutes, 39-26-123, **amend**
20 (3); and **add** (7) as follows:

21 **39-26-123. Receipts - disposition - transfers of general fund**
22 **surplus - sales tax holding fund - creation - definitions.** (3) EXCEPT AS
23 OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS SECTION, for any state
24 fiscal year commencing on or after July 1, 2013, the state treasurer shall
25 credit eighty-five percent of all net revenue collected under the provisions
26 of this ~~article~~ ARTICLE 26 to the old age pension fund created in section
27 1 of article XXIV of the state constitution. The state treasurer shall credit

1 to the general fund the remaining fifteen percent of the net revenue, less
2 ten million dollars, which the state treasurer shall credit to the older

3 Coloradans cash fund created in section 26-11-205.5 (5). ~~C.R.S.~~

4 (7) (a) THE STATE TREASURER SHALL CREDIT NET REVENUE

5 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 THAT IS

6 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED

7 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AS

8 FOLLOWS:

9 (I) THE STATE TREASURER SHALL CREDIT THE FIRST THREE HUNDRED

10 FIFTY MILLION DOLLARS OF THE NET REVENUE

11 OF THE NET REVENUE COLLECTED DURING EACH STATE

12 FISCAL YEAR TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION TO THE

13 STATE, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTIONS

14 43-4-206 (4), 43-4-207 (1) AND (2)(b), AND 43-4-208 (1) AND (6)(a); AND

15 (II) THE STATE TREASURER SHALL CREDIT UP TO ONE HUNDRED MILLION

16 DOLLARS OF THE REMAINDER OF THE NET REVENUE COLLECTED DURING

17 EACH STATE FISCAL YEAR TO THE MULTIMODAL TRANSPORTATION OPTIONS

18 FUND, AND SPECIFICALLY TO THE TRANSPORTATION OPTIONS ACCOUNT

19 AND THE PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE

20 FUND IN THE PERCENTAGES DESIGNATED BY THE TRANSPORTATION

21 COMMISSION PURSUANT TO SECTION 43-4-1103 (2), FOR USE AS

22 AUTHORIZED BY PART 11 OF ARTICLE 4 OF TITLE 43.

23 (b) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT

24 BECAUSE THE SALES AND USE TAX REVENUE GENERATED BY THE SALES

25 AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(I) AND

26 39-26-202 (1)(a) IS SUFFICIENT TO FULLY FUND THE OLD AGE PENSION

27 FUND AS REQUIRED BY ARTICLE XXIV OF THE STATE CONSTITUTION, THE

1 STATE MAY CONSTITUTIONALLY CREDIT ALL REVENUE GENERATED BY THE
2 ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS
3 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) TO THE HIGHWAY USERS TAX
4 FUND AND THE MULTIMODAL TRANSPORTATION OPTIONS FUND IN THE
5 MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

6 **SECTION 9.** In Colorado Revised Statutes, 39-26-202, **amend**
7 (1)(a) and (1)(b); and **repeal** (2) as follows:

8 **39-26-202. Authorization of tax.** (1) (a) Except as otherwise

9 provided in ~~paragraph (b) of this subsection (1) and in subsection (3)~~
10 SUBSECTIONS (1)(b) AND (3) of this section, there is imposed and shall be
11 collected from every person in this state a tax or excise at the rate of ~~three~~
12 TWO AND NINETY ONE-HUNDREDTHS percent of storage or acquisition
13 charges or costs for the privilege of storing, using, or consuming in this
14 state any articles of tangible personal property purchased at retail.

15 (b) On and after ~~January 1, 2001~~ JANUARY 1, 2018, BUT BEFORE
16 JANUARY 1, 2038, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION
17 (1)(a) OF THIS SECTION, there is imposed and shall be collected from every
18 person in this state a tax or excise at the rate of ~~two and ninety~~ SIXTY
19 one-hundredths percent of storage or acquisition charges or costs for the
20 privilege of storing, using, or consuming in this state any articles of
21 tangible personal property purchased at retail.

22 (2) ~~Notwithstanding the three percent rate provisions of~~
23 ~~subsection (1) of this section, for the period May 1, 1983, through July~~
24 ~~31, 1984, the rate of the tax imposed pursuant to this section shall be three~~
25 ~~and one-half percent.~~

26 **SECTION 10.** In Colorado Revised Statutes, 43-1-117.5, **amend**
27 (3)(a) introductory portion, (3)(a)(VI), and (3)(a)(VII); and **add**

1 (3)(a)(VIII) as follows:

2 **43-1-117.5. Transit and rail division - created - powers and**

3 **duties.** (3) (a) The transit and rail division ~~shall be~~ IS responsible for the
4 planning, development, operation, and integration of transit and rail,
5 including, where appropriate, advanced guideway systems, into the
6 statewide transportation system AND shall, in coordination with other
7 transit and rail providers, plan, promote, and implement investments in
8 transit and rail services statewide. ~~and shall have~~ THE DIVISION ALSO HAS
9 the following specific powers and duties:

10 (VI) To support the department in representing the state with
11 respect to the development of intercity rail facilities, including but not
12 limited to submission of applications to the United States department of
13 transportation for approval and funding of high-speed rail projects,
14 commissioning of any necessary studies, and coordination with other
15 states to facilitate such applications; ~~and~~
16 (VII) To coordinate and cooperate with regional transportation
17 authorities created pursuant to part 6 of article 4 of this ~~title~~ TITLE 43 and
18 other regional or corridor-specific entities concerned with the planning,
19 development, operation, and integration of transit, passenger rail, or
20 advanced guideway systems in the statewide transportation system; AND
21 (VIII) AS DIRECTED BY AND UNDER THE SUPERVISION OF THE
22 MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN SECTION
23 43-4-1104 (1), TO ASSIST THE COMMITTEE IN DETERMINING THE
24 ALLOCATION OF MONEY IN THE TRANSPORTATION OPTIONS ACCOUNT OF
25 THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION
26 43-4-1103 (2) BY SOLICITING, RECEIVING, AND EVALUATING APPLICATIONS
27 FOR TRANSPORTATION OPTIONS PROJECT FUNDING FROM LOCAL

1 GOVERNMENTS AND TRANSIT AGENCIES THROUGHOUT THE STATE AND
2 PROPOSING FUNDING FOR INTERREGIONAL TRANSPORTATION OPTIONS
3 PROJECTS.

4 **SECTION 11.** In Colorado Revised Statutes, 43-4-205, **amend**
5 (6.3) as follows:

6 **43-4-205. Allocation of fund.** (6.3) (a) ~~Revenues~~ BEFORE
7 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, REVENUE from
8 the surcharges, fees, and fines credited to the highway users tax fund
9 pursuant to section 43-4-804 (1) shall be allocated and expended in
10 accordance with the formula specified in ~~paragraph (b) of subsection (6)~~
11 SUBSECTION (6)(b) of this section.

12 (b) ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
13 2038, REVENUE FROM THE SURCHARGES, FEES, AND FINES CREDITED TO
14 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804
15 (1)(a)(I)(D), (1)(a)(I)(E), (1)(b), (1)(c), (1)(d), AND (1)(e) SHALL BE
16 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA
17 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND REVENUE FROM THE
18 ROAD SAFETY SURCHARGE CREDITED TO THE HIGHWAY USERS TAX FUND
19 PURSUANT TO SECTION 43-4-804 (1)(a)(I)(A), (1)(a)(I)(B), AND
20 (1)(a)(I)(C) SHALL BE ALLOCATED AND EXPENDED AS FOLLOWS:
21 (I) FIFTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
22 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL
23 APPROPRIATION BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED
24 AND EXPENDED AS PROVIDED IN SECTION 43-4-207; AND
25 (II) FORTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
26 CITIES AND INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION
27 BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED AND EXPENDED

1 AS PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

2 **SECTION 12.** In Colorado Revised Statutes, 43-4-206, **amend**

3 (1) introductory portion, (2)(a), (2)(b), and (3); and **add** (4) as follows:

4 **43-4-206. State allocation.** (1) Except as otherwise provided in

5 ~~subsection (2)~~ SUBSECTIONS (2), (3), AND (4) of this section, ~~after paying~~

6 ~~the costs of the Colorado state patrol and such other costs of the~~

7 ~~department, exclusive of highway construction, highway improvements,~~

8 ~~or highway maintenance, as are appropriated by the general assembly,~~

9 ~~sixty-five percent of the balance of the highway users tax fund shall be~~

10 MONEY paid FROM THE HIGHWAY USERS TAX FUND to the state highway

11 fund ~~and~~ shall be expended for the following purposes:

12 (2) (a) ~~Notwithstanding the provisions of subsection (1) of this~~

13 ~~section, the revenues~~ REVENUE accrued to and transferred to the highway

14 users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, ~~C.R.S.,~~

15 or appropriated to the highway users tax fund pursuant to House Bill

16 02-1389, enacted at the second regular session of the sixty-third general

17 assembly, and credited to the state highway fund pursuant to section

18 43-4-205 (6.5) shall be expended by the department of transportation for

19 the implementation of the strategic transportation project investment

20 program. ~~in the following manner:~~

21 ~~(I) No more than ninety percent of such revenues shall be~~

22 ~~expended for highway purposes or highway-related capital improvements,~~

23 ~~including, but not limited to, high occupancy vehicle lanes, park-and-ride~~

24 ~~facilities, and transportation management systems, and at least ten percent~~

25 ~~of such revenues shall be expended for transit purposes or for~~

26 ~~transit-related capital improvements.~~

27 ~~(II) (Deleted by amendment, L. 2000, p. 1741, § 1, effective June~~

1 ~~1, 2000.)~~

2 (b) Beginning in 1998, the department of transportation shall
3 report annually to the transportation committee of the senate and the
4 transportation and energy committee of the house of representatives
5 concerning the ~~revenues~~ REVENUE expended by the department pursuant
6 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION
7 AND, BEGINNING IN 2018, SUBSECTION (4) OF THIS SECTION. The
8 DEPARTMENT SHALL PRESENT THE report ~~shall be presented~~ at the joint
9 meeting required under section 43-1-113 (9)(a) and THE REPORT shall
10 describe for each fiscal year, if applicable:

11 (I) The projects on which the ~~revenues~~ REVENUE credited to the
12 state highway fund pursuant to ~~paragraph (a) of this subsection (2) are~~
13 SUBSECTIONS (2) AND (4) OF THIS SECTION IS to be expended, including
14 the estimated cost of each project, the aggregate amount of revenue
15 actually spent on each project, and the amount of revenue allocated for
16 each project in such fiscal year. The department of transportation shall
17 submit a prioritized list of such projects as part of the report.

18 (II) The status of such projects that the department has undertaken
19 in any previous fiscal year;

20 (III) The projected amount of revenue that the department expects
21 to receive under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
22 during ~~such~~ THE fiscal year;

23 (IV) The amount of revenue that the department has already
24 received under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
25 during ~~such~~ THE fiscal year; and

26 (V) How the ~~revenues~~ REVENUE expended under this subsection
27 (2) during ~~such~~ THE fiscal year ~~relate~~ RELATES to the total funding of the

1 FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL
2 CAPITAL PROJECTS, THAT ARE INCLUDED IN THE strategic transportation
3 project investment program.

4 (3) ~~Notwithstanding the provisions of subsection (1) of this~~
5 ~~section, the revenues~~ THE REVENUE credited to the highway users tax fund
6 pursuant to section 43-4-205 (6.3) shall be expended by the department
7 of transportation only for road safety projects, as defined in section
8 43-4-803 (21); except that the department shall, in furtherance of its duty
9 to supervise state highways and as a consequence in compliance with
10 section 43-4-810, expend ten million dollars per year of the revenues for
11 the planning, designing, engineering, acquisition, installation,
12 construction, repair, reconstruction, maintenance, operation, or
13 administration of transit-related projects, including, but not limited to,
14 designated bicycle or pedestrian lanes of highway and infrastructure
15 needed to integrate different transportation modes within a multimodal
16 transportation system, that enhance the safety of state highways for transit
17 users.

18 (4) THREE HUNDRED FIFTY MILLION DOLLARS PER YEAR OF THE NET
19 REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE
20 TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
21 39-26-202 (1)(b) AND THAT THE STATE TREASURER CREDITS TO THE
22 HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a),
23 IN ADDITION TO ONE HUNDRED FIFTY MILLION DOLLARS THAT
24 SHALL BE TRANSFERRED ANNUALLY FROM THE STATE GENERAL FUND,
25 SHALL BE PAID TO THE STATE HIGHWAY FUND AND EXPENDED BY THE
26 DEPARTMENT OF TRANSPORTATION AS FOLLOWS:

27 (a) AS MUCH OF THE REVENUE AS IS NEEDED TO MAKE FULL
28 PAYMENTS OF AMOUNTS ALLOCATED BY THE TRANSPORTATION

1 COMMISSION ON AN ANNUAL BASIS PURSUANT TO SECTION 43-1-113, UP TO TWO
2 HUNDRED FIFTY MILLION DOLLARS PER YEAR, SHALL
3 BE EXPENDED TO MAKE PAYMENTS ON REVENUE ANTICIPATION NOTES
4 ISSUED PURSUANT TO SECTION 43-4-705 (13)(b); AND
5 (b) UP TO ONE HUNDRED MILLION DOLLARS OF THE REVENUE THAT IS ATTRIBUTABLE
6 TO THE ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-
7 106 (1)(a)(II) AND 39-26-202 (1)(b) AND THAT THE STATE TREASURER CREDITS TO
8 THE HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a),
9 TO THE MULTIMODAL TRANSPORTATION OPTIONS FUND, AND SPECIFICALLY TO THE
10 TRANSPORTATION OPTIONS ACCOUNT AND THE PEDESTRIAN AND ACTIVE
11 TRANSPORTATION ACCOUNT OF THE FUND IN THE PERCENTAGES DESIGNATED BY
12 THE TRANSPORTATION COMMISSION PURSUANT TO SECTION 43-4-1103 (2),
13 FOR USE AS AUTHORIZED BY PART 11 OF ARTICLE 4 OF TITLE 43.

14 **SECTION 13.** In Colorado Revised Statutes, 43-4-207, **amend**
15 (1), (2) introductory portion, and (2)(b) introductory portion as follows:

16 **43-4-207. County allocation.** (1) ~~After paying the costs of the~~
17 ~~Colorado state patrol and such other costs of the department, exclusive of~~
18 ~~highway construction, highway improvements, or highway maintenance,~~
19 ~~as are appropriated by the general assembly, twenty-six percent of the~~
20 ~~balance of the highway users tax fund~~ REVENUE REQUIRED BY SECTION
21 43-4-205 TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO THE
22 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES AND FIFTY PERCENT
23 OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES
24 AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
25 39-26-202 (1)(b), THAT THE STATE TREASURER CREDITS TO THE HIGHWAY
26 USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT
27 REMAINS AFTER THE PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY

1 FUND REQUIRED BY SECTION 43-4-206 (4) IS MADE shall be paid to the
2 county treasurers of the respective counties, subject to annual
3 appropriation by the general assembly, and shall be allocated and
4 expended as provided in this section. The ~~moneys thus~~-MONEY received
5 ~~shall be~~-IS allocated to the counties as provided by law and shall be
6 expended by the counties only on the construction, engineering,
7 reconstruction, maintenance, repair, equipment, improvement, and
8 administration of the county highway systems and any other public
9 highways, including any state highways, together with acquisition of
10 rights-of-way and access rights for the same, for the planning, designing,
11 engineering, acquisition, installation, construction, repair, reconstruction,
12 maintenance, operation, or administration of transit-related projects,
13 including, but not limited to, designated bicycle or pedestrian lanes of
14 highway and infrastructure needed to integrate different transportation
15 modes within a multimodal transportation system, AS MATCHING MONEY
16 FOR PROJECTS RECEIVING FUNDING FROM THE MULTIMODAL
17 TRANSPORTATION OPTIONS FUND PURSUANT TO EITHER SECTIONS
18 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR SECTION 43-4-1003 (3)(b), and
19 for no other purpose; ~~except that a county may expend no more than~~
20 ~~fifteen percent of the total amount expended under this subsection (1) for~~
21 ~~transit-related operational purposes and except that moneys~~-MONEY
22 received pursuant to section 43-4-205 (6.3) shall be expended by the
23 counties only for road safety projects, as defined in section 43-4-803 (21).
24 The amount to be expended for administrative purposes shall not exceed
25 five percent of each county's share of the funds available.
26 (2) For the fiscal year commencing July 1, 1989, and each fiscal
27 year thereafter, for the purpose of allocating ~~moneys~~-MONEY in the

1 highway users tax fund to the various counties throughout the state, the
2 following method is ~~hereby~~ adopted:

3 (b) All ~~moneys~~ MONEY credited to the fund in excess of eighty-six
4 million seven hundred thousand dollars ~~shall be~~ AND ALL MONEY
5 CREDITED TO THE FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT
6 IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE
7 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES IS allocated to the
8 counties in the following manner:

9 **SECTION 14.** In Colorado Revised Statutes, 43-4-208, **amend**
10 (1), (2) introductory portion, (2)(a), and (6)(a) as follows:

11 **43-4-208. Municipal allocation.** (1) ~~After paying the costs of the~~
12 ~~Colorado state patrol and such other costs of the department, exclusive of~~
13 ~~highway construction, highway improvements, or highway maintenance,~~
14 ~~as are appropriated by the general assembly, and making allocation as~~
15 ~~provided by sections 43-4-206 and 43-4-207, the remaining nine percent~~
16 ~~of the highway users tax fund~~ REVENUE REQUIRED BY SECTION 43-4-205
17 TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO CITIES AND
18 INCORPORATED TOWNS AND FIFTY PERCENT OF THE NET REVENUE THAT IS
19 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
20 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT
21 THE STATE TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS
22 REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE
23 PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY
24 SECTION 43-4-206 (4) IS MADE shall be paid to the cities and incorporated
25 towns within the limits of the respective counties, subject to annual
26 appropriation by the general assembly, and shall be allocated and
27 expended as provided in this section. Each city treasurer shall account for

1 the moneys thus received as provided in this part 2. Moneys so allocated
2 shall be expended by the cities and incorporated towns for the
3 construction, engineering, reconstruction, maintenance, repair,
4 equipment, improvement, and administration of the system of streets of
5 such city or incorporated town or of any public highways located within
6 such city or incorporated town, including any state highways, together
7 with the acquisition of rights-of-way and access rights for the same, and
8 for the planning, designing, engineering, acquisition, installation,
9 construction, repair, reconstruction, maintenance, operation, or
10 administration of transit-related projects, including, but not limited to,
11 designated bicycle or pedestrian lanes of highway and infrastructure
12 needed to integrate different transportation modes within a multimodal
13 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
14 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
15 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR
16 SECTION 43-4-1003 (3)(b), and for no other purpose; ~~except that a city or~~
17 ~~an incorporated town may expend no more than fifteen percent of the~~
18 ~~total amount expended under this subsection (1) for transit-related~~
19 ~~operational purposes and except that moneys~~-MONEY paid to the cities and
20 incorporated towns pursuant to section 43-4-205 (6.3) shall be expended
21 by the cities and incorporated towns only for road safety projects, as
22 defined in section 43-4-803 (21). The amount ~~to be~~ expended for
23 administrative purposes shall not exceed five percent of each city's share
24 of the funds available.

25 (2) For the purpose of allocating ~~moneys~~-MONEY in the highway
26 users tax fund to the various cities and incorporated towns throughout the
27 state, the following method is adopted:

1 (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS
2 SECTION, eighty percent shall be allocated to the cities and incorporated
3 towns in proportion to the adjusted urban motor vehicle registration in
4 each city and incorporated town. The term "urban motor vehicle
5 registration" includes all passenger, truck, truck-tractor, and motorcycle
6 registrations. The number of registrations used in computing the
7 percentage shall be those certified to the state treasurer by the department
8 of revenue as constituting the urban motor vehicle registration for the last
9 preceding year. The adjusted registration shall be computed by applying
10 a factor to the actual number of such registrations to reflect the increased
11 standards and costs of construction resulting from the concentration of
12 vehicles in cities and incorporated places. For this purpose the following
13 table of actual registration numbers and factors shall be employed:

14 **Actual registrations Factor**

15 1 -- 500	1.0
16 501 -- 1,250	1.1
17 1,251 -- 2,500	1.2
18 2,501 -- 5,000	1.3
19 5,001 -- 12,500	1.4
20 12,501 -- 25,000	1.5
21 25,001 -- 50,000	1.6
22 50,001 -- 85,000	1.7
23 85,001 -- 130,000	1.8
24 130,001 -- 185,000	1.9
25 185,001 and over	2.0

26 (6) (a) In addition to the provisions of subsection (2)(a) of this
27 section, on or after July 1, 1979, eighty percent of all additional funds

1 MONEY becoming available to cities and incorporated towns from the
2 highway users tax fund pursuant to sections 24-75-215 ~~C.R.S.~~ and
3 43-4-205 (6)(b)(III) AND (6)(c) AND, ON AND AFTER JANUARY 1, 2018,
4 EIGHTY PERCENT OF THE MONEY CREDITED TO THE HIGHWAY USERS TAX
5 FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT IS REQUIRED BY
6 SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE CITIES AND
7 INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES
8 shall be allocated to the cities and incorporated towns in proportion to the
9 adjusted urban motor vehicle registration in each city and incorporated
10 town. The term "urban motor vehicle registration", as used in this section,
11 includes all passenger, truck, truck-tractor, and motorcycle registrations.
12 The number of registrations used in computing the percentage shall be
13 those certified to the state treasurer by the department of revenue as
14 constituting the urban motor vehicle registration for the last preceding
15 year. The adjusted registration shall be computed by applying a factor to
16 the actual number of such registrations to reflect the increased standards
17 and costs of construction resulting from the concentration of vehicles in
18 cities and incorporated places. For this purpose the following table of
19 actual registration numbers and factors shall be employed:

20 Actual registrations Factor

21 1 -- 500	1.0
22 501 -- 1,250	1.1
23 1,251 -- 2,500	1.2
24 2,501 -- 5,000	1.3
25 5,001 -- 12,500	1.4
26 12,501 -- 25,000	1.5
27 25,001 -- 50,000	1.6

- 1 50,001 -- 85,000 1.7
- 2 85,001 -- 125,000 1.8
- 3 125,001 -- 165,000 1.9
- 4 165,001 -- 205,000 2.0
- 5 205,001 -- 245,000 2.1
- 6 245,001 -- 285,000 2.2
- 7 285,001 -- 325,000 2.3
- 8 325,001 -- 365,000 2.4
- 9 365,001 -- 405,000 2.5
- 10 405,001 -- 445,000 2.6
- 11 445,001 -- 485,000 2.7
- 12 485,001 -- 525,000 2.8
- 13 525,001 -- 565,000 2.9
- 14 565,001 -- 605,000 3.0

15 **SECTION 15.** In Colorado Revised Statutes, 43-4-705, **amend**
16 (13) as follows:

17 **43-4-705. Revenue anticipation notes - repeal.**

18 (13) (a) Notwithstanding any other provision of this part 7 to the
19 contrary, the executive director shall have the authority to issue revenue
20 anticipation notes pursuant to this part 7 to the extent allowed under
21 the maximum amounts of debt and repayment cost so approved.

22 (b) (I) AFTER THE REPAYMENT IN FULL OF ALL REVENUE
23 ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SUBSECTION (13)(a) OF
24 THIS SECTION, AND UPON THE REPAYMENT FUNDING
25 COMMITMENT REQUIREMENT SPECIFIED IN SUBSECTION (13)(b)(II) OF THIS
26 SECTION, THE EXECUTIVE DIRECTOR SHALL ISSUE ADDITIONAL REVENUE
27 ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE AND ONE-HALF
28 BILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF FIVE
29 BILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES

1 ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS TWENTY YEARS, AND
2 THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT
3 AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY
4 THE NOTES IN FULL BEFORE THE END OF THE SPECIFIED PAYMENT TERM
5 WITHOUT PENALTY.

6 (II) NOTWITHSTANDING SECTION 43-1-113 (19) AND SUBSECTION
7 (12)(a) OF THIS SECTION, BEFORE ISSUING ANY REVENUE ANTICIPATION
8 NOTES AS AUTHORIZED BY SUBSECTION (13)(b)(I) OF THIS SECTION, THE
9 TRANSPORTATION COMMISSION SHALL ADOPT A RESOLUTION IN WHICH IT
10 COVENANTS THAT AMOUNTS IT ALLOCATES ON AN ANNUAL BASIS
11 PURSUANT TO SECTION 43-1-113 TO PAY THE REVENUE ANTICIPATION
12 NOTES WILL BE PAID AS FOLLOWS: FIRST, FIFTY MILLION DOLLARS FROM
13 ANY LEGALLY AVAILABLE MONEY UNDER ITS CONTROL OTHER THAN SALES
14 AND USE TAX NET REVENUE CREDITED TO THE STATE HIGHWAY FUND
15 PURSUANT TO SECTION 43-4-206 (4); NEXT, FROM SALES AND USE TAX NET
16 REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION
17 43-4-206 (4); AND, IF SUCH REVENUE IS INSUFFICIENT, LAST, FROM ANY
18 OTHER LEGALLY AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT
19 NEEDED FOR PAYMENT OF THE NOTES UNTIL THE NOTES ARE FULLY REPAID.

20 **SECTION 16.** In Colorado Revised Statutes, **amend** 43-4-713 as
21 follows:

22 **43-4-713. Annual reports - provision of information of**

23 **website.** (1) No later than ~~January 15, 2001~~ JANUARY 15, 2019, and no
24 later than January 15 of each year thereafter, the executive director shall
25 submit a report to ~~the members of~~ the joint budget committee of the
26 general assembly, ~~the members of~~ the legislative audit committee of the
27 general assembly, ~~the chair of~~ the transportation and energy committee of
28 the house of representatives, and ~~the chair of~~ the transportation committee
29 of the senate that includes, at a minimum, the following information:

1 (a) The total amount of ADDITIONAL revenue anticipation notes
2 issued by the executive director ~~in accordance with this part 7~~ AS
3 AUTHORIZED BY SECTION 43-4-705 (13)(b);

4 (b) The qualified federal aid transportation projects, INCLUDING
5 MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE DEPARTMENT'S
6 PRIORITY LIST FOR TRANSPORTATION FUNDING AND for which the proceeds
7 from ~~such~~ THE ADDITIONAL revenue anticipation notes have been
8 expended, the amount of note proceeds expended on each project, the
9 status of each project, THE ACTUAL COST OF EACH COMPLETED PROJECT
10 AND A COMPARISON OF THE ACTUAL COST WITH THE ESTIMATED COST
11 PUBLISHED IN THE 2017 BALLOT INFORMATION BOOKLET AS REQUIRED BY
12 SECTION 43-4-705 (13)(b)(IV), and the estimated date of completion for
13 ~~such~~ ANY projects not yet completed;

14 (c) The total amount of federal transportation funds paid to the
15 department since ~~such~~ THE ADDITIONAL revenue anticipation notes ~~have~~
16 ~~been~~ WERE issued; and

17 (d) The total amount of proceeds from the issuance of THE
18 ADDITIONAL revenue anticipation notes, state matching funds, and federal
19 transportation funds allocated by the commission in each state fiscal year
20 for the payment of ~~such~~ THE ADDITIONAL revenue anticipation notes and
21 the costs associated with the issuance and administration of such notes.

22 (2) IN ADDITION TO POSTING AND MAINTAINING THE ANNUAL
23 REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON ITS WEBSITE,
24 THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE IN AN
25 EASILY ACCESSIBLE AND USER-FRIENDLY FORMAT, AND REGULARLY
26 UPDATE, THE INFORMATION REQUIRED TO BE INCLUDED IN ITS ANNUAL
27 REPORTS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

1 NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE REPORTING
2 REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION CONTINUES
3 UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST PAYMENT ON
4 ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY
5 SECTION 43-4-705 (13)(b) IS MADE.

6 **SECTION 17.** In Colorado Revised Statutes, **amend** 43-4-714 as
7 follows:

8 **43-4-714. Priority of strategic transportation project**

9 **investment program.** (1) If the executive director issues any revenue
10 anticipation notes in accordance with the provisions of this part 7, the
11 proceeds from the sale of such notes that are not otherwise pledged for
12 the payment of such notes shall be used for the qualified federal aid
13 transportation projects included in the strategic transportation project
14 investment program of the department of transportation.

15 (2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION
16 (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL
17 REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES
18 PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE
19 PLEDGED FOR THE PAYMENT OF THE NOTES AND REVENUE GENERATED BY
20 ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE
21 STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF
22 AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MAY BE USED ONLY FOR
23 PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE
24 DEPARTMENT'S PRIORITY LIST FOR TRANSPORTATION FUNDING AND FOR
25 MAINTENANCE OF STATE HIGHWAYS.

26 **SECTION 18.** In Colorado Revised Statutes, **add** 43-4-714.5 as
27 follows:

**1 43-4-714.5. Transportation revenue anticipation notes citizen
2 oversight committee - creation - appointment of members - charge -**

3 report. (1) (a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES
4 CITIZEN OVERSIGHT COMMITTEE IS HEREBY CREATED TO PROVIDE
5 OVERSIGHT OF THE EXPENDITURE BY THE DEPARTMENT OF THE PROCEEDS
6 OF ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY
7 SECTION 43-4-705 (13)(b). THE COMMITTEE CONSISTS OF THE CHIEF
8 ENGINEER OF THE DEPARTMENT AND FOURTEEN APPOINTED MEMBERS, AT
9 LEAST ONE OF WHOM MUST BE APPOINTED FROM AND ACTUALLY RESIDE
10 IN EACH OF THE ELEVEN TRANSPORTATION COMMISSION DISTRICTS OF THE
11 STATE CREATED IN SECTION 43-1-106 (2) AND THE REMAINING THREE OF
12 WHOM SERVE AS AT-LARGE MEMBERS OF THE COMMITTEE, WHO MUST BE
13 APPOINTED AS FOLLOWS:

14 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS OF THE
15 COMMITTEE, AND NO MORE THAN FOUR OF THE MEMBERS APPOINTED BY
16 THE GOVERNOR SHALL BE AFFILIATED WITH THE SAME POLITICAL PARTY;

17 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
18 APPOINT TWO MEMBERS OF THE COMMITTEE;

19 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO
20 MEMBERS OF THE COMMITTEE;

21 (IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
22 SHALL APPOINT TWO MEMBERS OF THE COMMITTEE; AND

23 (V) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO
24 MEMBERS OF THE COMMITTEE.

25 (b) COMMITTEE MEMBERS SERVE FOR FOUR-YEAR TERMS AND MAY
26 BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY; EXCEPT THAT
27 THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE

1 GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER
2 APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER
3 APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE
4 NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE
5 COMMITTEE.

6 (c) THE APPOINTING AUTHORITIES SHALL CONSULT WITH EACH
7 OTHER TO ENSURE THAT THE MEMBERSHIP OF THE COMMITTEE INCLUDES:

8 (I) A MEMBER WHO HAS PROFESSIONAL PUBLIC FINANCE
9 EXPERIENCE;

10 (II) A MEMBER WHO IS A CERTIFIED PUBLIC ACCOUNTANT;

11 (III) A MEMBER WHO IS A LICENSED ATTORNEY;

12 (IV) A MEMBER WHO IS A CONTRACTOR WITH EXPERIENCE

13 WORKING ON TRANSPORTATION INFRASTRUCTURE PROJECTS;

14 (V) A MEMBER WHO IS A LICENSED CIVIL ENGINEER;

15 (VI) A MEMBER WHO REPRESENTS OR ADVOCATES FOR TRANSIT
16 PROVIDERS;

17 (VII) A MEMBER WHO IS A PERSON WITH A DISABILITY OR WHO
18 REPRESENTS OR ADVOCATES FOR PERSONS WITH DISABILITIES; AND

19 (VIII) A MEMBER WHO IS AN ADVOCATE FOR AFFORDABLE
20 TRANSPORTATION OPTIONS.

21 (d) A COMMITTEE MEMBER WHO IS APPOINTED FROM A
22 TRANSPORTATION COMMISSION DISTRICT IS DEEMED TO HAVE RESIGNED
23 FROM THE COMMITTEE IF THE MEMBER CEASES TO RESIDE IN THE DISTRICT.

24 (2) THE COMMITTEE SHALL MEET AT LEAST FOUR TIMES PER YEAR,
25 AND THE CHARGE OF THE COMMITTEE IS TO SPECIFICALLY EXAMINE THE
26 EXPENDITURE BY THE DEPARTMENT OF ANY PROCEEDS OF
27 TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED

1 BY SECTION 43-4-705 (13)(b) AND ANY ADDITIONAL STATE SALES AND USE
2 TAX REVENUE THAT IS ALLOCATED TO THE STATE HIGHWAY FUND
3 PURSUANT TO SECTION 43-4-206 (4) AND VERIFY THAT SUCH NOTE
4 PROCEEDS AND TAX REVENUE ARE EXPENDED:

5 (a) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-4-714
6 (2);

7 (b) FOR THE PURPOSE OF FUNDING PROJECTS LISTED IN THE 2017
8 BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF
9 RESEARCH OF THE LEGISLATIVE COUNCIL AS REQUIRED BY SECTION
10 43-4-705 (13)(b)(IV); AND

11 (c) APPROPRIATELY, TRANSPARENTLY, EFFECTIVELY, AND
12 EFFICIENTLY.

13 (3) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
14 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
15 43-2-145 REGARDING ITS ACTIVITIES AND FINDINGS.

16 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a), THE REPORTING
17 REQUIREMENT SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION
18 CONTINUES UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST
19 PAYMENT ON ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS
20 AUTHORIZED BY SECTION 43-4-705 (13)(b) IS MADE.

21 **SECTION 19.** In Colorado Revised Statutes, 43-4-804, **amend**
22 (1)(a)(I) introductory portion, (1)(a)(I)(A), (1)(a)(I)(B), and (1)(a)(I)(C)
23 as follows:

24 **43-4-804. Highway safety projects - surcharges and fees -**
25 **crediting of money to highway users tax fund - definition.** (1) On and
26 after July 1, 2009, the following surcharges, fees, and fines shall be
27 collected and credited to the highway users tax fund created in section

1 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
2 municipalities as specified in section 43-4-205 (6.3):

3 (a) (I) A road safety surcharge, which, except as otherwise

4 provided in ~~subparagraphs (III) and (VI) of this paragraph (a)~~

5 SUBSECTIONS (1)(a)(III) AND (1)(a)(VI) OF THIS SECTION, shall be imposed
6 for any registration period that commences on or after July 1, 2009, upon
7 the registration of any vehicle for which a registration fee must be paid

8 pursuant to the provisions of part 3 of article 3 of title 42. ~~C.R.S.~~ Except
9 as otherwise provided in ~~subparagraphs (IV) and (V) of this paragraph (a)~~

10 SUBSECTIONS (1)(a)(IV) AND (1)(a)(V) OF THIS SECTION, the amount of the
11 surcharge ~~shall be~~ IS:

12 (A) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,

13 2038, sixteen dollars AND ON AND AFTER JANUARY 1, 2018, BUT BEFORE

14 JANUARY 1, 2038, SIX DOLLARS for any vehicle that is a motorcycle,

15 motorscooter, or motorbicycle, as respectively defined in section

16 42-1-102 (55) and (59), ~~C.R.S.~~, or that weighs two thousand pounds or
17 less;

18 (B) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,

19 2038, twenty-three dollars AND ON AND AFTER JANUARY 1, 2018, BUT

20 BEFORE JANUARY 1, 2038, NINE DOLLARS for any vehicle that weighs

21 more than two thousand pounds but not more than five thousand pounds;

22 (C) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,

23 2038, twenty-eight dollars AND ON AND AFTER JANUARY 1, 2018, BUT

24 BEFORE JANUARY 1, 2038, ELEVEN DOLLARS for any vehicle that weighs

25 more than five thousand pounds but not more than ten thousand pounds;

26 **SECTION 20.** In Colorado Revised Statutes, **add** part 11 to

27 article 4 of title 43 as follows:

1 PART 11

2 MULTIMODAL TRANSPORTATION OPTIONS FUNDING

3 **43-4-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY

4 HEREBY FINDS AND DECLARES THAT:

5 (a) BY APPROVING THE BALLOT ISSUE SUBMITTED AT THE

6 NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705

7 (13)(b), THE VOTERS OF THE STATE AUTHORIZED THE STATE TO COLLECT,

8 AND THE STATE AND LOCAL GOVERNMENTS TO RETAIN AND SPEND, A

9 SUBSTANTIAL AMOUNT OF NEW DEDICATED FUNDING, MOST OF WHICH

10 WILL BE USED TO ACCELERATE THE COMPLETION OF HIGHWAY PROJECTS

11 THROUGHOUT THE STATE;

12 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF

13 THE STATE TO USE A PORTION OF THE NEWLY AUTHORIZED DEDICATED

14 TRANSPORTATION FUNDING TO FUND MULTIMODAL TRANSPORTATION

15 PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY

16 THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT

17 PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED

18 MULTIMODAL TRANSPORTATION SYSTEM:

19 (I) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE

20 FOR THEM;

21 (II) BENEFITS RESIDENTS OF RURAL AREAS BY PROVIDING THEM

22 WITH FLEXIBLE PUBLIC TRANSPORTATION SERVICES;

23 (III) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH

24 DISABILITIES; AND

25 (IV) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

26 **43-4-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE

27 CONTEXT OTHERWISE REQUIRES:

1 (1) "AGING IN PLACE" MEANS HAVING THE ABILITY TO LIVE IN
2 ONE'S OWN HOME AND COMMUNITY SAFELY, INDEPENDENTLY, AND
3 COMFORTABLY, REGARDLESS OF AGE, INCOME, OR ABILITY LEVEL.

4 (2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
5 CREATED IN SECTION 43-1-106 (1).

6 (3) "COMMITTEE" MEANS THE MULTIMODAL TRANSPORTATION
7 OPTIONS COMMITTEE CREATED IN SECTION 43-4-1104 (1).

8 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF
9 TRANSPORTATION.

10 (5) "DIVISION" MEANS THE TRANSIT AND RAIL DIVISION CREATED
11 IN SECTION 43-4-117.5 (1).

12 (6) "FUND" MEANS THE MULTIMODAL TRANSPORTATION OPTIONS
13 FUND CREATED IN SECTION 43-4-1103 (1).

14 (7) "MULTIMODAL TRANSPORTATION OPTIONS" MEANS BOTH
15 PUBLIC TRANSIT INFRASTRUCTURE AND OPERATIONS AND
16 TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR USERS OF
17 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT.

18 (8) "TRANSPORTATION OPTIONS" MEANS TRANSPORTATION
19 INFRASTRUCTURE, OPERATIONS, AND SERVICES, OTHER THAN PORTIONS OF
20 HIGHWAYS, ROADS, OR STREETS DESIGNED PRIMARILY FOR PERSONAL AND
21 SINGLE OCCUPANT MOTOR VEHICLE USE, THAT ARE PROVIDED BY OR
22 CONTRACTED FOR BY OR ON BEHALF OF THE STATE, OR ONE OR MORE
23 LOCAL GOVERNMENTS, REGIONAL TRANSPORTATION AUTHORITIES, OR
24 TRANSIT AGENCIES AND INCLUDES:

25 (a) BUS AND RAIL FACILITIES, INCLUDING BUS LANES, EQUIPMENT,
26 AND SERVICES, INCLUDING:

27 (i) LOCAL, REGIONAL, AND INTERCITY BUS AND RAIL FACILITIES,

1 EQUIPMENT, AND SERVICES THAT ARE PROVIDED BY OR CONTRACTED FOR
2 BY OR ON BEHALF OF THE STATE, OR ONE OR MORE LOCAL GOVERNMENTS,
3 REGIONAL TRANSPORTATION AUTHORITIES, OR TRANSIT AGENCIES;
4 (II) FIRST AND FINAL MILE CONNECTIONS TO BUS AND RAIL
5 FACILITIES, EQUIPMENT, AND SERVICES; AND
6 (III) RELATED ROADWAY OR INTERSECTION IMPROVEMENTS
7 NEEDED TO EFFECTIVELY AND SAFELY INTEGRATE BUS AND RAIL
8 FACILITIES WITH ROADWAYS, SIDEWALKS, OR MULTIMODAL
9 TRANSPORTATION OPTIONS;
10 (b) TRANSPORTATION SERVICES FOR SENIORS AND PERSONS WITH
11 DISABILITIES;
12 (c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;
13 (d) INFRASTRUCTURE DESIGNED FOR PEDESTRIANS AND USERS OF
14 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT; AND
15 (e) DEVELOPMENT AND IMPLEMENTATION OF NEW
16 TRANSPORTATION TECHNOLOGY.

17 43-4-1103. Multimodal transportation options fund - creation

18 - revenue source for fund - use of fund. (1) THE MULTIMODAL
19 TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE STATE
20 TREASURY. THE FUND CONSISTS OF SALES AND USE TAX NET REVENUE
21 THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
22 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AND
23 THAT IS CREDITED TO THE FUND PURSUANT TO SECTION 39-26-123 (7)(b)
24 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
25 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
26 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
27 MONEY IN THE FUND TO THE FUND AND SHALL ALLOCATE THE INTEREST

1 AND INCOME BETWEEN THE ACCOUNTS OF THE FUND IN THE PERCENTAGES
2 DESIGNATED BY THE COMMISSION PURSUANT TO SUBSECTION (2) OF THIS
3 SECTION.

4 (2) THE TRANSPORTATION OPTIONS ACCOUNT AND THE
5 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT ARE CREATED IN
6 THE FUND. THE COMMISSION SHALL DESIGNATE, AND MAY AT ANY TIME BY
7 SUBSEQUENT RESOLUTION MODIFY, THE PERCENTAGES OF THE MONEY
8 CREDITED TO THE FUND TO BE CREDITED TO EACH ACCOUNT SUBJECT TO
9 THE LIMITATION THAT DURING ANY GIVEN FISCAL YEAR NO MORE THAN
10 SEVENTY-FIVE PERCENT OF THE MONEY MAY BE CREDITED TO THE
11 TRANSPORTATION OPTIONS ACCOUNT AND AT LEAST TWENTY-FIVE
12 PERCENT OF THE REVENUE MUST BE CREDITED TO THE PEDESTRIAN AND
13 ACTIVE TRANSPORTATION ACCOUNT.

14 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
15 ASSEMBLY, MONEY MUST BE EXPENDED FROM THE FUND AS FOLLOWS:

16 (a) THE COMMITTEE SHALL EXPEND MONEY FROM THE
17 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
18 TRANSPORTATION OPTIONS PROJECTS THAT IT HAS APPROVED FOR FUNDING
19 PURSUANT TO SECTION 43-4-1104 (3)(c).

20 (b) THE DEPARTMENT SHALL EXPEND MONEY FROM THE
21 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE FUND FOR
22 PROJECTS FOR TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR
23 NONMOTORIZED USE, INCLUDING PATHS, SIDEWALKS, AND ROADWAYS
24 INTENDED FOR USE WITH NONMOTORIZED EQUIPMENT. SUCH PROJECTS
25 INCLUDE NONMOTORIZED LANES AND PATHWAYS, SIDEWALKS, AND
26 ROADWAY IMPROVEMENTS, INCLUDING SHOULDERS, CROSSWALKS, AND
27 INTERSECTION IMPROVEMENTS, THAT ENHANCE SAFETY FOR USERS OF

1 NONMOTORIZED MULTIMODAL TRANSPORTATION OPTIONS. THE
2 DEPARTMENT SHALL ALLOCATE THE MONEY IN THE PEDESTRIAN AND
3 ACTIVE TRANSPORTATION ACCOUNT IN THE SAME MANNER IN WHICH
4 FEDERAL SURFACE TRANSPORTATION PROGRAM SET-ASIDE MONEY IS
5 ALLOCATED WITHIN THE STATE PURSUANT TO 23 U.S.C. SEC. 133 (h).

6 **43-4-1104. Multimodal transportation options committee -**

7 **created - membership - powers and duties.** (1) (a) THE MULTIMODAL
8 TRANSPORTATION OPTIONS COMMITTEE IS CREATED IN THE DEPARTMENT
9 OF TRANSPORTATION. THE COMMITTEE SHALL EXERCISE ITS POWERS AND
10 PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED TO THE
11 DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105.
12 THE COMMITTEE CONSISTS OF ELEVEN MEMBERS, A MAJORITY OF WHOM
13 CONSTITUTE A QUORUM OF THE COMMITTEE. THE GOVERNOR, TAKING INTO
14 ACCOUNT GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS, SHALL
15 APPOINT TEN MEMBERS OF THE COMMITTEE AS FOLLOWS:

16 (I) TWO MEMBERS WHO REPRESENT TRANSIT AGENCIES, ONE OF
17 WHOM MUST REPRESENT A TRANSIT AGENCY THAT PROVIDES SERVICE
18 EXCLUSIVELY OR PRIMARILY OUTSIDE THE BOUNDARIES OF METROPOLITAN
19 STATISTICAL AREAS;

20 (II) THREE MEMBERS, EACH OF WHOM REPRESENTS EITHER A
21 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
22 43-1-1102 (4), OR A REGIONAL PLANNING COMMISSION, AS DEFINED IN
23 SECTION 43-4-1102 (5);

24 (III) FOUR MEMBERS WHO REPRESENT LOCAL GOVERNMENTS, AT
25 LEAST ONE OF WHOM MUST RESIDE IN A COMMUNITY THAT IS WEST OF THE
26 CONTINENTAL DIVIDE; AND

27 (IV) ONE MEMBER WHO IS AN ADVOCATE FOR AFFORDABLE

1 TRANSPORTATION OPTIONS.

2 (b) THE DIRECTOR OF THE DEPARTMENT OR THE DIRECTOR'S
3 DESIGNEE IS A MEMBER OF THE COMMITTEE.

4 (2) (a) INITIAL MEMBERS OF THE COMMITTEE SHALL BE APPOINTED
5 NO LATER THAN MARCH 1, 2018.

6 (b) COMMITTEE MEMBERS APPOINTED BY THE GOVERNOR SERVE
7 FOR TERMS OF FOUR YEARS; EXCEPT THAT THE INITIAL TERMS OF ONE OF
8 THE MEMBERS APPOINTED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS
9 SECTION, TWO OF THE MEMBERS APPOINTED PURSUANT TO SUBSECTION
10 (1)(a)(II) OF THIS SECTION, AND TWO OF THE MEMBERS APPOINTED
11 PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION ARE TWO YEARS.
12 THE GOVERNOR MAY REMOVE A COMMITTEE MEMBER APPOINTED BY THE
13 GOVERNOR FOR ANY CAUSE THAT RENDERS THE MEMBER INCAPABLE OF
14 DISCHARGING OR UNFIT TO DISCHARGE THE MEMBER'S DUTIES AND SHALL
15 FILL ANY VACANCY ON THE COMMITTEE BY APPOINTMENT OF A NEW
16 MEMBER, WHO SHALL SERVE UNTIL THE EXPIRATION OF THE TERM FOR
17 WHICH THE VACANCY WAS FILLED. COMMITTEE MEMBERS APPOINTED BY
18 THE GOVERNOR SERVE WITHOUT COMPENSATION, BUT RECEIVE
19 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
20 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

21 (3) THE FUNCTION OF THE COMMITTEE IS TO EQUITABLY,
22 EFFICIENTLY, AND EFFECTIVELY ALLOCATE THE MONEY IN THE
23 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
24 TRANSPORTATION OPTIONS PROJECTS THROUGHOUT THE STATE. TO
25 FURTHER THE PERFORMANCE OF ITS FUNCTION, THE COMMITTEE, IN
26 ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS PART 11,
27 HAS THE FOLLOWING POWERS AND DUTIES:

1 (a) TO DEVELOP A FORMULA FOR ALLOCATING THE MONEY AMONG
2 THE REGIONS OF THE STATE. THE FORMULA MUST TAKE INTO ACCOUNT
3 POPULATION, TRANSPORTATION OPTIONS NEEDS, TRANSPORTATION
4 OPTIONS PERFORMANCE, AND THE AVAILABILITY OF LOCAL MATCHING
5 MONEY.

6 (b) TO SUPERVISE AND PROVIDE GUIDANCE TO THE DIVISION IN ITS
7 SOLICITATION, RECEIPT, AND EVALUATION OF SPECIFIC TRANSPORTATION
8 OPTIONS PROJECT PROPOSALS FROM LOCAL GOVERNMENTS, REGIONAL
9 TRANSPORTATION AUTHORITIES, AND TRANSIT AGENCIES AND ITS
10 DEVELOPMENT OF INTERREGIONAL TRANSPORTATION OPTIONS PROJECTS
11 PURSUANT TO SECTION 43-1-117.5 (3)(a)(VIII);

12 (c) TO DETERMINE WHICH TRANSPORTATION OPTIONS PROJECTS
13 RECEIVE FUNDING AND THE AMOUNT OF THE FUNDING PROVIDED FOR EACH
14 PROJECT RECEIVING FUNDING. TOTAL LOCAL GOVERNMENT, REGIONAL
15 TRANSPORTATION AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A
16 PROJECT RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS
17 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
18 FUNDING PROVIDED FROM THE ACCOUNT.

19 (d) TO PROPOSE PROGRAMS, INCLUDING FREE TRANSPORTATION
20 OPTIONS PASS AND REDUCED FARE PROGRAMS, TO PROVIDE AT LEAST A
21 BASIC LEVEL OF TRANSPORTATION OPTIONS SERVICE TO LOW-INCOME
22 COLORADANS THROUGHOUT THE STATE;

23 (e) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
24 THE CONDUCT OF ITS BUSINESS; AND

25 (f) TO PROMULGATE ANY RULES, IN ACCORDANCE WITH ARTICLE
26 4 OF TITLE 24, THAT ARE NECESSARY AND PROPER FOR THE
27 ADMINISTRATION OF THIS PART 11.

28 **SECTION 21. Effective date.** This act takes effect on January 1, 2018.