

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0244.01 Jason Gelender x4330

SENATE BILL 24-036

SENATE SPONSORSHIP

Winter F. and Cutter,

HOUSE SPONSORSHIP

Lindsay and Lindstedt,

Senate Committees

Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN ENTERPRISE TO PROVIDE
102 INFRASTRUCTURE IMPROVEMENTS THAT PROTECT VULNERABLE
103 ROAD USERS.

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/>.)

Transportation Legislation Review Committee. The bill creates the vulnerable road user protection enterprise in the department of transportation (CDOT) for the purpose of providing funding for transportation system infrastructure improvements and other data-driven strategies identified in the federal highway administration-mandated

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.

vulnerable road user safety assessment, which CDOT is required to develop, that reduce the number of collisions with motor vehicles that result in death or serious injury to vulnerable road users (eligible projects). The enterprise is required to impose a vulnerable road user protection fee, which is imposed in tiered amounts that are calculated based on motor vehicle weight and configuration, on the registration of passenger cars and light trucks that are not commercial vehicles. Fee revenue is credited to a newly created vulnerable road user protection enterprise cash fund and continuously appropriated to the enterprise. The enterprise is authorized to provide grants, subject to specified parameters relating to grant amounts, matching money requirements, and the use of grant money, to fund eligible projects.

The enterprise is required to:

- Publish and post on its website a 5-year plan that details how the enterprise will execute its business purpose and estimates the amount of funding that will be available to implement the plan;
- Create, maintain, and regularly update on its website a public accountability dashboard; and
- Prepare an annual report, present the report to the transportation commission and specified legislative committees, and post the report on its website.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 16 to article
3 4 of title 43 as follows:

4 PART 16

5 VULNERABLE ROAD USER PROTECTION ENTERPRISE

6 **43-4-1601. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT:

8 (a) ADVANCING THE SAFETY OF THE TRANSPORTATION SYSTEM OF
9 COLORADO IS OF PARAMOUNT IMPORTANCE;

10 (b) ONE OF THE BEST WAYS TO IMPROVE THE SAFETY OF THE
11 TRANSPORTATION SYSTEM IS TO REDUCE THE NUMBER OF FATALITIES AND
12 SERIOUS INJURIES CAUSED BY COLLISIONS BETWEEN MOTOR VEHICLES
13 THAT ENCLOSE OCCUPANTS AND UNENCLOSED VULNERABLE ROAD USERS

1 SUCH AS PEDESTRIANS, BICYCLISTS, AND INDIVIDUALS USING OTHER
2 NONMOTORIZED OR MOTORIZED PERSONAL CONVEYANCES;

3 (c) BETWEEN 2010 AND 2021, THE NUMBER OF PEDESTRIAN
4 DEATHS RESULTING FROM SUCH COLLISIONS INCREASED BY
5 SEVENTY-SEVEN PERCENT WHILE THE NUMBER OF ALL OTHER
6 TRAFFIC-RELATED DEATHS INCREASED BY ONLY TWENTY-FIVE PERCENT;

7 (d) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
8 VEHICLE AND A VULNERABLE ROAD USER WILL RESULT IN A FATALITY OR
9 SERIOUS INJURY TO THE VULNERABLE ROAD USER IS DIRECTLY RELATED TO
10 THE SPEED AT WHICH THE MOTOR VEHICLE IS TRAVELING, THE WEIGHT OF
11 THE MOTOR VEHICLE, AND THE CONFIGURATION OF THE MOTOR VEHICLE
12 AS FOLLOWS:

13 (I) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
14 VEHICLE AND A PEDESTRIAN WILL RESULT IN A SERIOUS INJURY TO THE
15 PEDESTRIAN IS:

16 (A) TEN PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
17 SIXTEEN MILES PER HOUR;

18 (B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
19 THIRTY-ONE MILES PER HOUR; AND

20 (C) NINETY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
21 FORTY-SIX MILES PER HOUR;

22 (II) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
23 VEHICLE AND A PEDESTRIAN WILL RESULT IN DEATH TO THE PEDESTRIAN
24 IS:

25 (A) TEN PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
26 TWENTY-THREE MILES PER HOUR;

27 (B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT

1 FORTY-TWO MILES PER HOUR; AND

2 (C) NINETY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
3 FIFTY-EIGHT MILES PER HOUR;

4 (III) BECAUSE FORCE EQUALS MASS TIMES ACCELERATION, AT THE
5 SAME SPEED, THE FORCE TRANSMITTED TO A VULNERABLE ROAD USER
6 DURING A COLLISION WITH A MOTOR VEHICLE, AND THE ATTENDANT
7 LIKELIHOOD THAT THE COLLISION WILL RESULT IN SERIOUS INJURY OR
8 DEATH TO THE VULNERABLE ROAD USER, INCREASES AS THE WEIGHT OF
9 THE MOTOR VEHICLE INCREASES. THE NATIONAL BUREAU OF ECONOMIC
10 RESEARCH HAS FOUND THAT FATALITY RISK FOR A VULNERABLE ROAD
11 USER IN A COLLISION WITH A MOTOR VEHICLE INCREASES BY BETWEEN
12 FORTY AND FIFTY PERCENT WITH EACH ONE THOUSAND POUND INCREASE
13 IN THE WEIGHT OF THE MOTOR VEHICLE.

14 (e) ACCORDINGLY, IT IS INSTEAD NECESSARY AND APPROPRIATE TO
15 MAKE THE TRANSPORTATION SYSTEM SAFER FOR VULNERABLE ROAD
16 USERS BY CREATING THE VULNERABLE ROAD USERS PROTECTION
17 ENTERPRISE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
18 DEPARTMENT AND AUTHORIZING THE ENTERPRISE TO IMPOSE MOTOR
19 VEHICLE REGISTRATION FEES THAT ARE REASONABLY CALCULATED BASED
20 ON THE IMPACTS OF DIFFERENT WEIGHTS AND TYPES OF MOTOR VEHICLES
21 ON VULNERABLE ROAD USERS AND USE THE FEE REVENUE IN
22 FURTHERANCE OF ITS BUSINESS PURPOSE OF PROVIDING FUNDING FOR
23 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS AND OTHER
24 DATA-DRIVEN STRATEGIES THAT REDUCE THE NUMBER OF COLLISIONS
25 WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO
26 VULNERABLE ROAD USERS.

27 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

1 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
2 WHEN, IN EXCHANGE FOR THE PAYMENT OF MOTOR VEHICLE REGISTRATION
3 FEES THAT IT IMPOSES ON MOTOR VEHICLES IN WEIGHT- AND
4 CONFIGURATION-BASED AMOUNTS THAT INCREASE AS THE POTENTIAL
5 HARM TO VULNERABLE ROAD USERS FROM SUCH MOTOR VEHICLES
6 INCREASES, IT PROVIDES SUSTAINABLE FUNDING FOR TRANSPORTATION
7 SYSTEM INFRASTRUCTURE IMPROVEMENTS AND DATA-DRIVEN STRATEGIES
8 THAT REDUCE THE NUMBER OF COLLISIONS BETWEEN MOTOR VEHICLES
9 AND VULNERABLE ROAD USERS THAT RESULT IN DEATH OR SERIOUS
10 INJURY;

11 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED
12 BY THIS ARTICLE 4, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS
13 AND THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE
14 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*
15 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

16 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
17 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
18 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
19 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
20 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
21 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
22 GENERATED BY FEES, NOT TAXES, BECAUSE THE MOTOR VEHICLE
23 REGISTRATION FEES IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
24 SECTION 43-4-1603 ARE:

25 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
26 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
27 SERVICES SPECIFIED IN THIS SECTION, SPECIFICALLY THE FUNDING OF

1 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS THAT ARE
2 DESIGNED TO MITIGATE THE HARM TO VULNERABLE ROAD USERS CAUSED
3 BY THE OPERATION OF THE MOTOR VEHICLES ON WHICH THE FEES ARE
4 ASSESSED, AND CONTRIBUTE TO THE IMPLEMENTATION OF THE
5 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
6 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
7 SUPERVISION OF A SUSTAINABLE AND SAFE TRANSPORTATION SYSTEM;
8 AND

9 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
10 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
11 REMEDIATING THOSE IMPACTS; AND

12 (d) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
13 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
14 REVENUE FROM THE MOTOR VEHICLE REGISTRATION FEES COLLECTED BY
15 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
16 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
17 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
18 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
19 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
20 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

21 **43-4-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF
25 TRANSPORTATION.

26 (3) "ELIGIBLE ENTITY" MEANS A COUNTY, A MUNICIPALITY, THE
27 DEPARTMENT, OR ANY OTHER PUBLIC ENTITY THAT IS SEEKING FUNDING

1 FROM THE FUND FOR AN ELIGIBLE PROJECT.

2 (4) "ELIGIBLE PROJECT" MEANS A PROJECT THAT IMPROVES
3 TRANSPORTATION SYSTEM INFRASTRUCTURE OR OTHERWISE IMPLEMENTS
4 DATA-DRIVEN STRATEGIES IDENTIFIED IN THE FEDERAL HIGHWAY
5 ADMINISTRATION-MANDATED AND PERIODICALLY UPDATED VULNERABLE
6 ROAD USER ASSESSMENT THAT REDUCE THE NUMBER OF COLLISIONS WITH
7 MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO
8 VULNERABLE ROAD USERS. ELIGIBLE PROJECTS INCLUDE, BUT ARE NOT
9 LIMITED TO, PROJECTS THAT:

10 (a) SEPARATE USERS IN SPACE, SUCH AS SEPARATED BIKE LANES,
11 WALKWAYS, AND PEDESTRIAN REFUGE ISLANDS;

12 (b) IMPLEMENT PHYSICAL FEATURES TO SLOW TRAFFIC SUCH AS
13 ROAD DIETS OR SELF-ENFORCING ROADS, AS DEFINED BY THE FEDERAL
14 HIGHWAY ADMINISTRATION, THAT ARE PLANNED AND DESIGNED TO
15 ENCOURAGE DRIVERS TO SELECT SAFE OPERATING SPEEDS;

16 (c) INCREASE ATTENTIVENESS AND AWARENESS, SUCH AS
17 CROSSWALK VISIBILITY ENHANCEMENTS, PEDESTRIAN HYBRID BEACONS,
18 AND LIGHTING; AND

19 (d) IMPLEMENT SPEED ENFORCING STRATEGIES, SUCH AS SPEED
20 SAFETY CAMERAS.

21 (5) "ENTERPRISE" MEANS THE VULNERABLE ROAD USER
22 PROTECTION ENTERPRISE CREATED IN SECTION 43-4-1603 (1)(a).

23 (6) "FEDERAL HIGHWAY ADMINISTRATION-MANDATED
24 VULNERABLE ROAD USER ASSESSMENT" MEANS THE VULNERABLE ROAD
25 USER SAFETY ASSESSMENT REQUIRED TO BE PREPARED AND PERIODICALLY
26 UPDATED BY THE DEPARTMENT AS PART OF THE HIGHWAY SAFETY
27 IMPROVEMENT PROGRAM PURSUANT TO 23 U.S.C. § 148 (1).

1 (7) "FUND" MEANS THE VULNERABLE ROAD USER PROTECTION
2 ENTERPRISE FUND CREATED IN SECTION 43-4-1603 (5)(a).

3 (8) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
4 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
5 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
6 ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR
7 SUCCESSOR INDEX, FOR THE YEAR ENDING ON THE DECEMBER 31 BEFORE
8 A STATE FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT IS TO BE
9 MADE BEGINS.

10 (9) "LIGHT TRUCK" MEANS A MOTOR VEHICLE OTHER THAN A
11 MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE, AS DEFINED IN SECTION
12 42-1-102 (17.5), THAT HAS TWO AXLES AND AT LEAST FOUR WHEELS,
13 WEIGHS NO MORE THAN NINE THOUSAND FIVE HUNDRED POUNDS, AND IS
14 A PICKUP TRUCK, A SPORT UTILITY VEHICLE, A VAN, OR A MINIVAN.

15 (10) "PASSENGER CAR" MEANS A MOTOR VEHICLE OTHER THAN A
16 MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE, AS DEFINED IN SECTION
17 42-1-102 (17.5), THAT HAS TWO AXLES AND FOUR WHEELS, WEIGHS NO
18 MORE THAN NINE THOUSAND FIVE HUNDRED POUNDS, IS MANUFACTURED
19 PRIMARILY FOR USE IN THE TRANSPORTATION OF NOT MORE THAN TEN
20 INDIVIDUALS, AND IS NOT A PICKUP TRUCK, A SPORT UTILITY VEHICLE, A
21 VAN, OR A MINIVAN.

22 (11) "VULNERABLE ROAD USER" MEANS AN INDIVIDUAL WHO IS
23 UNPROTECTED BY AN OUTSIDE SHIELD WHEN USING A ROAD INCLUDING,
24 BUT NOT LIMITED TO, A PEDESTRIAN, A BICYCLIST, AND AN INDIVIDUAL
25 USING ANY OTHER NONMOTORIZED OR MOTORIZED PERSONAL
26 CONVEYANCE THAT DOES NOT ENCLOSE THE INDIVIDUAL.

27 (12) "WEIGHT", WITH RESPECT TO A MOTOR VEHICLE, MEANS

1 DECLARED EMPTY VEHICLE WEIGHT.

2 **43-4-1603. Vulnerable road users protection enterprise -**

3 **creation - board - powers and duties - rules - fees - fund. (1) (a) THE**

4 VULNERABLE ROAD USERS PROTECTION ENTERPRISE IS CREATED IN THE

5 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A

6 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO

7 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS

8 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND

9 FUNCTIONS SET FORTH IN THIS SECTION.

10 (b) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION

11 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND

12 FUNCTIONS UNDER THE DEPARTMENT.

13 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

14 FIVE MEMBERS AS FOLLOWS:

15 (I) AN EMPLOYEE OF A STATEWIDE OR REGIONAL MULTIMODAL

16 ADVOCACY ORGANIZATION APPOINTED BY THE PRESIDENT OF THE SENATE;

17 (II) A REPRESENTATIVE OF A COMMUNITY ORGANIZATION

18 INVOLVED IN ENVIRONMENTAL JUSTICE APPOINTED BY THE SPEAKER OF

19 THE HOUSE OF REPRESENTATIVES;

20 (III) TWO EMPLOYEES OF THE DEPARTMENT APPOINTED BY THE

21 EXECUTIVE DIRECTOR OF THE DEPARTMENT, ONE OF WHOM MUST BE AN

22 ENGINEER WHO IS WORKING ON THE DEPARTMENT'S STATEWIDE SAFETY

23 PLAN; AND

24 (IV) AN EMPLOYEE OF THE OFFICE OF HEALTH EQUITY IN THE

25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WHO WORKS ON

26 ISSUES RELATING TO HEALTHY EQUITABLE LIVABLE COMMUNITIES

27 APPOINTED BY THE DIRECTOR OF THE PREVENTION SERVICES DIVISION OF

1 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

2 (b) MEMBERS OF THE BOARD SERVE AT THE PLEASURE OF THEIR
3 RESPECTIVE APPOINTING AUTHORITY.

4 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO PROVIDE
5 FUNDING FOR TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS
6 OR OTHER DATA-DRIVEN IMPROVEMENTS THAT REDUCE THE NUMBER OF
7 COLLISIONS WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS
8 INJURY TO VULNERABLE ROAD USERS. TO ALLOW THE ENTERPRISE TO
9 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
10 THROUGH THE BOARD, THE ENTERPRISE MAY:

11 (a) IMPOSE VULNERABLE ROAD USER PROTECTION FEES ON THE
12 REGISTRATION OF MOTOR VEHICLES AS AUTHORIZED BY SUBSECTION (7)
13 OF THIS SECTION;

14 (b) ISSUE GRANTS AS AUTHORIZED BY SUBSECTION (8) OF THIS
15 SECTION; AND

16 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
17 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

18 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
19 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
20 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
21 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
22 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
23 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
24 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
25 CONSTITUTION.

26 (5) (a) THE VULNERABLE ROAD USER PROTECTION ENTERPRISE
27 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS

1 OF VULNERABLE ROAD USER PROTECTION FEE REVENUE CREDITED TO THE
2 FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY
3 GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE
4 ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND,
5 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
6 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
7 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
8 MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY
9 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS
10 PART 16 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY
11 OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN
12 RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

13 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
14 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
15 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
16 REVENUE OR REVENUE BOND PROCEEDS, AND SUCH EXPENSES MAY
17 INCLUDE REIMBURSEMENT TO THE DEPARTMENT OF REVENUE FOR COSTS
18 INCURRED IN UPDATING COLORADO DRIVES, AS DEFINED IN SECTION
19 42-1-102 (16.5), AS NECESSARY TO COLLECT THE FEES IMPOSED BY THE
20 ENTERPRISE PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE
21 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,
22 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY
23 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE
24 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER
25 IS A LOAN FROM THE DEPARTMENT TO THE ENTERPRISE THAT IS REQUIRED
26 TO BE REPAYED AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF
27 ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION

1 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
2 SHALL BE CREDITED TO THE FUND. LOAN LIABILITIES THAT ARE RECORDED
3 IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT
4 FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT
5 STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE
6 ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE
7 ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL
8 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A
9 RATE SET BY THE DEPARTMENT.

10 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
11 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
12 DUTIES:

13 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
14 THE CONDUCT OF ITS BUSINESS;

15 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
16 PERSONAL PROPERTY;

17 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
19 SUPERVISE SUCH INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
20 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
21 BUSINESS PURPOSE;

22 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
23 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
24 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
25 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
26 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.
27 THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A COMPETITIVE

1 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
2 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT
3 APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE
4 CONTRACTS.

5 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
6 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
7 OF THIS PART 16 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
8 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
9 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
10 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
11 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
12 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
13 MONEY TO THE FUND.

14 (f) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
15 ACCEPTS GRANT APPLICATIONS, THE CRITERIA FOR EVALUATING
16 APPLICATIONS, AND A LIST OF ELIGIBLE ENTITIES AWARDED GRANTS
17 PURSUANT TO SUBSECTION (8) OF THIS SECTION;

18 (g) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
19 THE AMOUNT OF THE VULNERABLE ROAD USER PROTECTION FEE AT OR
20 BELOW THE MAXIMUM AMOUNTS AUTHORIZED IN SUBSECTION (7) OF THIS
21 SECTION; AND

22 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
23 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
24 GRANTED BY THIS SECTION.

25 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
26 JANUARY 1, 2025, THE ENTERPRISE SHALL IMPOSE A VULNERABLE ROAD
27 USER PROTECTION FEE UPON THE REGISTRATION OF CERTAIN MOTOR

1 VEHICLES FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO
2 THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42.

3 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (7)(c) AND
4 (7)(d) OF THIS SECTION, FOR MOTOR VEHICLE REGISTRATION PERIODS
5 COMMENCING ON OR AFTER JANUARY 1, 2025, BUT BEFORE JULY 1, 2025,
6 THE ENTERPRISE SHALL IMPOSE A WEIGHT- AND CONFIGURATION-BASED
7 FEE ON PASSENGER CARS AND LIGHT TRUCKS REGISTERED IN THE TWELVE
8 MOST POPULOUS COUNTIES IN THE STATE ONLY IN THE FOLLOWING
9 MAXIMUM AMOUNTS:

10 (I) FOR A MOTOR VEHICLE THAT IS A PASSENGER CAR:

11 (A) ZERO DOLLARS IF THE MOTOR VEHICLE WEIGHT IS LESS THAN
12 THREE THOUSAND FIVE HUNDRED POUNDS;

13 (B) THREE DOLLARS IF THE MOTOR VEHICLE WEIGHT IS AT LEAST
14 THREE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN FOUR
15 THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

16 (C) FOUR DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
17 WEIGHT IS AT LEAST FOUR THOUSAND FIVE HUNDRED POUNDS BUT NO
18 MORE THAN FIVE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

19 (D) SIX DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
20 WEIGHT IS AT LEAST FIVE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
21 THAN SIX THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

22 (E) NINE DOLLARS AND THIRTY CENTS IF THE MOTOR VEHICLE
23 WEIGHT IS AT LEAST SIX THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
24 THAN SEVEN THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

25 (F) THIRTEEN DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE
26 WEIGHT IS AT LEAST SEVEN THOUSAND FIVE HUNDRED POUNDS BUT NO
27 MORE THAN EIGHT THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

1 (G) NINETEEN DOLLARS AND NINETY CENTS IF THE MOTOR
2 VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS
3 BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE
4 POUNDS; AND

5 (H) TWENTY-NINE DOLLARS AND TEN CENTS IF THE MOTOR
6 VEHICLE WEIGHT IS NINE THOUSAND FIVE HUNDRED POUNDS OR MORE;

7 (II) FOR A MOTOR VEHICLE THAT IS A LIGHT TRUCK:

8 (A) ZERO DOLLARS IF THE MOTOR VEHICLE WEIGHT IS LESS THAN
9 THREE THOUSAND FIVE HUNDRED POUNDS;

10 (B) FOUR DOLLARS AND FIFTY CENTS IF THE MOTOR VEHICLE
11 WEIGHT IS AT LEAST THREE THOUSAND FIVE HUNDRED POUNDS BUT NO
12 MORE THAN FOUR THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

13 (C) SIX DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE WEIGHT
14 IS AT LEAST FOUR THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN
15 FIVE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

16 (D) NINE DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE
17 WEIGHT IS AT LEAST FIVE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
18 THAN SIX THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

19 (E) FOURTEEN DOLLARS IF THE MOTOR VEHICLE WEIGHT IS AT
20 LEAST SIX THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN SEVEN
21 THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

22 (F) TWENTY DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
23 WEIGHT IS AT LEAST SEVEN THOUSAND FIVE HUNDRED POUNDS BUT NO
24 MORE THAN EIGHT THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

25 (G) TWENTY-NINE DOLLARS AND NINETY CENTS IF THE MOTOR
26 VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS
27 BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE

1 POUNDS; AND

2 (H) FORTY-THREE DOLLARS AND SIXTY CENTS IF THE MOTOR
3 VEHICLE WEIGHT IS NINE THOUSAND FIVE HUNDRED POUNDS OR MORE.

4 (c) FOR MOTOR VEHICLE REGISTRATION PERIODS COMMENCING
5 DURING THE STATE FISCAL YEAR COMMENCING JULY 1, 2025, OR DURING
6 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
7 VULNERABLE ROAD USER PROTECTION FEE IN A MAXIMUM AMOUNT THAT
8 IS THE APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
9 ADJUSTED FOR INFLATION AND ROUNDED TO THE NEAREST
10 ONE-HUNDREDTH OF A DOLLAR. THE ENTERPRISE SHALL NOTIFY THE
11 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE VULNERABLE ROAD
12 USER PROTECTION FEE TO BE COLLECTED FOR MOTOR VEHICLES
13 REGISTERED FOR REGISTRATION PERIODS COMMENCING DURING EACH
14 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
15 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
16 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
17 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

18 (d) NOTWITHSTANDING THE MAXIMUM FEE AMOUNTS SPECIFIED IN
19 SUBSECTIONS (7)(b) AND (7)(c) OF THIS SECTION, IF IMPOSING THE
20 VULNERABLE ROAD USER FEE IN THOSE MAXIMUM AMOUNTS WOULD
21 CAUSE THE ENTERPRISE TO RECEIVE MORE THAN ONE HUNDRED MILLION
22 DOLLARS IN TOTAL REVENUES FROM THE FEE IN ITS FIRST FIVE FISCAL
23 YEARS, THE ENTERPRISE SHALL IMPOSE THE FEE IN LOWER AMOUNTS TO
24 THE EXTENT NECESSARY TO ENSURE THAT THE ENTERPRISE DOES NOT
25 RECEIVE MORE THAN ONE HUNDRED MILLION DOLLARS IN TOTAL REVENUE
26 FROM THE FEE IN ITS FIRST FIVE FISCAL YEARS.

27 (e) THE DEPARTMENT OF REVENUE AND ITS AUTHORIZED AGENTS

1 SHALL TRANSMIT ALL NET VULNERABLE ROAD USER PROTECTION FEE
2 REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
3 REVENUE TO THE FUND.

4 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, ON AND AFTER
5 JULY 1, 2025, THE ENTERPRISE IS AUTHORIZED TO PROVIDE GRANTS TO
6 ELIGIBLE ENTITIES FOR ELIGIBLE PROJECTS. IN ADDITION, THE ENTERPRISE
7 SHALL SPEND MONEY FROM THE FUND TO PAY THE COMPENSATION FOR
8 ONE FULL-TIME EQUIVALENT EMPLOYEE TO PROVIDE EDUCATION TO LOCAL
9 AND REGIONAL PUBLICLY EMPLOYED ENGINEERS ON NEW ENGINEERING
10 STANDARDS FOR SAFETY AND TO PROVIDE SAFETY RELATED SIGNAGE.

11 (b) IN AWARDING GRANTS, THE ENTERPRISE SHALL TAKE INTO
12 CONSIDERATION THE SOURCES OF ITS FEE REVENUE AND SEEK, OVER TIME,
13 TO AWARD GRANTS TO EACH COUNTY IN AMOUNTS THAT ARE REASONABLY
14 PROPORTIONAL TO THE AMOUNT OF FEE REVENUE COLLECTED FROM EACH
15 COUNTY. GRANTS MUST ALSO BE ISSUED IN ACCORDANCE WITH THE
16 FOLLOWING PARAMETERS:

17 (I) THE AMOUNT OF A GRANT MUST BE AT LEAST TWO HUNDRED
18 FIFTY THOUSAND DOLLARS, AND NO MORE THAN TWO MILLION FIVE
19 HUNDRED THOUSAND DOLLARS;

20 (II) THE ENTERPRISE SHALL NOT REQUIRE THE RECIPIENT OF A
21 GRANT THAT IS LESS THAN ONE MILLION DOLLARS TO PROVIDE MATCHING
22 MONEY FOR THE GRANT;

23 (III) THE ENTERPRISE SHALL REQUIRE THE RECIPIENT OF A GRANT
24 TO PROVIDE MATCHING MONEY IN AN AMOUNT EQUAL TO TWENTY
25 PERCENT OF THE GRANT AMOUNT FOR A GRANT THAT IS AT LEAST ONE
26 MILLION DOLLARS BUT NOT MORE THAN TWO MILLION FIVE HUNDRED
27 THOUSAND DOLLARS; AND

1 (IV) GRANTS MAY BE USED AS MATCHING MONEY FOR FEDERAL
2 FUNDS OR IN COMBINATION WITH OTHER STATE SOURCES OF
3 TRANSPORTATION INFRASTRUCTURE FUNDING IN ACCORDANCE WITH ANY
4 APPLICABLE REQUIREMENTS FOR THE USE OF SUCH FEDERAL FUNDS OR
5 OTHER STATE SOURCES OF FUNDING.

6 (9) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
7 ENTERPRISE SHALL:

8 (I) NO LATER THAN JUNE 1, 2025, PUBLISH AND POST ON ITS
9 WEBSITE A FIVE-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
10 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2025-26
11 THROUGH 2029-30 AND ESTIMATES THE AMOUNT OF FUNDING THAT WILL
12 BE AVAILABLE TO IMPLEMENT THE PLAN;

13 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
14 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
15 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
16 IMPLEMENTATION OF ITS FIVE-YEAR PLAN, THE FUNDING STATUS AND
17 PROGRESS TOWARD COMPLETION OF EACH ELIGIBLE PROJECT THAT IT
18 WHOLLY OR PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING
19 AND EXPENDITURES; AND

20 (III) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
21 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
22 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
23 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT AND ENERGY AND
24 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
25 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
26 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
27 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN

1 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
2 REQUIRED IN THIS SUBSECTION (9)(a)(IV) TO THE SPECIFIED LEGISLATIVE
3 COMMITTEES CONTINUES INDEFINITELY.

4 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
5 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
6 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
7 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

8 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
9 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
10 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
11 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
12 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
13 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
14 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
15 LOCAL GOVERNMENTS COMBINED.

16 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
17 OF ARTICLE 57 OF TITLE 11.

18 **SECTION 2. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.