

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0623.01 Jason Gelender x4330

HOUSE BILL 23-1101

HOUSE SPONSORSHIP

Vigil and Bacon,

SENATE SPONSORSHIP

Winter F.,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SUPPORT FOR TRANSIT, AND, IN CONNECTION
102 THEREWITH, INCREASING THE FLEXIBILITY OF THE OZONE
103 SEASON TRANSIT GRANT PROGRAM AND INCREASING
104 OPPORTUNITIES FOR TRANSIT AGENCY PARTICIPATION IN
105 REGIONAL TRANSPORTATION PLANNING.

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 increases the flexibility of the ozone season transit grant program by:

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

- Allowing an eligible transit agency that operates in an area in which ozone levels are typically highest during a different period than June 1 to August 31 of a calendar year to designate a different period of the calendar year for its "ozone season";
- Allowing a grant recipient to retain any grant money that it does not spend in the year in which it is received for use in a subsequent year;
- Clarifying that a grant recipient may use grant money for reasonable marketing expenses incurred to raise awareness of free service and increase ridership;
- Clarifying that an eligible transit agency may use grant money to expand free services or free routes or increase the frequency of service on routes for which free service is already offered; and
- Allowing the regional transportation district to use grant money to cover the full costs, rather than up to 80% of the costs, of providing at least 30 days of free transit on all services that it offers.

On and after September 1, 2023, **section 3** requires the governing body of the transportation planning organization for each transportation planning region to include at least one voting representative of a transit agency that provides transit service in the transportation planning region. The representative must be appointed by the transit agency or, if multiple transit agencies provide service in the transportation planning region, by agreement of the transit agencies. **Section 2** defines the term "transportation planning organization" as used in section 3.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-38.5-114, **amend**
 3 (1)(d), (4), (5)(a)(I), (5)(a)(II), (5)(a)(III), (5)(a)(IV), (5)(a)(VII),
 4 (5)(b)(I), and (9) as follows:

5 **24-38.5-114. Ozone season transit grant program - fund -**
 6 **creation - policies - report - definitions - repeal.** (1) As used in this
 7 section, unless the context otherwise requires:

8 (d) "Ozone season" means the period from June 1 to August 31 of
 9 a calendar year; EXCEPT THAT, IF AN ELIGIBLE TRANSIT AGENCY OPERATES
 10 IN AN AREA IN WHICH OZONE LEVELS ARE TYPICALLY HIGHEST DURING A

1 DIFFERENT PERIOD OF A CALENDAR YEAR AND THE ELIGIBLE TRANSIT
2 AGENCY IDENTIFIES THE DIFFERENT PERIOD IN A GRANT APPLICATION
3 SUBMITTED TO A TRANSIT ASSOCIATION IN ACCORDANCE WITH THE
4 REQUIREMENTS OF THIS SECTION, "OZONE SEASON" MEANS, FOR THAT
5 ELIGIBLE TRANSIT AGENCY, THE DIFFERENT PERIOD IDENTIFIED IN THE
6 GRANT APPLICATION.

7 (4) To receive a grant, a transit association or the regional
8 transportation district must submit an application to the office in
9 accordance with the requirements of this section and the policies
10 established by the office in accordance with subsection (6) of this section.
11 The office may award grants of up to three million dollars each year to a
12 transit association and up to eleven million dollars each year to the
13 regional transportation district. A TRANSIT ASSOCIATION, THE REGIONAL
14 TRANSPORTATION DISTRICT, OR AN ELIGIBLE TRANSIT AGENCY THAT
15 RECEIVES A GRANT FROM A TRANSIT ASSOCIATION IS NOT REQUIRED TO
16 EXPEND A GRANT IN THE YEAR IN WHICH IT IS RECEIVED AND RETAINS THE
17 GRANT AMOUNT UNTIL IT IS EXPENDED. THE RETENTION OF ALL OR A
18 PORTION OF A GRANT RECEIVED DURING ONE YEAR BY A TRANSIT
19 ASSOCIATION OR THE REGIONAL TRANSPORTATION DISTRICT FOR USE IN A
20 SUBSEQUENT YEAR DOES NOT REDUCE THE MAXIMUM AMOUNT THAT THE
21 TRANSIT ASSOCIATION OR REGIONAL TRANSPORTATION DISTRICT IS
22 ELIGIBLE TO RECEIVE AS A NEW GRANT DURING THE SUBSEQUENT YEAR AS
23 SET FORTH IN THIS SUBSECTION (4).

24 (5) A grant recipient may use the grant money as follows:

25 (a) (I) A transit association that receives a grant may use the
26 money to establish a grant program for eligible transit agencies in
27 accordance with this section. A transit association may use a portion of

1 the grant money to pay its direct and indirect costs in administering the
2 grant program INCLUDING REASONABLE COSTS TO MARKET THE PROGRAM
3 TO ELIGIBLE TRANSIT AGENCIES.

4 (II) To receive a grant from the transit association, an eligible
5 transit agency must submit an application to the transit association. At a
6 minimum, the application must describe the free transit services that will
7 be NEWLY provided, ~~or expanded~~ TO INCLUDE ADDITIONAL FREE TYPES OF
8 SERVICE, EXPANDED TO INCLUDE ADDITIONAL FREE ROUTES, OR PROVIDED
9 MORE FREQUENTLY with the grant money, indicate to what extent the
10 eligible transit agency will match the grant money with other money, and
11 commit to providing the new or expanded free services for at least thirty
12 days during the ozone season.

13 (III) An eligible transit agency that receives a grant through the
14 transit association may use the money to cover the costs associated with
15 providing new or expanded free transit services within its service area
16 during ozone season, including offering additional FREE SERVICES OR free
17 routes or ~~expanding~~ INCREASING THE FREQUENCY OF service on routes for
18 which the eligible transit agency currently offers free service. Grant
19 money may be used to replace fare box revenue and to pay for other
20 expenses necessary to implement the program, including REASONABLE
21 MARKETING EXPENSES INCURRED TO RAISE AWARENESS OF FREE SERVICE
22 AND INCREASE RIDERSHIP AND expenses associated with an increase in
23 ridership as a result of the program.

24 (IV) An eligible transit agency shall not use grant money to offset
25 or replace funding for free transit services that the eligible transit agency
26 offers as of January 1 of the funding year; EXCEPT THAT AN ELIGIBLE
27 TRANSIT AGENCY MAY USE GRANT MONEY THAT WAS NOT EXPENDED IN

1 THE YEAR IN WHICH IT WAS RECEIVED OR GRANT MONEY FROM A GRANT
2 AWARDED FOR A SUBSEQUENT YEAR TO CONTINUE FUNDING FOR ANY SUCH
3 FREE TRANSIT SERVICES THAT WERE PREVIOUSLY FUNDED WITH GRANT
4 MONEY.

5 (VII) A transit association receiving a grant shall develop and
6 publicize policies for the grant, including the process and deadlines for
7 an eligible transit agency to apply for and receive a grant, the information,
8 INCLUDING NOTICE THAT THE ELIGIBLE TRANSIT AGENCY MUST IDENTIFY
9 ANY PERIOD OTHER THAN JUNE 1 TO AUGUST 31 OF A CALENDAR YEAR FOR
10 ITS OZONE SEASON IN THE APPLICATION, and documentation required for
11 the application, reporting requirements and deadlines, and any additional
12 requirements necessary to administer the grant.

13 (b) (I) The regional transportation district may use grant money
14 to cover ~~up to eighty percent~~ of the costs of providing at least thirty days
15 of free transit on all services offered by the regional transportation
16 district. Grant money may be used to replace fare box revenue and to pay
17 for other expenses necessary to implement the program, including
18 REASONABLE MARKETING EXPENSES INCURRED TO RAISE AWARENESS OF
19 FREE SERVICE AND INCREASE RIDERSHIP AND expenses associated with an
20 increase in ridership as a result of the program.

21 (9) On or before December 31 of each year of the program, the
22 office shall submit a report on the implementation of the program to the
23 house of representatives transportation and local government committee
24 and the senate transportation and energy committee, or their successor
25 committees. The report must summarize and compile the information
26 submitted to the office pursuant to subsections (5)(a)(VI) ~~and (5)(b)~~ AND
27 (5)(b)(II) of this section.

1 **SECTION 2.** In Colorado Revised Statutes, 43-1-1102, **add** (7.5)
2 as follows:

3 **43-1-1102. Definitions.** For the purposes of this part 11, unless
4 the context otherwise requires:

5 (7.5) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
6 METROPOLITAN PLANNING ORGANIZATION OR A RURAL TRANSPORTATION
7 PLANNING ORGANIZATION RESPONSIBLE FOR TRANSPORTATION PLANNING
8 FOR A TRANSPORTATION PLANNING REGION.

9 **SECTION 3.** In Colorado Revised Statutes, 43-1-1103, **add** (7)
10 as follows:

11 **43-1-1103. Transportation planning.** (7) ON AND AFTER
12 SEPTEMBER 1, 2023, THE BOARD OF DIRECTORS, COMMITTEE, OR OTHER
13 GOVERNING BODY, HOWEVER NAMED, OF THE TRANSPORTATION PLANNING
14 ORGANIZATION FOR EACH TRANSPORTATION PLANNING REGION MUST
15 INCLUDE AT LEAST ONE VOTING REPRESENTATIVE OF A TRANSIT AGENCY
16 THAT PROVIDES TRANSIT SERVICE IN THE TRANSPORTATION PLANNING
17 REGION. THE REPRESENTATIVE MUST BE APPOINTED BY THE TRANSIT
18 AGENCY OR, IF MULTIPLE TRANSIT AGENCIES PROVIDE SERVICE IN THE
19 TRANSPORTATION PLANNING REGION, BY AGREEMENT OF THE TRANSIT
20 AGENCIES.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.