

CHAPTER 90

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 20-1178

BY REPRESENTATIVE(S) Holtorf, Liston, Pelton, Van Winkle, Baisley, Bockenfeld, Cutter, Hooton, Humphrey, Michaelson Jenet, Snyder, Titone, Valdez D.;

also SENATOR(S) Sonnenberg, Coram, Crowder, Donovan, Gardner, Gonzales, Hisey, Lundeen, Priola, Rankin, Smallwood, Tate, Winter, Garcia.

AN ACT

CONCERNING INCREASING THE SPEED LIMIT ON RURAL STATE HIGHWAYS WHERE IT IS SAFE TO DO SO, AND, IN CONNECTION THEREWITH, DIRECTING THE DEPARTMENT OF TRANSPORTATION TO IDENTIFY THESE HIGHWAYS.

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

SECTION 1. In Colorado Revised Statutes, 42-4-1102, **add** (3.5) as follows:

42-4-1102. Altering of speed limits - department to study rural state highways and increase speed limits - definitions - repeal. (3.5) (a) THE DEPARTMENT OF TRANSPORTATION, REFERRED TO IN THIS SUBSECTION (3.5) AS THE "DEPARTMENT", SHALL STUDY RELEVANT AND APPROPRIATE STATE HIGHWAYS IN RURAL AREAS OF THE STATE FOR THE PURPOSE OF IDENTIFYING PORTIONS OF RURAL STATE HIGHWAYS WHERE THE SPEED LIMIT CAN BE RAISED AS DESCRIBED IN SECTION 42-4-1101 WITHOUT ENDANGERING PUBLIC SAFETY. ~~IN IDENTIFYING THESE PORTIONS OF RURAL STATE HIGHWAYS, THE DEPARTMENT SHALL CONSIDER:~~

- (I) WHETHER THE PORTION OF HIGHWAY IS PREDOMINANTLY STRAIGHT;
- (II) THE QUALITY OF THE SURFACE OF THE PORTION OF HIGHWAY, INCLUDING WHETHER THE PORTION OF HIGHWAY HAS BEEN RESURFACED RECENTLY;
- (III) THE PRESENCE OR ABSENCE OF ADEQUATE SPACE ALONG BOTH SIDES OF THE PORTION OF HIGHWAY TO ALLOW A VEHICLE TO SAFELY PULL OVER TO THE SIDE OF THE HIGHWAY;
- (IV) THE SAFETY OF VULNERABLE ROAD USERS WHO USE THE PORTION OF

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

HIGHWAY; AND

(V) ANY OTHER SAFETY CONCERNS THAT THE DEPARTMENT, IN ITS DISCRETION, INCLUDES IN THE REPORT.

(b) IN IDENTIFYING PORTIONS OF RURAL STATE HIGHWAYS WHERE THE SPEED LIMIT CAN BE RAISED PURSUANT TO SUBSECTION (3.5)(a) OF THIS SECTION, THE DEPARTMENT SHALL GIVE PREFERENCE TO PORTIONS OF RURAL STATE HIGHWAYS THAT:

- (I) CONNECT RURAL TOWNS TO ONE OR MORE CITIES;
- (II) PROVIDE ACCESS TO ONE OR MORE PUBLIC OR PRIVATE SCHOOLS; AND
- (III) ARE RELATIVELY HEAVILY TRAVELED.

(c) ON OR BEFORE MARCH 1, 2021, THE DEPARTMENT SHALL COMPLETE THE STUDY DESCRIBED IN SUBSECTION (3.5)(a) OF THIS SECTION. THE DEPARTMENT SHALL INCLUDE A SUMMARY OF THE STUDY IN THE DEPARTMENT'S NEXT ANNUAL REPORT TO THE LEGISLATIVE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203. THE SUMMARY MUST INDICATE THE CONCLUSIONS OF THE STUDY AND THE PORTIONS OF RURAL HIGHWAYS FOR WHICH THE DEPARTMENT WILL INCREASE THE SPEED LIMIT.

(d) AS USED IN THIS SUBSECTION (3.5), UNLESS THE CONTEXT OTHERWISE REQUIRES, "VULNERABLE ROAD USER" MEANS:

- (I) A PEDESTRIAN;
- (II) A PERSON ENGAGED IN WORK UPON A ROADWAY OR UPON UTILITY FACILITIES ALONG A ROADWAY;
- (III) A PERSON PROVIDING EMERGENCY SERVICES WITHIN A RIGHT-OF-WAY;
- (IV) A PEACE OFFICER WHO IS OUTSIDE A MOTOR VEHICLE AND PERFORMING THE PEACE OFFICER'S DUTIES IN A RIGHT-OF-WAY;
- (V) A PERSON RIDING OR LEADING AN ANIMAL; OR
- (VI) A PERSON LAWFULLY USING ANY OF THE FOLLOWING ON A PUBLIC RIGHT-OF-WAY, CROSSWALK, OR SHOULDER OF THE ROADWAY:
 - (A) A BICYCLE, ELECTRICAL ASSISTED BICYCLE, TRICYCLE, OR OTHER PEDAL-POWERED VEHICLE;
 - (B) A FARM TRACTOR OR SIMILAR VEHICLE DESIGNED PRIMARILY FOR FARM USE;
 - (C) A SKATEBOARD;
 - (D) ROLLER SKATES;

- (E) IN-LINE SKATES;
 - (F) A SCOOTER;
 - (G) A MOPED;
 - (H) A MOTORCYCLE;
 - (I) AN OFF-HIGHWAY VEHICLE;
 - (J) AN ANIMAL-DRAWN, WHEELED VEHICLE;
 - (K) FARM EQUIPMENT;
 - (L) A SLED;
 - (M) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE;
 - (N) A WHEELCHAIR;
 - (O) A BABY STROLLER; OR
 - (P) A NONMOTORIZED PULL WAGON.
- (e) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 27, 2020