

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0969.01 Jason Gelender x4330

HOUSE BILL 20-1325

HOUSE SPONSORSHIP

Valdez A.,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF
102 THE DEPARTMENT OF TRANSPORTATION ADOPT RULES THAT
103 ALLOW PREFERENTIAL ACCESS TO MANAGED LANES FOR
104 LOW-EMISSION VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 1 of the bill requires the executive director of the department of transportation to adopt rules, no later than December 31, 2021, to establish a program that allows preferential access to managed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

lanes for low-emission vehicles (LEVs) regardless of the number of vehicle occupants. The rules may:

- ! Require a LEV owner to pay an annual fee to enroll the owner's LEV in the program;
- ! Limit the number of LEVs eligible for the program;
- ! Limit the number of years that a LEV is eligible for a program;
- ! Treat different classes of LEVs differently;
- ! Allow preferential access to all or only a subset of managed lanes; and
- ! Allow either free or reduced toll access to any given toll lane or high occupancy toll lane.

Section 1 also defines the terms "low-emission vehicle" and "managed lane" as well as other terms used in the definition of low-emission vehicle.

Section 2 repeals the statutory authority for an existing program, which is expiring on May 31, 2020, due to a change in federal law, under which a limited number of low-emission vehicles are allowed free access to managed lanes regardless of the number of vehicle occupants.

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

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

4 **43-1-126. Managed lanes - program to allow preferential**
5 **access for low-emission vehicles - rules - definitions.** (1) NO LATER
6 THAN DECEMBER 31, 2021, THE EXECUTIVE DIRECTOR SHALL
7 PROMULGATE RULES, IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, TO
8 CREATE A PROGRAM THAT ALLOWS ELIGIBLE LOW-EMISSION VEHICLES
9 PREFERENTIAL ACCESS TO MANAGED LANES REGARDLESS OF THE NUMBER
10 OF VEHICLE OCCUPANTS. THE RULES MAY:

11 (a) REQUIRE THE OWNER OF A LOW-EMISSION VEHICLE TO PAY AN
12 ANNUAL FEE TO ENROLL THE VEHICLE IN THE PROGRAM;

13 (b) DETERMINE THE NUMBER AND TYPES OF LOW-EMISSION
14 VEHICLES THAT ARE ELIGIBLE FOR THE PROGRAM, WHICH DETERMINATION

1 MAY INCLUDE:

2 (I) LIMITS ON THE TOTAL NUMBER OF LOW-EMISSION VEHICLES
3 ELIGIBLE FOR THE PROGRAM;

4 (II) LIMITS ON THE NUMBER OF YEARS FOLLOWING ITS INITIAL
5 PURCHASE AS A NEW VEHICLE THAT A LOW-EMISSION VEHICLE IS ELIGIBLE
6 FOR A PROGRAM; AND

7 (III) DIFFERENT TREATMENT OF DIFFERENT CLASSES OF
8 LOW-EMISSION VEHICLES;

9 (c) ALLOW PREFERENTIAL ACCESS TO ALL MANAGED LANES OR TO
10 ONLY A SUBSET OF MANAGED LANES; AND

11 (d) ALLOW EITHER FREE OR REDUCED TOLL ACCESS TO ANY TOLL
12 LANE OR HIGH OCCUPANCY TOLL LANE.

13 (2) AS USED IN THIS SECTION:

14 (a) "CRITERIA AIR POLLUTANT" MEANS CARBON MONOXIDE,
15 GROUND-LEVEL OZONE, LEAD, NITROGEN DIOXIDE, PARTICULATE MATTER,
16 OR SULFUR DIOXIDE.

17 (b) "GREENHOUSE GAS" MEANS A GAS, OTHER THAN WATER
18 VAPOR, THAT CONTRIBUTES TO THE GREENHOUSE EFFECT BY ABSORBING
19 INFRARED RADIATION EMITTED FROM THE SURFACE OF THE EARTH AND
20 RERADIATING IT BACK TO THE EARTH'S SURFACE AND INCLUDES CARBON
21 DIOXIDE, METHANE, NITROUS OXIDE, HYDROFLUOROCARBONS,
22 PERFLUOROCARBONS, AND SULFURHEXAFLUORIDE.

23 (c) "LOW-EMISSION VEHICLE" MEANS A MOTOR VEHICLE WITH A
24 GROSS VEHICLE WEIGHT OF TWENTY-SIX THOUSAND POUNDS OR LESS THAT
25 IS:

26 (I) A ZERO-EMISSION VEHICLE THAT PRODUCES ZERO EXHAUST
27 EMISSIONS OF ANY CRITERIA AIR POLLUTANT, PRECURSOR POLLUTANT, OR

1 GREENHOUSE GAS UNDER ANY POSSIBLE OPERATIONAL MODES OR
2 CONDITIONS; OR

3 (II) A RANGE EXTENDED BATTERY ELECTRIC VEHICLE THAT IS
4 POWERED PREDOMINANTLY BY A ZERO-EMISSION ENERGY STORAGE
5 DEVICE THAT IS ABLE TO DRIVE THE VEHICLE FOR MORE THAN
6 SEVENTY-FIVE ALL-ELECTRIC MILES AND IS ALSO EQUIPPED WITH A
7 BACKUP AUXILIARY POWER UNIT THAT ONLY OPERATES WHEN THE ENERGY
8 STORAGE DEVICE IS FULLY DEPLETED.

9 (d) "MANAGED LANE" MEANS A HIGH OCCUPANCY VEHICLE LANE,
10 A TOLL LANE, OR A HIGH OCCUPANCY TOLL LANE.

11 (e) "PRECURSOR POLLUTANT" MEANS ANY SUBSTANCE OR
12 COMPOUND THAT, WHEN PRESENT IN THE AIR, CAN CHEMICALLY REACT
13 WITH ONE OR MORE OTHER SUBSTANCES OR COMPOUNDS TO FORM A
14 CRITERIA AIR POLLUTANT.

15 **SECTION 2.** In Colorado Revised Statutes, 42-4-1012, **repeal**
16 (2.5).

17 **SECTION 3. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.