

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

HB26-1076 be amended as follows:

1 Amend reengrossed bill, page 4, after line 9 insert:

2

3 "SECTION 3. In Colorado Revised Statutes, 42-2-106, **amend**
4 (1)(e) as follows:

5 **42-2-106. Instruction permits and temporary licenses.**

6 (1) (e) The department shall not issue an instruction permit OR
7 ENDORSEMENT to a minor who is under twenty-one years of ~~age~~ OLD to
8 drive a motorcycle unless the applicant has successfully completed an
9 instruction program in motorcycle safety that is approved by the Colorado
10 state patrol.

11 **SECTION 4.** In Colorado Revised Statutes, 42-2-118, **amend**
12 (1)(a)(I); and **add** (1)(a)(I.5) as follows:

13 **42-2-118. Renewal of license in person, by mail, or**
14 **electronically - donations to Emily Keyes - John W. Buckner organ**
15 **and tissue donation awareness fund - rules - definitions.**

16 (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I.5) OF THIS
17 SECTION, every license issued pursuant to section 42-2-114 or part 5 of
18 this article 2 is renewable prior to its expiration, upon application in
19 person, by mail as provided in subsection (1.3) of this section, or by
20 electronic means as provided in subsection (1.5) of this section; payment
21 of the required fee; passing of an eye test; and passing of such other
22 examinations as the applicant's physical limitations or driver's record
23 indicates to be desirable. If a person renews his or her license pursuant to
24 this subsection (1)(a)(I) by electronic means, the person must attest under
25 penalty of perjury that he or she has had an eye examination by an
26 optometrist or an ophthalmologist within ~~three years~~ ONE YEAR before the
27 date of application.

28 (I.5) IF AN APPLICANT APPLIES TO RENEW THEIR LICENSE WITHIN A
29 YEAR AFTER IT HAS EXPIRED, THE RENEWED LICENSE WILL HAVE THE SAME
30 EXPIRATION DATE AS IF IT HAD BEEN RENEWED ON TIME, SO LONG AS THE
31 PHOTO THE DEPARTMENT HAS ON FILE WILL MEET THE REQUIREMENTS OF
32 6 CFR 37.25 (a)(1) FOR THE FEDERAL "REAL ID ACT OF 2005" AT THE
33 TIME OF THE NEXT EXPIRATION. THIS SUBSECTION (1)(a)(I.5) DOES NOT
34 APPLY TO PROVISIONS OF SUBSECTION (1)(b)(I) OF THIS SECTION,
35 AUTHORIZING EXTENSIONS.

36 **SECTION 5.** Colorado Revised Statutes, 42-2-304, **amend** (1) as
37 follows:

38 **42-2-304. Validity of identification card - rules.**

39 (1) Except as provided in subsection (2) of this section, an
40 identification card issued pursuant to this part 3 expires on the birthday
41 of the registrant in the fifth year after issuance of the identification card.

1 IF AN APPLICANT APPLIES TO RENEW THEIR IDENTIFICATION CARD WITHIN
2 A YEAR AFTER IT HAS EXPIRED, THE RENEWED IDENTIFICATION CARD WILL
3 BE GIVEN THE SAME EXPIRATION DATE AS IF IT HAD BEEN RENEWED ON
4 TIME, PROVIDED THE PHOTO THE DEPARTMENT HAS ON FILE WILL MEET THE
5 REQUIREMENTS OF 6 CFR 37.25 (a)(1) FOR THE FEDERAL "REAL ID ACT OF
6 2005" AT THE TIME OF THE NEXT EXPIRATION. The department may purge
7 its records of such cards twelve years after issuance; except that any
8 records concerning identification cards issued prior to April 16, 1996,
9 may not be purged until October 1, 2003."

10 Renumber succeeding sections accordingly.

11 Page 4, strike line 11 and substitute "(5)(a)(I)(E), (5)(a)(I)(G), and
12 (5)(c)(I) as follows:".

13 Page 4, before line 14 insert:

14 "(5) (a) (I) (E) The driver of a commercial vehicle, ~~with four or~~
15 ~~more drive wheels, other than a bus, shall affix tire chains to at least four~~
16 ~~of the drive wheel tires when the vehicle is required to be equipped with~~
17 ~~tire chains under this subsection (5). The driver of a bus shall affix tire~~
18 ~~chains to at least two of the drive wheel tires when the vehicle is required~~
19 ~~to be equipped with tire chains under this subsection (5) INCLUDING A~~
20 ~~BUS, MUST AFFIX TIRE CHAINS OR APPROVED ALTERNATE TRACTION~~
21 ~~DEVICES TO THE NUMBER OF DRIVE WHEEL TIRES REQUIRED BY AND IN THE~~
22 ~~MANNER PRESCRIBED BY THE DEPARTMENT OF TRANSPORTATION'S RULES~~
23 ~~GOVERNING CHAIN LAW AND PASSENGER VEHICLE TRACTION LAW~~
24 ~~REQUIREMENTS ON THE STATE HIGHWAY SYSTEM."~~

25

26 Page 4, line 14, strike "(5)(a)(I)(G)" and substitute "(G)".

27 Page 4, after line 17 insert:

28 "(c) As used in this subsection (5):

29 (I) "Alternate traction device" means a device that is approved by
30 the Colorado department of transportation as capable of providing
31 traction comparable to that of metal chains ~~or tire cables~~ under similar
32 conditions."

33 Page 7, after line 18 insert:

34 "**SECTION 13.** In Colorado Revised Statutes, 43-1-117.5, **add**
35 (6) as follows:

1 (6) NOTHING IN THIS ARTICLE 1 MEANS THAT THE TRANSIT AND
2 RAIL DIVISION HAS EXCLUSIVE AUTHORITY AND RESPONSIBILITY FOR THE
3 POWERS AND DUTIES DESCRIBED IN THIS ARTICLE 1. OTHER DIVISIONS OR
4 ENTERPRISES UNDER THE DEPARTMENT MAY UNDERTAKE TRANSIT AND
5 RAIL-RELATED POWERS AND DUTIES AS IDENTIFIED BY THE DEPARTMENT
6 OR ENTERPRISE BOARD, CONSISTENT WITH APPLICABLE LAW."

7 Renumber succeeding sections accordingly.

8 Page 8, after line 13 insert:

9 "SECTION 16. In Colorado Revised Statutes, 43-2-402, **amend**
10 (1) as follows:

11 **43-2-402. Noise mitigation measures.**

12 (1) An applicant may submit an application for noise mitigation
13 measures to the department between November 1 and March 31. ~~in~~
14 ~~accordance with the application procedures established by the~~
15 ~~transportation commission by rule.~~

16 **SECTION 17.** In Colorado Revised Statutes, 43-2-403, **amend**
17 (1); and **repeal** (3)(c)(I) as follows:

18 **43-2-403. Noise mitigation - privately funded - rules.**

19 (1) An applicant may submit an application for noise mitigation
20 measures to be privately funded to the department at any time. ~~in~~
21 ~~accordance with the application procedures established by the~~
22 ~~transportation commission by rule.~~

23 (3) (c) Noise mitigation measures constructed in accordance with
24 this section shall:

25 (I) ~~Comply with applicable rules and procedural directives of the~~
26 ~~department and the transportation commission;~~

27 **SECTION 18.** In Colorado Revised Statutes, **repeal** 43-2-404 as
28 follows:

29 **43-2-404. Rule-making authority.**

30 ~~The transportation commission created by part 1 of article 1 of this~~
31 ~~title shall promulgate rules in accordance with article 4 of title 24, C.R.S.,~~
32 ~~to implement the provisions of this part 4. The rules shall include noise~~
33 ~~mitigation standards and a list of approved noise mitigation measures and~~
34 ~~products that meet the standards."~~

35 Renumber succeeding sections accordingly.

36 Page 11, after line 6 insert:

37 **"SECTION 22.** In Colorado Revised Statutes, 43-4-806, **add**

1 (6)(r) as follows:

2 **43-4-806. High-performance transportation enterprise -**
3 **creation - enterprise status - board - funds - powers and duties - user**
4 **fees - limitations - reporting requirements - violations on the peak**
5 **period shoulder lanes - legislative declaration - definitions.**

6 (6) In addition to any other powers and duties specified in this
7 section, the transportation enterprise board has the following powers and
8 duties:

9 (r) (I) AS PART OF A CONTRACT RELATED TO THE PROVISION OF
10 PUBLIC PASSENGER RAIL SERVICE WITH A PASSENGER RAIL FACILITY
11 PROVIDER OR PASSENGER RAIL OPERATOR AND SUBJECT TO THE
12 REQUIREMENTS OF THIS SUBSECTION (6)(r), TO AGREE TO AND OBTAIN,
13 DIRECTLY OR INDIRECTLY, AN INSURANCE POLICY AGAINST LIABILITIES OF
14 THE TRANSPORTATION ENTERPRISE AND THE PASSENGER RAIL FACILITY
15 PROVIDER, PASSENGER RAIL OPERATOR, OR BOTH, AND TO PAY ANY
16 DEDUCTIBLE, RETENTION, OR SIMILAR CHARGE UNDER THE POLICY
17 REGARDLESS OF THE SOURCE OF THE LIABILITY FROM WHICH THE CHARGE
18 ARISES.

19 (II) BEFORE EXERCISING THE AUTHORITY GRANTED IN THIS
20 SUBSECTION (6)(r), THE TRANSPORTATION ENTERPRISE BOARD MUST MAKE
21 A FINDING THAT THE CONTRACT FOR THE PROVISION OF PUBLIC PASSENGER
22 RAIL SERVICE WITH A PASSENGER RAIL FACILITY PROVIDER OR PASSENGER
23 RAIL OPERATOR SERVES A VALID PUBLIC PURPOSE AND THAT THE RISKS TO
24 THE ENTERPRISE THAT MAY ARISE FROM ENTERING INTO THE CONTRACT
25 ARE SUFFICIENTLY LIMITED AND OUTWEIGHED BY THE BENEFITS OF THE
26 CONTRACT.

27 (III) FOR PURPOSES OF THIS SUBSECTION (6)(r):

28 (A) "PASSENGER RAIL FACILITY PROVIDER" MEANS A CLASS I
29 RAILROAD, A SPECIAL DISTRICT CREATED PURSUANT TO TITLE 32 THAT IS
30 INTENDED TO PROVIDE TRANSPORTATION SERVICES BY RAIL, A REGIONAL
31 TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF ARTICLE
32 4 OF TITLE 43 INCLUDING A TRANSPORTATION PLANNING ORGANIZATION
33 EXERCISING THE POWERS OF A REGIONAL TRANSPORTATION AUTHORITY,
34 AND A CONTRACTOR TO SUCH A RAILROAD, SPECIAL DISTRICT, OR
35 AUTHORITY, BUT ONLY IF THE RAILROAD, SPECIAL DISTRICT, AUTHORITY,
36 OR CONTRACTOR OWNS OR EXERCISES CONTROL OVER PROPERTY THAT
37 WILL BE USED IN THE OPERATION OF THE PUBLIC PASSENGER RAIL SERVICE
38 TO BE PROVIDED PURSUANT TO THE CONTRACT SPECIFIED IN SUBSECTION
39 (6)(r)(I) OF THIS SECTION.

40 (B) "PASSENGER RAIL OPERATOR" MEANS A PROVIDER OF TRAIN
41 AND ENGINE CREWS AND FUNCTIONS ASSOCIATED WITH THE OPERATION
42 AND MAINTENANCE OF THE EQUIPMENT ASSOCIATED WITH PROVIDING
43 PASSENGER RAIL SERVICE.

1 (IV) NOTHING IN THIS SUBSECTION (6)(r) WAIVES, DIMINISHES, OR
2 OTHERWISE AFFECTS ANY IMMUNITIES OR DEFENSES AVAILABLE TO THE
3 TRANSPORTATION ENTERPRISE OR ANY OTHER IMPACTED PUBLIC ENTITY.

4 (V) ANY PREMIUM, DEDUCTIBLE, RETENTION, OR SIMILAR CHARGE
5 REQUIRED TO BE PAID UNDER A TERM IN AN AGREEMENT ENTERED INTO
6 UNDER THE AUTHORITY GRANTED IN THIS SUBSECTION (6)(r) IS PAYABLE
7 ONLY FROM REVENUE AVAILABLE FOR SUCH PAYMENTS CONSISTENT WITH
8 SUBSECTION (5) OF THIS SECTION. NOTHING IN THIS SUBSECTION (6)(r)
9 ALTERS ANY CONTRACTUAL RESTRICTIONS ON REVENUES PLEDGED TO THE
10 PAYMENT OF OBLIGATIONS UNDERTAKEN PURSUANT TO THE AUTHORITY
11 GRANTED TO THE TRANSPORTATION ENTERPRISE IN SUBSECTION (6)(c) OF
12 THIS SECTION.

13 **SECTION 23.** In Colorado Revised Statutes, 43-4-1204, **amend**
14 (3)(c)(III) as follows:

15 **43-4-1204. Production fee for clean transit imposed by the**
16 **enterprise - local transit operations program - local transit grant**
17 **program - rail funding program - cash funds - report.**

18 (3) (c) Pursuant to the purposes of the local transit operations
19 program, the enterprise shall allocate money from the local transit
20 operations cash fund to eligible entities using a formula developed by the
21 board, which shall be based on population, population density, local
22 zoning, transit ridership, vehicle revenue miles, share of
23 disproportionately impacted community population, and other
24 transit-related criteria. An eligible entity that is awarded money from the
25 local transit operations cash fund shall:

26 (III) Use the entirety of the money no later than two years after the
27 contract allocating the money is finalized; EXCEPT THAT THE CLEAN
28 TRANSIT ENTERPRISE BOARD MAY EXTEND THIS PERIOD BY ONE YEAR FOR
29 CAPITAL AWARD CONTRACTS.

30 **SECTION 24.** In Colorado Revised Statutes, 43-4-1301, **amend**
31 (1)(b) as follows:

32 **43-4-1301. Legislative declaration.**

33 (1) The general assembly hereby finds and declares that:

34 (b) It is necessary and appropriate to offset and mitigate these
35 impacts by creating a nonattainment area air pollution mitigation
36 enterprise that has the business purpose of providing funding for AND
37 DESIGN AND CONSTRUCTION OVERSIGHT AND MANAGEMENT OF eligible
38 projects that reduce traffic congestion, including demand management
39 projects that encourage alternatives to driving alone, and thereby reduce
40 travel delays, engine idle time, and unproductive fuel consumption or that
41 directly reduce emissions by means such as retrofitting of construction
42 equipment;"

1 Renumber succeeding sections accordingly.

2 Page 11, strike line 8, and substitute "(2)(b), (3) introductory portion, and
3 (6)(b); and **add** (2)(c) and (3)(d) as follows:".

4 Page 11, after line 26 insert:

5 "(3) The business purpose of the enterprise is to mitigate the
6 environmental and health impacts of increased air pollution from motor
7 vehicle emissions in nonattainment areas that results from the rapid and
8 continuing growth in retail deliveries made by motor vehicles and in
9 prearranged rides provided by transportation network companies by
10 providing funding for AND DESIGN AND CONSTRUCTION OVERSIGHT AND
11 MANAGEMENT OF eligible projects that reduce traffic, including demand
12 management projects that encourage alternatives to driving alone or that
13 directly reduce air pollution, such as retrofitting of construction
14 equipment, construction of roadside vegetation barriers, and planting trees
15 along medians. To allow the enterprise to accomplish this purpose and
16 fully exercise its powers and duties through the board, the enterprise may:

17 (d) ENGAGE IN ALL ACTIVITIES NECESSARY TO DIRECTLY MITIGATE
18 THE ENVIRONMENTAL AND HEALTH IMPACTS OF AIR POLLUTION,
19 INCLUDING THE ADMINISTRATION, ACQUISITION, DESIGN, CONSTRUCTION,
20 IMPROVEMENT, MAINTENANCE, AND PURSUIT OF OTHER INNOVATIVE AND
21 EFFICIENT MEANS OF COMPLETING ELIGIBLE PROJECTS AND CONTRACTING
22 WITH A PERSON, FIRM, OR CORPORATION FOR THE PERFORMANCE OF ANY
23 SUCH WORK.

24 (6) In addition to any other powers and duties specified in this
25 section, the board has the following general powers and duties:

26 (b) To acquire, hold title to, ~~and~~ dispose of, AND VOLUNTARILY
27 PURCHASE, DESIGN, CONSTRUCT, IMPROVE, MAINTAIN, ADMINISTER, AND
28 OPERATE real and personal property, INCLUDING RIGHTS-OF-WAY AND ALL,
29 OR PORTIONS OF, ELIGIBLE PROJECTS, NECESSARY FOR THE PURPOSES OF
30 THE ENTERPRISE AND TO CONTRACT WITH A PERSON, FIRM, OR
31 CORPORATION FOR THE PERFORMANCE OF ANY SUCH WORK;".

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