

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 3, 2020

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

SB20-151 be amended as follows, and as so amended, be referred to the Committee on Judiciary with favorable recommendation:

1 Amend printed bill, page 3, before line 2 insert:

2 "SECTION 1. Short title. The short title of this act is the
3 "Accountability, Democracy, and Accessibility in Public Transit Act".

4 SECTION 2. In Colorado Revised Statutes, 32-9-103, **amend** the
5 introductory portion; and **add** (9.5) as follows:

6 **32-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless
7 the context otherwise requires:

8 (9.5) "PARATRANSIT" MEANS COMPARABLE TRANSPORTATION
9 SERVICE PROVIDED FOR INDIVIDUALS WITH DISABILITIES WHO ARE UNABLE
10 TO USE FIXED ROUTE TRANSPORTATION SYSTEMS."

11 Renumber succeeding sections accordingly.

12 Page 3, line 12, strike "(a)".

13 Page 3, line 14, strike "(I)" and substitute "(a)".

14 Page 3, line 17, strike "(II)" and substitute "(b)".

15 Page 3, line 20, strike "(III)" and substitute "(c)".

16 Page 3, line 23, strike "(IV)" and substitute "(d)".

- 1 Page 3, line 25, strike "(V)" and substitute "(e)".
- 2 Page 4, line 3, strike "(VI)" and substitute "(f)".
- 3 Page 4, line 5, strike "(VII)" and substitute "(g)".
- 4 Page 4, line 7, strike "(VIII)" and substitute "(h)".
- 5 Page 4, line 9, strike "(IX)" and substitute "(i)".
- 6 Page 4, line 11, strike "(X)" and substitute "(j)".
- 7 Page 4, line 13, strike "(XI)" and substitute "(k)".
- 8 Page 4, strike lines 15 through 18.
- 9 Page 5, line 6, strike "NOT" and substitute "NOT, DIRECTLY OR THROUGH
- 10 CONTRACTUAL, LICENSING, OR OTHER ARRANGEMENTS,".
- 11 Page 5, line 19, strike "OR".
- 12 Page 5, after line 19, insert:
 - 13 "(IV) EXCLUDING PARATRANSIT FARES FROM A DISCOUNT FARE
 - 14 PROGRAM THAT OFFERS A DISCOUNTED RATE FOR RIDERS ON A PER-RIDE
 - 15 BASIS BASED ON ELIGIBILITY CRITERIA SUCH AS AGE, INCOME, OR OTHER
 - 16 CRITERIA; OR".
- 17 Renumber succeeding paragraph accordingly.
- 18 Page 6, line 10, strike "NOT" and substitute "NOT, DIRECTLY OR THROUGH
- 19 CONTRACTUAL, LICENSING, OR OTHER ARRANGEMENTS,".
- 20 Page 6, strike lines 13 through 26 and substitute "SERVICE.
- 21 DISCRIMINATION UNDER THIS SUBSECTION (3) INCLUDES, ON THE BASIS OF
- 22 RACE, COLOR, ETHNICITY, OR NATIONAL ORIGIN:".
- 23 Page 6, line 27, strike "(A)" and substitute "(I)".
- 24 Page 7, line 2, strike "(B)" and substitute "(II)".

- 1 Page 7, line 5, strike "(C)" and substitute "(III)".
- 2 Page 7, line 7, strike "(D)" and substitute "(IV)".
- 3 Page 7, line 9, strike "(E)" and substitute "(V)".
- 4 Page 7, line 14, strike "2000e" and substitute "2000d".
- 5 Page 7, line 18, after "SECTION" insert "OCCURRING ON OR AFTER
6 JANUARY 1, 2022,".
- 7 Page 7, strike lines 23 through 26 and substitute:
- 8 "(II) THE RECOVERY OF ACTUAL ECONOMIC DAMAGES; EXCEPT
9 THAT THE MAXIMUM AMOUNT OF ECONOMIC DAMAGES THAT MAY BE
10 RECOVERED IN AN ACTION UNDER THIS SECTION IS:
11 (A) FOR AN INJURY TO ONE PERSON FOR A SINGLE INCIDENT, THE
12 SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;
13 (B) FOR AN INJURY TO TWO OR MORE PERSONS FOR A SINGLE
14 INCIDENT, THE SUM OF NINE HUNDRED NINETY THOUSAND DOLLARS;
15 EXCEPT THAT NO PERSON SHALL RECOVER MORE THAN THREE HUNDRED
16 FIFTY THOUSAND DOLLARS; OR
17 (III) A STATUTORY FINE OF THREE THOUSAND FIVE HUNDRED
18 DOLLARS.
19 (b) FOR THE PURPOSES OF A CLAIM BROUGHT UNDER THIS
20 SUBSECTION (4) FOR A CONSTRUCTION-RELATED ACCESSIBILITY
21 VIOLATION, THE VIOLATION MUST BE CONSIDERED A SINGLE INCIDENT AND
22 NOT AS SEPARATE VIOLATIONS FOR EACH DAY THE
23 CONSTRUCTION-RELATED ACCESSIBILITY VIOLATION EXISTS."
- 24 Reletter succeeding paragraphs accordingly.
- 25 Page 8, line 4, strike "OTHER COMPENSATORY DAMAGES" and substitute
26 "A STATUTORY FINE".
- 27 Page 8, after line 6 insert:
- 28 "(5) AN INDIVIDUAL MAY PROVE A CLAIM UNDER SUBSECTION (4)
29 OF THIS SECTION BY ESTABLISHING INTENTIONAL DISCRIMINATION,
30 DISPARATE TREATMENT, DISPARATE IMPACT, OR, FOR AN INDIVIDUAL WITH
31 A DISABILITY, FAILURE TO MAKE A REASONABLE ACCOMMODATION."

1 Renumber succeeding subsections accordingly.

2 Page 8, line 18, strike "**oversight**" and substitute "**oversight - Americans**
3 **with Disabilities Act advisory council**".

4 Page 9, after line 4 insert:

5 "(3)(a) THERE IS ESTABLISHED AN AMERICANS WITH DISABILITIES
6 ACT ADVISORY COUNCIL TO THE SENATE JUDICIARY COMMITTEE,
7 REFERRED TO IN THIS SUBSECTION (3) AS THE COUNCIL. THE COUNCIL'S
8 PURPOSE IS TO EVALUATE AND MAKE RECOMMENDATIONS TO THE SENATE
9 JUDICIARY COMMITTEE ON THE DISTRICT'S COMPLIANCE WITH THE
10 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. 12101
11 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING
12 REGULATIONS, OPPORTUNITIES FOR THE DISTRICT TO REDUCE ITS RISK OF
13 LITIGATION RELATED TO COMPLIANCE, AND OTHER CONCERNS ABOUT THE
14 ACCESSIBILITY OF THE DISTRICT'S FACILITIES AND SERVICES AS IDENTIFIED
15 BY THE CHAIR OF THE COUNCIL.

16 (b) THE COUNCIL CONSISTS OF THE FOLLOWING SEVEN MEMBERS:

17 (I) THE CHAIR OF THE SENATE JUDICIARY COMMITTEE, OR A
18 LEGISLATOR APPOINTED BY THE CHAIR;

19 (II) A REPRESENTATIVE OF THE COLORADO CROSS-DISABILITY
20 COALITION, SELECTED BY ITS BOARD;

21 (III) A REPRESENTATIVE OF THE COLORADO DEVELOPMENTAL
22 DISABILITIES COUNCIL, SELECTED BY THE COUNCIL;

23 (IV) A REPRESENTATIVE OF THE NATIONAL FEDERATION OF THE
24 BLIND OF COLORADO, SELECTED BY ITS BOARD;

25 (V) A MEMBER WHO IS AN ATTORNEY EXPERIENCED IN
26 REPRESENTING DEFENDANTS IN LITIGATION RELATED TO THE FEDERAL
27 "AMERICANS WITH DISABILITIES ACT", APPOINTED BY THE CHAIR OF THE
28 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE; AND

29 (VI) TWO MEMBERS APPOINTED BY THE CHAIR OF THE
30 TRANSPORTATION LEGISLATION REVIEW COMMITTEE, AS FOLLOWS:

31 (A) ONE MEMBER WHO IS AN ATTORNEY EXPERIENCED IN
32 REPRESENTING PLAINTIFFS IN LITIGATION RELATED TO THE FEDERAL
33 "AMERICANS WITH DISABILITIES ACT"; AND

34 (B) ONE MEMBER WHO IS A PARATRANSIT RIDER IN THE DISTRICT.

35 (c) (I) (A) THE CHAIR OF THE SENATE JUDICIARY COMMITTEE
36 SHALL DESIGNATE THE CHAIR AND VICE CHAIR OF THE COUNCIL. THE
37 COUNCIL SHALL MEET AT LEAST TWICE EACH MONTH BEGINNING IN
38 AUGUST 2020 THROUGH JANUARY 2021. A MEMBER OF THE COUNCIL MAY
39 PARTICIPATE IN ANY MEETING OF THE COUNCIL THROUGH REMOTE

1 TECHNOLOGY.

2 (B) NONLEGISLATIVE MEMBERS OF THE COUNCIL ARE ENTITLED TO
3 A STIPEND OF FOUR HUNDRED DOLLARS PER MONTH DURING THAT TIME.
4 NONLEGISLATIVE MEMBERS ARE ALSO ENTITLED TO REIMBURSEMENT FOR
5 ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE
6 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE COUNCIL.

7 (C) THE LEGISLATIVE MEMBER OF THE COUNCIL APPOINTED
8 PURSUANT TO (3)(b)(I) OF THIS SECTION IS ENTITLED TO RECEIVE PAYMENT
9 OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY
10 EXPENSES AS AUTHORIZED IN SECTION 2-2-326.

11 (II) THE COUNCIL MAY, BY A MAJORITY VOTE, DESIGNATE
12 ADDITIONAL NONVOTING MEMBERS WITH EXPERTISE OR EXPERIENCE THAT
13 MAY ASSIST THE COUNCIL'S WORK. NONVOTING MEMBERS DESIGNATED
14 UNDER THIS SUBSECTION (3)(c)(II) ARE NOT ELIGIBLE FOR THE
15 COMPENSATION DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION.

16 (d) (I) ON OR BEFORE OCTOBER 31, 2020, THE COUNCIL SHALL
17 PROVIDE AN INITIAL REPORT WITH ITS FINDINGS AND RECOMMENDATIONS
18 TO THE DISTRICT, THE SENATE JUDICIARY COMMITTEE, THE HOUSE OF
19 REPRESENTATIVES JUDICIARY COMMITTEE, AND THE EXECUTIVE
20 COMMITTEE OF THE LEGISLATIVE COUNCIL.

21 (II) ON OR BEFORE NOVEMBER 30, 2020, THE DISTRICT SHALL
22 PROVIDE A RESPONSE TO THE COUNCIL AND TO THE COMMITTEES THAT
23 RECEIVED THE COUNCIL'S REPORT THAT RESPONDS TO THE FINDINGS OF
24 THE COUNCIL, IDENTIFIES WHICH RECOMMENDATIONS IT PLANS TO ADOPT,
25 AND IDENTIFIES WHICH RECOMMENDATIONS IT DOES NOT PLAN TO ADOPT
26 WITH AN EXPLANATION OF WHY IT DOES NOT PLAN TO DO SO.

27 (III) ON OR BEFORE JANUARY 31, 2021, THE COUNCIL SHALL
28 PRESENT ITS FINAL REPORT AND RECOMMENDATIONS AT A MEETING OF THE
29 SENATE JUDICIARY COMMITTEE AND SHALL SUBMIT COPIES OF ITS FINAL
30 REPORT AND RECOMMENDATIONS TO THE ENTITIES DESCRIBED IN
31 SUBSECTION (3)(d)(I) OF THIS SECTION. THE COUNCIL MAY MAKE
32 ADDITIONAL REPORTS AT THE DISCRETION OF THE CHAIR OR AT THE
33 REQUEST OF THE SENATE JUDICIARY COMMITTEE.

34 (e) THE DISTRICT SHALL ALLOW THE COUNCIL MEMBERS ACCESS TO
35 ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND
36 DOCUMENTATION, ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY
37 TO ALLOW THE COUNCIL TO CONDUCT ITS RESEARCH AND MAKE ITS
38 FINDINGS AND RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (3).
39 THE DISTRICT MAY REQUIRE COUNCIL MEMBERS TO ENTER INTO A
40 NONDISCLOSURE AGREEMENT BEFORE REVIEWING DOCUMENTS OR
41 RECORDS THAT WOULD BE EXEMPT FROM PUBLIC INSPECTION UNDER PART

1 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY IMPOSE REQUIREMENTS
2 FOR A SITE VISIT AS ARE NECESSARY TO PROTECT THE SAFETY AND
3 SECURITY OF COUNCIL MEMBERS, DISTRICT EMPLOYEES, AND DISTRICT
4 FACILITIES.

5 (f) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
6 2021."

7 Page 9, line 12, strike "SEVENTEEN" and substitute "FIFTEEN ELECTED".

8 Page 9, line 13, strike "EX-OFFICIO" and substitute "APPOINTED".

9 Page 9, line 18, strike "VOTING" and substitute "NONVOTING".

10 Page 10, strike line 8 and substitute "ACCOMMODATIONS."

11 Page 10, line 20, strike "(2)(b)(I) OR (2)(b)(II)" and substitute
12 "(2)(b)(I)(A) OR (2)(b)(I)(B)".

13 Page 10, line 21, strike "VACANCY, THE" and substitute "VACANCY. THE".

14 Page 10, strike lines 26 and 27.

15 Page 11, strike lines 1 and 2 and substitute:

16 "(c) AN APPOINTED MEMBER MAY CAST AN".

17 Page 13, line 21, strike "(1)(a), (1)(c)," and substitute "(1)(a)".

18 Page 13, strike line 27.

19 Page 14, strike lines 1 through 6.

20 Page 14, line 14, strike "TWELVE" and substitute "TEN".

21 Page 14, lines 17 and 18, strike "EX-OFFICIO DIRECTORS ARE NOT SUBJECT
22 TO REMOVAL."

23 Page 16, after line 9 insert:

24 "SECTION 10. In Colorado Revised Statutes, add 32-9-115.5 as
25 follows:

1 **32-9-115.5. Transparency in compliance with federal civil**
2 **rights laws.** (1) THE DISTRICT SHALL ENSURE THAT ALL OF ITS POLICIES
3 AND PROCEDURES CONCERNING COMPLIANCE WITH THE FEDERAL
4 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
5 SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS,
6 INCLUDING POLICIES AND PROCEDURES CONCERNING PARATRANSIT
7 SERVICES, ARE ALSO SUBJECT TO REVIEW UNDER TITLE VI OF THE FEDERAL
8 "CIVIL RIGHTS ACT OF 1964", 42 U.S.C. SEC. 2000d ET SEQ. AND ITS
9 RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS.

10 (2) THE DISTRICT SHALL MAKE ALL OF ITS PLANS, POLICIES, AND
11 DISCLOSURES REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION OR
12 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964" AND ITS RELATED
13 AMENDMENTS AND IMPLEMENTING REGULATIONS AVAILABLE TO THE
14 PUBLIC ON ITS WEBSITE AND SHALL PROVIDE THAT INFORMATION TO THE
15 DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 43-1-103.

16 (3) THE DISTRICT SHALL HOLD PUBLIC HEARINGS ON IT PLANS AND
17 POLICIES RELATED TO COMPLIANCE WITH THE FEDERAL "AMERICANS WITH
18 DISABILITIES ACT OF 1990" AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS
19 ACT OF 1964" AND THEIR RELATED AMENDMENTS AND IMPLEMENTING
20 REGULATIONS."

21 Renumber succeeding sections accordingly.

22 Page 16, line 10, strike "**amend** (3)";

23 Page 16, line 11, strike "**and add** (1.5) and (4)" and substitute "**add** (1.5),
24 (4), and (5)".

25 Page 16, strike lines 20 through 23 and insert:

26 "(4) (a) A PERMANENT OR TEMPORARY REDUCTION OR
27 ELIMINATION OF SERVICE, INCLUDING PARATRANSIT, REQUIRES THE
28 APPROVAL OF THE BOARD.

29 (b) IF THE BOARD VOTES TO PERMANENTLY OR TEMPORARILY
30 REDUCE OR ELIMINATE SERVICE ON A FIXED ROUTE AND THE CHANGE WILL
31 RESULT IN A REDUCTION IN PARATRANSIT SERVICE ALONG THE FIXED
32 ROUTE, THE BOARD SHALL TAKE A SEPARATE VOTE ON WHETHER TO
33 REDUCE OR ELIMINATE THE PARATRANSIT SERVICE. IF THE BOARD DOES
34 NOT APPROVE THE REDUCTION OR ELIMINATION OF PARATRANSIT SERVICE,
35 THE DISTRICT SHALL CONTINUE TO PROVIDE THE PARATRANSIT SERVICE.

36 (c) THE BOARD SHALL ALLOW PUBLIC COMMENT AT ANY MEETING

1 AT WHICH IT VOTES ON A PERMANENT OR TEMPORARY REDUCTION OR
2 ELIMINATION IN SERVICE."

3 Renumber succeeding subsection accordingly.

4 Page 17, lines 16 and 17, strike "EX-OFFICIO DIRECTORS ARE NOT
5 ELIGIBLE FOR COMPENSATION."

6 Page 17, line 24, strike "EX-OFFICIO" and substitute "APPOINTED".

7 Page 18, line 15, strike "(5)" and substitute "(5); and **add (4.5)**".

8 Page 18, line 16, strike "**ratios -**" and substitute "**ratios - online financial**
9 **transparency -**".

10 Page 19, after line 19 insert:

11 "(4.5) ON OR BEFORE OCTOBER 1, 2020, AND ON OR BEFORE THE
12 FIRST OF EACH MONTH THEREAFTER, THE DISTRICT SHALL MAKE
13 AVAILABLE ON ITS WEBSITE A DOWNLOADABLE COMMA OR TEXT
14 DELIMITED FILE OF ALL PUBLIC ACCOUNT PAYABLE LINE ITEMS FOR THE
15 PREVIOUS THREE YEARS. FOR EACH TRANSACTION, THE FILE MUST
16 INCLUDE THE PAYEE, DATE, CHECK NUMBER OR ELECTRONIC FUNDS
17 TRANSFER, INVOICE NUMBER IF AVAILABLE, PURCHASE ORDER NUMBER IF
18 AVAILABLE, COST CENTER ACCOUNT CODE, OBJECT ACCOUNT CODE, AND
19 A DESCRIPTION OF PURPOSE FOR THE PURCHASE. THE DISTRICT SHALL
20 ENSURE THAT THE DATA FILE CONTAINS ONLY INFORMATION IS A PUBLIC
21 RECORD OR THAT IS NOT CONFIDENTIAL OR OTHERWISE PROTECTED FROM
22 PUBLIC DISCLOSURE PURSUANT TO STATE OR FEDERAL LAW."

23 Page 20, line 5, after "(2.5)," insert "(4),".

24 Page 21, after line 1 insert:

25 "(4) The use of a transfer facility for the provision of retail or
26 commercial goods or services or for the provision of residential uses or
27 other uses shall not be permitted if the use would reduce transit services,
28 ~~would reduce the availability of adequate parking for the public,~~ or, for
29 uses involving the provision of retail or commercial goods or services,
30 would result in a competitive disadvantage to a private business
31 reasonably near a transfer facility engaging in the sale of similar goods or

1 services. The provision of retail and commercial goods and services or the
2 provision of residential uses or other uses at transfer facilities shall be
3 designed to offer convenience to transit customers and shall be conducted
4 in a manner that encourages multimodal access from all users."

5 Page 21, after line 7 insert:

6 "SECTION 16. In Colorado Revised Statutes, 32-9-119.9, **amend**
7 (1)(a); and **repeal** (1)(d) as follows:

8 **32-9-119.9. Limited authority to charge fees for parking -**
9 **reserved parking spaces - penalties - definitions.** (1) (a) The district
10 may charge a parking fee at a district parking facility. ~~for:~~

11 ~~(I) A motor vehicle registered at an address outside the district;~~
12 ~~(II) A motor vehicle left in the district parking facility for more~~
13 ~~than twenty-four hours; or~~
14 ~~(III) Reserved parking.~~

15 ~~(d) Except as otherwise provided by this section, the district shall~~
16 ~~not charge a person any type of fee, regardless of what it may be called,~~
17 ~~to park at a district parking facility."~~

18 Renumber succeeding sections accordingly.

19 Page 29, strike lines 24 through 27 and substitute:

20 "SECTION 24. In Colorado Revised Statutes, 39-26-102, **amend**
21 (8) as follows:

22 **39-26-102. Definitions.** As used in this article 26, unless the
23 context otherwise requires:

24 (8) "Retailer" or "vendor" means a person doing business in this
25 state known to the trade and public as such, and selling to the user or
26 consumer, and not for resale. The term includes a marketplace facilitator,
27 a marketplace seller, and a multichannel seller doing business in this
28 state. THE TERM INCLUDES THE REGIONAL TRANSPORTATION DISTRICT
29 CREATED IN ARTICLE 9 OF TITLE 32 IF, PURSUANT TO SECTION 32-9-119.8,
30 THE REGIONAL TRANSPORTATION DISTRICT SELLS RETAIL AND
31 COMMERCIAL GOODS TO THE PUBLIC OTHER THAN MASS TRANSPORTATION
32 TICKETS, TOKENS, PASSES, AND OTHER TRANSACTIONS DIRECTLY AND
33 NECESSARILY RELATED TO THE OPERATION OF A MASS TRANSPORTATION
34 SYSTEM."

1 Strike page 30 and substitute:

2 "SECTION 25. In Colorado Revised Statutes, **add** 43-1-126 and
3 43-1-127 as follows:

4 **43-1-126. Regional transportation district blue ribbon panel**
5 **- creation - powers and duties - definitions - repeal.** (1) AS USED IN
6 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ADA" MEANS THE FEDERAL "AMERICANS WITH DISABILITIES
8 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

9 (b) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT
10 CREATED IN ARTICLE 9 OF TITLE 32.

11 (c) "PANEL" MEANS THE REGIONAL TRANSPORTATION DISTRICT
12 BLUE RIBBON PANEL CREATED IN SUBSECTION (2) OF THIS SECTION.

13 (2) THERE IS HEREBY CREATED IN THE DEPARTMENT THE REGIONAL
14 TRANSPORTATION DISTRICT BLUE RIBBON PANEL.

15 (3) (a) THE PANEL CONSISTS OF SIX MEMBERS APPOINTED AS
16 FOLLOWS:

17 (I) ONE MEMBER ASSOCIATED WITH AN ACADEMIC INSTITUTION
18 WITH EXPERTISE IN REGIONAL TRANSPORTATION AUTHORITIES AND MASS
19 TRANSIT, APPOINTED BY THE PRESIDENT OF THE SENATE;

20 (II) ONE MEMBER WITH EXPERTISE IN URBAN PLANNING AND
21 DEVELOPMENT, APPOINTED BY THE GOVERNOR;

22 (III) ONE MEMBER WITH EXPERTISE IN TRANSPORTATION POLICY,
23 APPOINTED BY THE GOVERNOR;

24 (IV) ONE MEMBER WHO IS AN ELECTED OFFICIAL FROM A LOCAL
25 GOVERNMENT WITHIN THE DISTRICT, APPOINTED BY THE MINORITY LEADER
26 OF THE HOUSE OF REPRESENTATIVES;

27 (V) ONE MEMBER WITH EXPERTISE IN FISCAL POLICY, APPOINTED
28 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

29 (VI) ONE MEMBER WITH EXPERTISE IN ADA COMPLIANCE AND
30 EQUITY, APPOINTED BY THE MINORITY LEADER OF THE SENATE.

31 (b) THE APPOINTING AUTHORITIES SHALL MAKE APPOINTMENTS TO
32 THE PANEL AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
33 SECTION. IN THE EVENT OF A VACANCY, A NEW MEMBER SHALL BE
34 APPOINTED IN THE SAME MANNER AS PROVIDED IN SUBSECTION (3)(a) OF
35 THIS SECTION FOR THE VACANT POSITION.

36 (c) EACH MEMBER OF THE PANEL SERVES WITHOUT COMPENSATION
37 BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND
38 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE MEMBER'S
39 DUTIES.

40 (4) (a) THE FIRST MEETING OF THE PANEL MUST BE HELD AS SOON

1 AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION.

2 (b) THE PANEL SHALL ELECT A CHAIR AND A VICE-CHAIR FROM
3 AMONG ITS MEMBERS. THE PANEL SHALL MEET AS OFTEN AS NECESSARY
4 AS DETERMINED BY THE CHAIR TO FULFILL THE PANEL'S DUTIES UNDER
5 THIS SECTION.

6 (5) (a) THE PANEL SHALL PERFORM AN IN-DEPTH DIAGNOSTIC
7 REVIEW OF THE DISTRICT'S CORE FUNCTIONS AS DESCRIBED IN ARTICLE 9
8 OF TITLE 32. THE REVIEW MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

9 (I) A LITERATURE REVIEW ENCOMPASSING RECENT STUDIES OF THE
10 DISTRICT AND OF SIMILAR TRANSIT AGENCIES IN COLORADO AND ACROSS
11 THE UNITED STATES;

12 (II) A PERFORMANCE REVIEW OF THE DISTRICT, BENCHMARKED
13 AGAINST SIMILARLY SIZED TRANSIT AGENCIES;

14 (III) A REVIEW OF THE DISTRICT'S CORE FUNCTIONS AND ANY
15 DEFICIENCIES IN MEETING THEM;

16 (IV) A REVIEW OF THE DISTRICT'S PRACTICES AND PROCEDURES
17 RELATED TO ASSET MANAGEMENT, EXPANSION, AND MAINTENANCE;

18 (V) A REVIEW OF THE DISTRICT'S FINANCES AND FINANCIAL
19 MANAGEMENT;

20 (VI) A REVIEW OF THE DISTRICT'S SYSTEM OF GOVERNANCE;

21 (VII) A REVIEW OF THE DISTRICT'S CAPITAL PLANNING PROCESSES;

22 (VIII) A REVIEW OF THE DISTRICT'S EFFORTS TO ADDRESS THE
23 STATE'S CLIMATE CHANGE GOALS;

24 (IX) THE COLLECTION AND ANALYSIS OF DATA FROM THE DISTRICT
25 AND THIRD PARTIES RELATED TO THE DISTRICT'S OPERATIONAL COSTS,
26 PROGRAM SPENDING, REVENUE SOURCES, PERFORMANCE DATA, AND
27 PERSONNEL NEEDS; AND

28 (X) THE DISTRICT'S COMPLIANCE WITH THE ADA AND ITS ABILITY
29 TO MEET THE NEEDS OF TRANSIT-DEPENDENT POPULATIONS IN THE
30 DISTRICT.

31 (b) THE PANEL SHALL CONDUCT INTERVIEWS AND MEETINGS WITH
32 CURRENT AND FORMER STAFF MEMBERS OF THE DISTRICT, MEMBERS OF
33 THE DISTRICT'S BOARD OF THE DIRECTORS, AND OTHER DISTRICT
34 STAKEHOLDERS TO ASSIST IN ITS ANALYSIS OF THE ISSUES DESCRIBED IN
35 SUBSECTION (5)(a) OF THIS SECTION. THE PANEL SHALL CONDUCT SITE
36 VISITS TO DISTRICT FACILITIES AS NECESSARY TO COMPLETE ITS REVIEW.

37 (6) THE DISTRICT SHALL ALLOW THE PANEL MEMBERS ACCESS TO
38 ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND DOCUMENTS,
39 ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY TO ALLOW THE
40 PANEL TO COMPLETE ITS WORK IN ACCORDANCE WITH THIS SECTION. THE
41 DISTRICT MAY REQUIRE PANEL MEMBERS TO ENTER INTO A

1 NONDISCLOSURE AGREEMENT BEFORE REVIEWING FILES, RECORDS, OR
2 DOCUMENTS THAT WOULD BE EXEMPT FROM PUBLIC DISCLOSURE UNDER
3 PART 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY IMPOSE SUCH
4 REQUIREMENTS FOR ACCESS TO ITS FACILITIES AS ARE NECESSARY TO
5 PROTECT THE SAFETY AND SECURITY OF PANEL MEMBERS, DISTRICT
6 EMPLOYEES, AND DISTRICT FACILITIES.

7 (7) ON OR BEFORE SEPTEMBER 1, 2020, THE PANEL SHALL SUBMIT
8 A WRITTEN REPORT SUMMARIZING ITS FINDINGS AND RECOMMENDATIONS
9 TO THE GOVERNOR, THE TRANSPORTATION AND ENERGY COMMITTEE OF
10 THE SENATE, THE TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE
11 OF THE HOUSE OF REPRESENTATIVES, THE DISTRICT, AND LOCAL
12 GOVERNMENTS WITHIN THE DISTRICT. THE DISTRICT SHALL MAKE THE
13 REPORT AVAILABLE TO THE PUBLIC ON ITS WEBSITE.

14 (8) UPON REQUEST BY THE CHAIR OF THE PANEL, THE DEPARTMENT
15 SHALL PROVIDE MEETING SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY
16 BE NECESSARY TO IMPLEMENT THIS SECTION.

17 (9) THE DISTRICT SHALL NOT HIRE A PERMANENT GENERAL
18 MANAGER UNTIL THE PANEL'S REPORT REQUIRED BY SUBSECTION (7) OF
19 THIS SECTION IS COMPLETED.

20 (10) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM
21 THE GENERAL FUND TO THE DEPARTMENT TO COVER COSTS ASSOCIATED
22 WITH THE PANEL.

23 (11) THE PANEL IS DISSOLVED, EFFECTIVE SEPTEMBER 30, 2020.
24 THIS SECTION IS REPEALED, EFFECTIVE OCTOBER 1, 2021.

25 **43-1-127. Regional transportation district accountability**
26 **committee - creation - powers and duties - definitions - repeal.** (1) AS
27 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

28 (a) "ADA" MEANS THE FEDERAL "AMERICANS WITH DISABILITIES
29 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

30 (b) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE DISTRICT
31 ESTABLISHED IN SECTION 32-9-109.5.

32 (c) "COMMITTEE" MEANS THE REGIONAL TRANSPORTATION
33 DISTRICT ACCOUNTABILITY COMMITTEE CREATED IN SUBSECTION (2) OF
34 THIS SECTION.

35 (d) "DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT
36 CREATED IN ARTICLE 9 OF TITLE 32.

37 (e) "PANEL" MEANS THE REGIONAL TRANSPORTATION DISTRICT
38 BLUE RIBBON PANEL CREATED IN SECTION 43-1-126.

39 (2) THERE IS HEREBY CREATED IN THE DEPARTMENT THE REGIONAL
40 TRANSPORTATION DISTRICT ACCOUNTABILITY COMMITTEE.

41 (3) (a) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED

1 AS FOLLOWS:

2 (I) ONE MEMBER OF A LOCAL GOVERNMENT WITHIN THE DISTRICT,
3 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
4 REPRESENTATIVES;

5 (II) ONE MEMBER WITH EXPERTISE ON ISSUES FACING TRANSIT
6 RIDERS WITH DISABILITIES, APPOINTED BY THE PRESIDENT OF THE SENATE;

7 (III) ONE MEMBER WITH EXPERTISE IN HUMAN RESOURCES,
8 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
9 REPRESENTATIVES;

10 (IV) ONE MEMBER WITH EXPERTISE IN TRANSIT SERVICES AND
11 PLANNING, APPOINTED BY THE GOVERNOR;

12 (V) ONE MEMBER WITH EXPERTISE IN EQUITY, APPOINTED BY THE
13 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

14 (VI) ONE MEMBER WITH EXPERTISE IN FINANCIAL PLANNING AND
15 MANAGEMENT, APPOINTED BY THE GOVERNOR; AND

16 (VII) ONE MEMBER WITH EXPERTISE IN URBAN PLANNING AND
17 RELATED ENVIRONMENTAL ISSUES, APPOINTED BY THE GOVERNOR.

18 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
19 APPOINTMENTS ON OR BEFORE JULY 1, 2020, FOR TERMS LASTING FOR THE
20 DURATION OF THE COMMITTEE'S EXISTENCE. IN THE EVENT OF A VACANCY,
21 A NEW MEMBER SHALL BE APPOINTED IN THE SAME MANNER AS PROVIDED
22 IN SUBSECTION (3)(a) OF THIS SECTION FOR THE VACANT POSITION.

23 (c) EACH MEMBER OF THE COMMITTEE IS ENTITLED TO
24 COMPENSATION IN THE AMOUNT OF ONE THOUSAND DOLLARS PER MONTH
25 FROM THE TIME OF THE APPOINTMENT TO THE CONCLUSION OF THEIR
26 SERVICE. A MEMBER IS NOT ENTITLED TO REIMBURSEMENT FOR EXPENSES.

27 (4) (a) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
28 DESIGNEE SHALL CALL THE FIRST MEETING OF THE COMMITTEE AS SOON AS
29 PRACTICABLE AFTER THE PANEL COMPLETES ITS REPORT PURSUANT TO
30 SECTION 43-1-126 (7), BUT NO LATER THAN JULY 1, 2020.

31 (b) THE COMMITTEE SHALL ELECT A CHAIR AND A VICE-CHAIR
32 FROM AMONG ITS MEMBERS. THE COMMITTEE SHALL MEET AS OFTEN AS
33 NECESSARY AS DETERMINED BY THE CHAIR TO FULFILL THE COMMITTEE'S
34 DUTIES UNDER THIS SECTION.

35 (5) (a) THE COMMITTEE SHALL PERFORM A COMPREHENSIVE
36 REVIEW OF THE DISTRICT, TAKING INTO ACCOUNT THE PERSPECTIVES OF
37 THE STAFF AND MANAGERS OF THE DISTRICT, THE BOARD, AND THE PUBLIC.
38 THE COMMITTEE SHALL ISSUE A REPORT WITH WRITTEN FINDINGS AND
39 RECOMMENDATIONS ON OR BEFORE JANUARY 1, 2021, AND EVER SIX
40 MONTHS THEREAFTER THROUGH JULY 1, 2023. THE COMMITTEE SHALL
41 SUBMIT ITS REPORTS TO THE GOVERNOR, THE TRANSPORTATION AND

1 ENERGY COMMITTEE OF THE SENATE OR ITS SUCCESSOR COMMITTEE, THE
2 TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE
3 OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE, THE DISTRICT, AND
4 LOCAL GOVERNMENTS WITHIN THE DISTRICT. THE DISTRICT SHALL MAKE
5 EACH REPORT ISSUED BY THE COMMITTEE AVAILABLE TO THE PUBLIC ON
6 ITS WEBSITE.

7 (b) IN ISSUING ITS REPORTS AND RECOMMENDATIONS, THE
8 COMMITTEE SHALL CONSIDER, BUT NEED NOT BE LIMITED TO, THE
9 FOLLOWING ISSUES:

10 (I) THE FINDINGS AND RECOMMENDATIONS OF THE PANEL;

11 (II) ACCESSIBILITY OF THE DISTRICT'S SERVICES AND FACILITIES IN
12 ACCORDANCE WITH THE ADA, WITH SPECIAL CONSIDERATION OF
13 PARATRANSIT;

14 (III) EQUITY IN SERVICES PROVIDED TO THE DISTRICT, ANALYZED
15 IN TERMS OF GEOGRAPHY, FARE STRUCTURES, AND THE NEEDS OF
16 TRANSIT-DEPENDENT POPULATIONS;

17 (IV) STAFF MANAGEMENT, RETENTION, AND HIRING;

18 (V) THE DISTRICT'S USE OF AND RELATIONSHIP WITH
19 CONTRACTORS, INCLUDING THE TRAINING REQUIREMENTS FOR AND PAY
20 STRUCTURES OF CONTRACTORS;

21 (VI) THE ADEQUACY, ACCESSIBILITY, AND RELIABILITY OF THE
22 SERVICES PROVIDED BY THE DISTRICT;

23 (VII) THE DISTRICT'S PARTNERSHIPS WITH LOCAL GOVERNMENTS;

24 (VIII) THE FINANCIAL HEALTH OF THE DISTRICT, INCLUDING ITS
25 SPENDING ON EXPENSES NOT DIRECTLY RELATED TO TRANSIT;

26 (IX) THE DISTRICT'S PLANS FOR EXPANSIONS OR REDUCTIONS IN
27 SERVICE AND ITS CRITERIA AND PROCESS FOR MAKING DECISIONS ON
28 EXPANSIONS AND REDUCTIONS IN SERVICE;

29 (X) THE DISTRICT'S STRATEGIC PLANNING PROCESS AND ANY
30 RECOMMENDATIONS FOR TRAINING FOR THE BOARD AND MANAGEMENT
31 PERSONNEL;

32 (XI) A REVIEW OF THE DISTRICT'S EFFORTS TO ADDRESS THE
33 STATE'S CLIMATE CHANGE GOALS;

34 (XII) STRATEGIES FOR THE DISTRICT TO INCREASE RIDERSHIP;

35 (XIII) THE RESULTS OF ANY AUDITS OF THE DISTRICT AND THE
36 NEED FOR ADDITIONAL AUDITS BY THE STATE; AND

37 (XIV) THE PENSIONS OFFERED BY THE DISTRICT.

38 (6) THE COMMITTEE MAY CONTRACT WITH A PUBLIC OR PRIVATE
39 ENTITY WITH EXPERTISE IN TRANSIT AGENCY FINANCE AND OPERATIONS TO
40 SUPPORT ITS WORK.

41 (7) (a) WITHIN THIRTY DAYS AFTER THE COMMITTEE ISSUES A

1 REPORT OF ITS RECOMMENDATIONS AS REQUIRED BY SUBSECTION (5)(a) OF
2 THIS SECTION, THE DISTRICT SHALL SUBMIT A WRITTEN RESPONSE TO EACH
3 ENTITY THAT RECEIVES THE COMMITTEE'S REPORT RESPONDING TO ANY
4 RECOMMENDATION THAT THE DISTRICT DOES NOT PLAN TO ADOPT AND
5 EXPLAINING WHY THE DISTRICT IS NOT ADOPTING THE RECOMMENDATION.
6 THE DISTRICT SHALL MAKE THE DISTRICT'S RESPONSES AVAILABLE TO THE
7 PUBLIC ON ITS WEBSITE.

8 (b) THE DISTRICT SHALL ALLOW THE COMMITTEE MEMBERS ACCESS
9 TO ITS FACILITIES AND TO ALL RELEVANT FILES, RECORDS, AND
10 DOCUMENTS, ON A TIMELY BASIS AND WITHOUT COST, AS NECESSARY TO
11 ALLOW THE COMMITTEE TO COMPLETE ITS WORK IN ACCORDANCE WITH
12 THIS SECTION. THE DISTRICT MAY REQUIRE COMMITTEE MEMBERS TO
13 ENTER INTO A NONDISCLOSURE AGREEMENT BEFORE REVIEWING FILES,
14 RECORDS, OR DOCUMENTS THAT WOULD BE EXEMPT FROM PUBLIC
15 DISCLOSURE UNDER PART 2 OF ARTICLE 72 OF TITLE 24. THE DISTRICT MAY
16 IMPOSE SUCH REQUIREMENTS FOR ACCESS TO ITS FACILITIES AS ARE
17 NECESSARY TO PROTECT THE SAFETY AND SECURITY OF COMMITTEE
18 MEMBERS, DISTRICT EMPLOYEES, AND DISTRICT FACILITIES.

19 (8) THE BOARD AND THE COMMITTEE MAY MEET IN JOINT SESSION
20 TO ASSIST THE COMMITTEE IN ITS REVIEW. WHEN THE BOARD AND
21 COMMITTEE MEET IN JOINT SESSION, THE COMBINED BODY IS A LOCAL
22 PUBLIC BODY FOR THE PURPOSES OF SECTION 24-6-402, AND MAY GO INTO
23 EXECUTIVE SESSION IN ACCORDANCE WITH SUBSECTION 24-6-402 (4). THE
24 BOARD'S BYLAWS GOVERN ANY PROCEDURAL MATTERS WHEN THE BOARD
25 AND THE COMMITTEE MEET IN JOINT SESSION.

26 (9) UPON REQUEST BY THE CHAIR OF THE COMMITTEE, THE
27 DEPARTMENT SHALL PROVIDE MEETING SPACE, EQUIPMENT, AND STAFF
28 SERVICES AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

29 (10) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM
30 THE GENERAL FUND TO THE DEPARTMENT TO COVER COSTS ASSOCIATED
31 WITH THE COMMITTEE.

32 (11) THE COMMITTEE SHALL SUBMIT ITS FINAL REPORT IN
33 ACCORDANCE WITH SUBSECTION (5)(a) OF THIS SECTION ON OR BEFORE
34 JULY 1, 2023. THE COMMITTEE IS DISSOLVED, EFFECTIVE JULY 30, 2023.

35 (10) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

36 **SECTION 26. Applicability.** Section 14 of this act applies to the
37 portion of any election cycle or for the portion of the calendar year
38 remaining after the effective date of this act, and for any election cycle or
39 calendar year commencing after said date.

40 **SECTION 27. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety."

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