

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 5, 2024  
Date

Committee on Transportation & Energy.

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

SB24-036 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 4, line 9, strike "THE NATIONAL BUREAU OF  
2 ECONOMIC".

3 Page 4, strike lines 10 through 13 and substitute "IN ADDITION, THE  
4 INSURANCE INSTITUTE FOR HIGHWAY SAFETY AND THE HIGHWAY LOSS  
5 DATA INSTITUTE HAVE FOUND THAT MOTOR VEHICLES WITH HOOD  
6 HEIGHTS OF MORE THAN FORTY INCHES ARE ABOUT FORTY-FIVE PERCENT  
7 MORE LIKELY TO CAUSE FATALITIES IN COLLISIONS WITH PEDESTRIANS  
8 THAN MOTOR VEHICLES WITH HOOD HEIGHTS OF THIRTY INCHES OR LESS,  
9 IN PART BECAUSE THEY CAUSE MORE HEAD AND TORSO INJURIES, AND AN  
10 ANALYSIS BY CONSUMER REPORTS FOUND THAT THE AVERAGE HOOD  
11 HEIGHT OF PASSENGER TRUCKS HAS INCREASED BY ELEVEN PERCENT SINCE  
12 2000 AND THE WEIGHT OF NEW TRUCKS INCREASED BY TWENTY-FOUR  
13 PERCENT BETWEEN 2000 AND 2018.

14 (e) THE FEDERAL HIGHWAY ADMINISTRATION SUPPORTS THE  
15 VISION OF HAVING ZERO TRAFFIC FATALITIES AND PROVIDES A LIST OF  
16 PROVEN SAFETY COUNTERMEASURES THAT WERE SELECTED BASED ON  
17 PROVEN RESEARCH THAT DEMONSTRATES THEIR EFFECTIVENESS. THESE  
18 STRATEGIES ARE DESIGNED TO IMPROVE SAFETY FOR ALL ROAD USERS, NOT  
19 ONLY VULNERABLE ROAD USERS, AND THE FEDERAL HIGHWAY  
20 ADMINISTRATION STRONGLY ENCOURAGES TRANSPORTATION AGENCIES TO  
21 CONSIDER WIDESPREAD IMPLEMENTATION OF THESE MEASURES TO  
22 ACCELERATE THE ACHIEVEMENT OF LOCAL, STATE, AND NATIONAL SAFETY  
23 GOALS."

24 Reletter succeeding paragraph accordingly.

25 Page 4, line 20, strike "THE" and substitute "BOTH THE BENEFITS OF A

1 SAFER TRANSPORTATION SYSTEM THAT THE ENTERPRISE PROVIDES TO ALL  
2 FEE PAYERS, INCLUDING THE LARGE NUMBER OF FEE PAYERS WHO BOTH  
3 REGISTER MOTOR VEHICLES AND USE OR HAVE THE OPPORTUNITY TO USE  
4 ROADS AS VULNERABLE ROAD USERS, AND THE VARYING".

5 Page 5, strike lines 1 through 6 and substitute:

6 (a) THE ENTERPRISE PROVIDE BENEFITS TO ALL FEE PAYERS  
7 BECAUSE, WHEN IT PROVIDES DEDICATED FUNDING FOR  
8 TRANSPORTATION".

9 Page 5, strike line 10 and substitute "INJURY, IT:

10 (I) MAKES IT LESS LIKELY THAT ANY GIVEN FEE PAYER'S MOTOR  
11 VEHICLE WILL BE INVOLVED IN SUCH A COLLISION, WHICH:

12 (A) REDUCES THE RISKS THAT THE FEE PAYER OR OTHER  
13 OPERATOR OF THE MOTOR VEHICLE OR A PASSENGER IN THE MOTOR  
14 VEHICLE WILL BE KILLED OR INJURED IN OR THAT THE MOTOR VEHICLE OR  
15 PROPERTY IN OR ATTACHED TO THE MOTOR VEHICLE WILL BE DAMAGED IN  
16 SUCH A COLLISION;

17 (B) REDUCES THE RISKS THAT THE OWNER OR OPERATOR OF THE  
18 MOTOR VEHICLE WILL BE LEGALLY LIABLE FOR THE DEATH OF OR INJURY  
19 TO SUCH AN OPERATOR OR PASSENGER OR THE DEATH OF OR INJURY TO A  
20 VULNERABLE ROAD USER OR FOR DAMAGE TO THEIR PROPERTY, SOME OF  
21 WHICH RISKS ARE GREATER FOR THE HEAVIER MOTOR VEHICLES AND  
22 MOTOR VEHICLES WITH CONFIGURATIONS THAT ARE MORE DANGEROUS TO  
23 VULNERABLE ROAD USERS ON WHICH THE ENTERPRISE WILL IMPOSE  
24 HIGHER MOTOR VEHICLE REGISTRATION FEES; AND

25 (C) LOWERS THE COSTS OF MOTOR VEHICLE INSURANCE,  
26 ESPECIALLY FOR THE HEAVIER MOTOR VEHICLES AND MOTOR VEHICLES  
27 WITH CONFIGURATIONS THAT ARE MORE DANGEROUS TO VULNERABLE  
28 ROAD USERS AND ON WHICH THE ENTERPRISE WILL IMPOSE HIGHER MOTOR  
29 VEHICLE REGISTRATION FEES; AND

30 (II) MAKES IT LESS LIKELY THAT A VULNERABLE ROAD USER, WHO  
31 IN MANY CASES IS ALSO A FEE PAYER, WILL BE KILLED OR SERIOUSLY  
32 INJURED IN SUCH AN ACCIDENT.

33 (b) IN ADDITION TO THE DIRECT BENEFITS THAT IT PROVIDES TO FEE  
34 PAYERS, THE ENTERPRISE ALSO PROVIDES IMPACT REMEDIATION SERVICES  
35 WHEN, IN EXCHANGE FOR THE PAYMENT OF MOTOR VEHICLE REGISTRATION  
36 FEES THAT IT IMPOSES ON MOTOR VEHICLES IN WEIGHT- AND  
37 CONFIGURATION-BASED AMOUNTS THAT INCREASE AS THE POTENTIAL  
38 HARM TO VULNERABLE ROAD USERS FROM SUCH MOTOR VEHICLES  
39 INCREASES, IT MAKES THE TRANSPORTATION SYSTEM SAFER SPECIFICALLY  
40 FOR VULNERABLE ROAD USERS AND MORE GENERALLY FOR ALL ROAD

- 1 USERS."
- 2 Reletter succeeding paragraphs accordingly.
- 3 Page 5, line 11, after "PROVIDING" insert "DIRECT AND INDIRECT BENEFITS  
4 AND".
- 5 Page 5, line 12, strike "ARTICLE 4," and substitute "PART 16,".
- 6 Page 5, line 25, strike "PURPOSE OF" and substitute "PURPOSES OF  
7 PROVIDING DIRECT AND INDIRECT BENEFITS TO FEE PAYERS AND".
- 8 Page 6, strike line 10 and substitute "BASED ON THE DIRECT AND INDIRECT  
9 BENEFITS PROVIDED TO AND IMPACTS CAUSED BY FEE PAYERS AND THE  
10 COSTS OF PROVIDING THOSE BENEFITS AND".
- 11 Page 6, lines 26 and 27, strike "THE DEPARTMENT, OR ANY OTHER PUBLIC  
12 ENTITY" and substitute "A CITY AND COUNTY, OR ANY OTHER PUBLIC  
13 ENTITY OTHER THAN A PUBLIC ENTITY THAT IS PART OF THE STATE, AS  
14 DEFINED IN SECTION 24-77-102 (16),".
- 15 Page 7, line 4, strike "IDENTIFIED IN THE FEDERAL HIGHWAY".
- 16 Page 7, strike line 5.
- 17 Page 7, line 6, strike "ROAD USER ASSESSMENT".
- 18 Page 7, line 8, strike "INCLUDE, BUT ARE NOT".
- 19 Page 7, strike lines 9 through 20 and substitute "INCLUDE:  
20 (a) THE FOLLOWING PROJECT TYPES DRAWN FROM THE FEDERAL  
21 HIGHWAY ADMINISTRATION'S LIST OF PROVEN SAFETY  
22 COUNTERMEASURES:  
23 (I) WALKWAYS SUCH AS SIDEWALKS AND SHARED-USE PATHS;  
24 (II) BICYCLE LANES, WITH A PREFERENCE FOR BICYCLE LANES  
25 THAT WILL BE DEVELOPED, DESIGNED, AND DELIVERED IN ACCORDANCE  
26 WITH GUIDELINES AND PROCESSES SET FORTH IN THE FEDERAL HIGHWAY  
27 ADMINISTRATION'S BIKEWAY SELECTION GUIDE;  
28 (III) MEDIANS AND PEDESTRIAN REFUGE ISLANDS;  
29 (IV) LIGHTING ALONG PEDESTRIAN AND BICYCLE FACILITIES,  
30 INTERSECTIONS, AND CROSSINGS;  
31 (V) CROSSING SAFETY FEATURES SUCH AS CROSSWALK VISIBILITY  
32 ENHANCEMENTS, LEADING PEDESTRIAN INTERVALS, PEDESTRIAN HYBRID

1 BEACONS, AND RECTANGULAR RAPID FLASHING BEACONS;  
2 (VI) ROAD DIETS AND OTHER ROADWAY RECONFIGURATIONS THAT  
3 IMPROVE SAFETY;  
4 (VII) TRAFFIC CIRCLES AND OTHER TRAFFIC CALMING OR SPEED  
5 MANAGEMENT DEVICES;  
6 (VIII) THE SYSTEMIC APPLICATION OF MULTIPLE LOW-COST  
7 COUNTERMEASURES AT STOP-CONTROLLED INTERSECTIONS;  
8 (IX) THE IMPLEMENTATION OF APPROPRIATE SPEED LIMITS FOR ALL  
9 ROAD USERS;  
10 (X) SPEED SAFETY AND RED LIGHT CAMERAS;  
11 (XI) CORRIDOR ACCESS MANAGEMENT; AND  
12 (XII) LONGITUDINAL RUMBLE STRIPS AND STRIPES;  
13 (b) OTHER VULNERABLE ROAD USER SAFETY PROJECTS PROPOSED  
14 BY ELIGIBLE ENTITIES AND APPROVED BY THE BOARD; AND  
15 (c) PROJECTS THAT ARE PARTLY LOCATED IN OR BENEFIT A  
16 COUNTY IN WHICH THE VULNERABLE ROAD USER FEE IS IMPOSED  
17 PURSUANT TO SUBSECTION (7) OF THIS SECTION BUT ARE ALSO LOCATED  
18 IN OR BENEFIT ONE OR MORE ADJACENT COUNTIES."

19 Page 8, line 12, strike "WHEELS,".

20 Page 8, strike line 13 and substitute "WHEELS AND IS".

21 Page 8, lines 17 and 18, strike "WEIGHS NO MORE THAN NINE THOUSAND  
22 FIVE HUNDRED POUNDS,".

23 Page 9, strike lines 24 through 27.

24 Page 10, strike line 1 and substitute:

25 "(IV) A MAYOR, MEMBER OF A BOARD OF COUNTY  
26 COMMISSIONERS, OR MEMBER OF THE GOVERNING BODY OF A  
27 MUNICIPALITY WHO HAS EXPERTISE IN MULTIMODAL TRANSPORTATION  
28 PLANNING APPOINTED BY THE GOVERNOR."

29 Page 10, line 17, after the period add "BECAUSE OF THE HEIGHTENED AND  
30 INCREASING DANGER TO VULNERABLE ROAD USERS THAT RESULTS FROM  
31 A DEARTH OF TRANSPORTATION SYSTEM INFRASTRUCTURE THAT PROTECTS  
32 THEM FROM COLLISIONS WITH MOTOR VEHICLES, IT IS OF CRITICAL  
33 IMPORTANCE THAT THE ENTERPRISE COMPLETE ELIGIBLE PROJECTS AS  
34 SOON AS IT CAN TO SAVE LIVES AND PREVENT SERIOUS INJURIES, AND THE  
35 ENTERPRISE IS THEREFORE ENCOURAGED TO ISSUE REVENUE BONDS SO  
36 THAT IT CAN ACCELERATE THE COMPLETION OF ELIGIBLE PROJECTS."

1 Page 14, lines 3 and 4, strike "(7)(c) AND (7)(d)" and substitute "(7)(c),  
2 (7)(d), (7)(e), AND (7)(f)".

3 Page 14, line 6, after "CONFIGURATION-BASED" insert "VULNERABLE ROAD  
4 USER PROTECTION".

5 Page 16, line 20, after "USER" insert "PROTECTION".

6 Page 16, after line 26 insert:

7 "(e) THE ENTERPRISE SHALL NOT IMPOSE THE VULNERABLE ROAD  
8 USER PROTECTION FEE ON ANY MOTOR VEHICLE THAT IS OWNED OR LEASED  
9 BY THE STATE OR ANY DEPARTMENT, AGENCY, OR POLITICAL SUBDIVISION  
10 OF THE STATE.

11 (f) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY THAT IS  
12 NOT ONE OF THE TWELVE MOST POPULOUS COUNTIES IN THE STATE MAY,  
13 BY RESOLUTION, AUTHORIZE THE ENTERPRISE TO IMPOSE THE VULNERABLE  
14 ROAD USER PROTECTION FEE ON THE REGISTRATION OF PASSENGER CARS  
15 AND LIGHT TRUCKS REGISTERED IN THE COUNTY AND SHALL PROVIDE A  
16 COPY OF ANY SUCH RESOLUTION TO THE ENTERPRISE. AFTER RECEIVING  
17 SUCH A RESOLUTION, THE ENTERPRISE, COMMENCING ON AN  
18 ADMINISTRATIVELY FEASIBLE DATE DETERMINED BY THE ENTERPRISE IN  
19 CONSULTATION WITH THE DEPARTMENT OF REVENUE, SHALL IMPOSE THE  
20 FEE ON THE REGISTRATION OF PASSENGER CARS AND LIGHT TRUCKS  
21 REGISTERED IN THE COUNTY AND INCLUDE ELIGIBLE ENTITIES IN THE  
22 COUNTY WHEN MAKING GRANTS IN ACCORDANCE WITH SUBSECTION (8) OF  
23 THIS SECTION."

24 Reletter succeeding paragraph accordingly.

25 Page 17, after line 10 insert:

26 "(b) WHEN EVALUATING GRANT APPLICATIONS, THE ENTERPRISE  
27 BOARD SHALL CONSIDER AND GIVE PRIORITY TO PROJECTS THAT:

28 (I) ARE EXPECTED TO IMPROVE SAFETY MORE RELATIVE TO THEIR  
29 COST THAN OTHER PROJECTS FOR WHICH APPLICATIONS HAVE BEEN  
30 SUBMITTED;

31 (II) WILL BE COMPLETED ON OR NEAR A HIGH-INJURY OR HIGH-  
32 RISK NETWORK, INCLUDING A HIGH-RISK OR HIGH-INJURY NETWORK THAT  
33 HAS BEEN IDENTIFIED BY A METROPOLITAN PLANNING ORGANIZATION OR  
34 LOCAL JURISDICTION, OR THAT PROVIDES ALTERNATIVE ROUTES FOR  
35 PEOPLE TRAVELING OUTSIDE OF MOTOR VEHICLES;

36 (III) TAKE PLACE IN TRANSIT-ORIENTED CORRIDORS OR THAT  
37 IMPROVE CONNECTIVITY BETWEEN HOUSING, JOBS, TRANSIT, AND OTHER

1 DESTINATIONS FOR PEOPLE TRAVELING OUTSIDE OF MOTOR VEHICLES;  
2 (IV) IMPROVE ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES;  
3 AND  
4 (V) FOR WHICH GRANT FUNDING WILL SUPPLEMENT AND NOT  
5 SUPPLANT LOCAL FUNDING FOR RELATED PROJECTS."

6 Reletter succeeding paragraph accordingly.

7 Page 17, line 11, strike "IN" and substitute "WHEN".

8 Page 17, line 13, strike "TO EACH COUNTY IN AMOUNTS THAT ARE" and  
9 substitute "SO THAT THE TOTAL AMOUNT OF GRANTS AWARDED TO  
10 ELIGIBLE ENTITIES WITHIN EACH COUNTY IS".

11 Page 17, strike lines 18 and 19 and substitute "FIFTY THOUSAND  
12 DOLLARS;"

13 Page 17, strike lines 26 and 27 and substitute "MILLION DOLLARS; AND".

14 Page 18, after line 5 insert:

15 "(d) THE DEPARTMENT SHALL REDUCE OVERSIGHT REQUIREMENTS  
16 FOR FEDERAL OFF-SYSTEM AND STATE OFF-SYSTEM ELIGIBLE PROJECTS  
17 THAT ARE PARTIALLY OR OF FULLY FUNDED BY THE ENTERPRISE IF NO  
18 FEDERAL FUNDS ARE INVOLVED IN THE ELIGIBLE PROJECT AND THE  
19 DEPARTMENT DETERMINES THAT FEDERAL REQUIREMENTS DO NOT  
20 APPLY."

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