

CHAPTER 432

TRANSPORTATION

SENATE BILL 24-195

BY SENATOR(S) Winter F. and Cutter, Kolker, Michaelson Jenet, Priola, Sullivan;
also REPRESENTATIVE(S) Lindsay and Lindstedt, Boesenecker, Brown, Duran, Froelich, Jodeh, Kipp, Lieder, Mauro, Parenti,
Sirota, Titone, Valdez, Vigil, Woodrow, McCluskie.

AN ACT**CONCERNING PROTECTION OF VULNERABLE ROAD USERS.**

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

SECTION 1. In Colorado Revised Statutes, 42-4-110.5, **amend** (2) introductory portion, (2)(g)(I), (2)(g)(IV), (4)(b)(III), and (4.5); **repeal** (1.7), and (6); and **add** (1.1), (2)(a)(~~X~~), (2)(g)(I.3), (2)(g)(I.4), (2)(g)(I.5), (2)(g)(I.6), (2)(g)(I.7), (2.5), and (8) as follows:

42-4-110.5. Automated vehicle identification systems - exceptions to liability - penalty - limits on use of photographs and video - rules - legislative declaration - definitions. (1.1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY:

(A) A MACHINE IS USED TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE AND THE LICENSE PLATE OF THE VEHICLE; AND

(B) A NOTICE OF VIOLATION OR CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED TO THE REGISTERED OWNER OF THE MOTOR VEHICLE.

(II) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" INCLUDES A SYSTEM USED TO DETECT A VIOLATION OF PART 11 OF THIS ARTICLE 4 OR A LOCAL SPEED ORDINANCE, A SYSTEM USED TO DETECT VIOLATIONS OF TRAFFIC RESTRICTIONS

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.

IMPOSED BY TRAFFIC SIGNALS OR TRAFFIC SIGNS, AND A SYSTEM USED TO DETECT VIOLATIONS OF BUS LANE OR BICYCLE LANE RESTRICTIONS.

(b) "STATE", NOTWITHSTANDING SECTION 42-1-102 (95), MEANS THE STATE OF COLORADO ACTING THROUGH THE COLORADO STATE PATROL IN THE DEPARTMENT OF PUBLIC SAFETY OR THE DEPARTMENT OF TRANSPORTATION.

(c) "STATE HIGHWAY" MEANS ANY HIGHWAY THAT IS OWNED BY OR MAINTAINED BY THE STATE. "STATE HIGHWAY" DOES NOT INCLUDE A PUBLIC HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY IN ACCORDANCE WITH THE "PUBLIC HIGHWAY AUTHORITY LAW", PART 5 OF ARTICLE 4 OF TITLE 43.

~~(1.7) (a) (f) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this article 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614 (1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.~~

~~(H) The department of public safety may contract with a vendor to implement this subsection (1.7), including to:~~

~~(A) Notify violators;~~

~~(B) Collect and remit the penalties and surcharges to the state treasury less the vendor's expenses;~~

~~(C) Reconcile payments against outstanding violations;~~

~~(D) Implement collection efforts; and~~

~~(E) Notify the department of public safety of unpaid violations for possible referral to the judicial system.~~

~~(H) If the department of public safety contracts with a vendor, the contract must incorporate the processing elements specified by the department of public safety.~~

~~(IV) No notice of violation or civil penalty assessment or a penalty or surcharge for a violation detected by an automated vehicle identification system under this subsection (1.7) shall be forwarded to the department for processing.~~

~~(b) The department of transportation shall reimburse the department of public safety for the direct and indirect costs of complying with this subsection (1.7).~~

(2) A county, CITY AND COUNTY, or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county, CITY AND COUNTY, or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to

the following conditions and limitations AND, AS APPLICABLE, THE REQUIREMENTS FOR STATE HIGHWAYS SET FORTH IN AND ANY RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SUBSECTION (2.5) OF THIS SECTION:

(a) (X) IF THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN A TRAFFIC VIOLATION UNDER STATE LAW OR UNDER TRAFFIC REGULATIONS ADOPTED BY A COUNTY, CITY AND COUNTY, OR MUNICIPALITY IS ENGAGED IN THE BUSINESS OF LEASING OR RENTING MOTOR VEHICLES, THE REGISTERED OWNER REMAINS LIABLE FOR PAYMENT OF THE CIVIL PENALTY EVEN IF THE REGISTERED OWNER WAS NOT DRIVING THE MOTOR VEHICLE BUT MAY OBTAIN PAYMENT FROM THE LESSOR OR RENTER OF THE MOTOR VEHICLE AND FORWARD THE PAYMENT TO THE STATE OR THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY IMPOSING THE CIVIL PENALTY.

(g) (I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county, CITY AND COUNTY, or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county, CITY AND COUNTY, or municipality may locate an automated vehicle identification system to detect violations of a county, CITY AND COUNTY, or municipal traffic regulation or a traffic violation under state law. ~~Before a county or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the county or municipality must:~~

~~(A) Post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor and a permanent sign not fewer than three hundred feet before each camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera;~~

~~(B) Illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and~~

~~(C) Coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.~~

(I.3) BEFORE A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL NOTIFY THE DEPARTMENT OF TRANSPORTATION. IF A COUNTY, CITY AND COUNTY, OR MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY BY ORDINANCE OR RESOLUTION BEFORE JANUARY 1, 2025, IT MAY PROCEED WITHOUT HAVING PROVIDED THIS NOTIFICATION TO THE DEPARTMENT OF TRANSPORTATION.

(I.4) AFTER A COUNTY, CITY AND COUNTY, OR A MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL COORDINATE WITH THE

DEPARTMENT OF TRANSPORTATION. COORDINATION MUST INCLUDE DEMONSTRATING THAT THE REQUIREMENTS SET FORTH IN SUBSECTION (2)(g)(I.7)(B) OF THIS SECTION HAVE BEEN MET AND, IF NEEDED, APPLYING FOR A SPECIAL USE PERMIT TO INSTALL ANY DEVICES OR SIGNAGE ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY IF THE SEGMENT OF HIGHWAY IN QUESTION IS MAINTAINED BY THE STATE. A COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL ALERT THE DEPARTMENT OF TRANSPORTATION WHEN THE AUTOMATED VEHICLE IDENTIFICATION CORRIDOR BEGINS OPERATIONS OR PERMANENTLY CEASES OPERATIONS ON A STATE HIGHWAY. THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE COLORADO STATE PATROL WHEN A COUNTY, CITY AND COUNTY, OR MUNICIPALITY COORDINATES WITH THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY.

(I.5) BEFORE A COUNTY, CITY AND COUNTY, OR MUNICIPALITY BEGINS THE OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A COUNTY ROAD, THE COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL NOTIFY THE COLORADO STATE PATROL.

(I.6) BEFORE THE STATE DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY LOCATED WITHIN THE BOUNDARIES OF A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY, AND BEFORE THE STATE BEGINS OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A STATE HIGHWAY, THE STATE SHALL COORDINATE WITH THE RESPECTIVE COUNTY, CITY AND COUNTY, OR MUNICIPALITY.

(I.7) BEFORE THE STATE, A COUNTY, CITY AND COUNTY, OR MUNICIPALITY BEGINS OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MUST:

(A) POST A PERMANENT SIGN IN A CONSPICUOUS PLACE NOT FEWER THAN THREE HUNDRED FEET BEFORE THE BEGINNING OF THE CORRIDOR; AND

(B) POST A PERMANENT SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE EACH STATIC CAMERA WITHIN THE CORRIDOR THEREAFTER OR A TEMPORARY SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE ANY MOBILE CAMERA; EXCEPT THAT, FOR AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON WHICH AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS USED ON TRANSIT VEHICLES FOR THE PURPOSE OF DETECTING UNAUTHORIZED USE OF A TRANSIT-ONLY LANE, POST PERMANENT SIGNS AT ONE-HALF MILE OR MORE FREQUENT INTERVALS; AND

(C) ILLUSTRATE, THROUGH DATA COLLECTED WITHIN THE PAST FIVE YEARS, INCIDENTS OF CRASHES, SPEEDING, RECKLESS DRIVING, OR COMMUNITY COMPLAINTS ON A STREET DESIGNATED AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR UNLESS THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM WILL BE USED EXCLUSIVELY TO DETECT UNAUTHORIZED USAGE OF ONE OR MORE TRANSIT-ONLY LANES.

(IV) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY IMPLEMENTING AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR PURSUANT TO SUBSECTION (2)(g)(I) OF THIS

section shall publish a report on its website disclosing the number of citations and revenue generated by the automated vehicle identification corridor.

(2.5) (a) THE STATE MAY USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON ANY PORTION OF A STATE HIGHWAY. THE DEPARTMENT OF TRANSPORTATION MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION RELATING TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS BY THE DEPARTMENT OF TRANSPORTATION ON STATE HIGHWAYS AND PRIORITIZATION FOR THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS BY OTHER ENTITIES ON STATE HIGHWAYS, INCLUDING BUT NOT LIMITED TO RULES THAT:

(I) SPECIFY PRIORITIZATION CRITERIA THAT THE DEPARTMENT OF TRANSPORTATION WILL USE TO DETERMINE WHICH ENTITY IS AUTHORIZED TO USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IF MULTIPLE ENTITIES SEEK AUTHORIZATION TO USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON THE SAME PORTION OF A STATE HIGHWAY. THE CRITERIA MUST SPECIFY THAT THE DEPARTMENT OF TRANSPORTATION MUST GIVE PREFERENCE TO AN ENTITY THAT HAS THE PRIMARY RESPONSIBILITY FOR REGULATION AND ENFORCEMENT OF TRAFFIC RESTRICTIONS ON THE PORTION OF A STATE HIGHWAY ON WHICH AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS TO BE USED.

(II) SPECIFY, CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION, THE PROCESS THAT THE STATE WILL USE TO NOTIFY A COUNTY, CITY AND COUNTY, OR MUNICIPALITY THAT THE STATE WILL BE USING AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM WITHIN ITS JURISDICTION AND THE ADMINISTRATIVE AND ENFORCEMENT PROCESS THAT THE DEPARTMENT OF TRANSPORTATION WILL USE TO ADMINISTER, HEAR, AND RESOLVE A TRAFFIC VIOLATION DETECTED THROUGH THE USE BY THE DEPARTMENT OF TRANSPORTATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

(III) ESTABLISH, SUBJECT TO THE CAPS SET FORTH IN SUBSECTIONS (4)(b) AND (4.5) OF THIS SECTION AND ANY OTHER PROVISION OF LAW, THE AMOUNT OF CIVIL PENALTIES IMPOSED FOR TRAFFIC VIOLATIONS DETECTED THROUGH THE USE BY THE DEPARTMENT OF TRANSPORTATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

(IV) ESTABLISH AN ADMINISTRATIVE HEARING PROCESS THAT COMPLIES WITH SUBSECTIONS (2)(a)(IV) THROUGH (2)(a)(VIII) OF THIS SECTION, INCLUDING THE ABILITY TO RETAIN AND CONTRACT WITH IMPARTIAL HEARING OFFICERS AND THE ABILITY FOR IMPARTIAL HEARING OFFICERS TO ISSUE FINAL ORDERS REQUIRED BY SUBSECTION (2)(a)(VII) OF THIS SECTION; AND

(V) PROVIDE, CONSISTENT WITH THIS SECTION, ANY ADDITIONAL REQUIREMENTS, GUIDANCE, OR CLARIFICATION THAT THE DEPARTMENT OF TRANSPORTATION DEEMS NECESSARY OR APPROPRIATE TO IMPLEMENT THIS SECTION.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION CONSULT WITH THE COLORADO STATE PATROL WHEN PROMULGATING RULES RELATING TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS AND BEFORE AUTHORIZING THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM BY THE STATE OR A COUNTY, A CITY AND COUNTY,

OR A MUNICIPALITY ON ANY PORTION OF A STATE HIGHWAY. IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF TRANSPORTATION CONSULT WITH COUNTIES, CITY AND COUNTIES, AND MUNICIPALITIES WHEN PROMULGATING RULES RELATING TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS.

(c) THE PROVISIONS OF THIS SUBSECTION (2.5) DO NOT APPLY TO AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON A STATE HIGHWAY THAT A COUNTY, CITY AND COUNTY, OR MUNICIPALITY HAS IMPLEMENTED OR DESIGNATED BY ORDINANCE OR RESOLUTION BEFORE JANUARY 1, 2025, OR BEFORE THE DEPARTMENT OF TRANSPORTATION ADOPTS RULES PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION, WHICHEVER OCCURS LATER. THIS SUBSECTION (2.5) DOES NOT REQUIRE A COUNTY, CITY AND COUNTY, OR MUNICIPALITY TO REMOVE OR STOP THE IMPLEMENTATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM THAT WAS PLACED ON ANY PORTION OF A STATE HIGHWAY OR DESIGNATED BY ORDINANCE OR RESOLUTION BEFORE JANUARY 1, 2025, OR BEFORE THE DEPARTMENT OF TRANSPORTATION ADOPTS RULES PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION, WHICHEVER OCCURS LATER.

(4) (b) (III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614 OR A SCHOOL ZONE, AS DEFINED IN SECTION 42-4-615 (2).

(4.5) (a) If the state, a county, a city and county, or a municipality detects a violation of a county, CITY AND COUNTY, or municipal traffic regulation or traffic violation under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

(b) SUBSECTION (4.5)(a) OF THIS SECTION DOES NOT APPLY WITHIN A MAINTENANCE, CONSTRUCTION, OR REPAIR ZONE DESIGNATED PURSUANT TO SECTION 42-4-614 OR A SCHOOL ZONE, AS DEFINED IN SECTION 42-4-615 (2).

~~(6) (a) As used in this section, the term "automated vehicle identification system" means a system whereby:~~

~~(i) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and~~

~~(ii) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.~~

~~(b) "Automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.~~

(8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AGGREGATE AMOUNT OF REVENUE, EXCLUSIVE OF COURT AND OPERATIONS COSTS, COLLECTED BY THE STATE AS CIVIL PENALTIES FOR VIOLATIONS DETECTED BY AUTOMATED VEHICLE

IDENTIFICATION SYSTEMS MUST BE CREDITED TO THE STATE HIGHWAY FUND AND USED BY THE DEPARTMENT ONLY TO FUND ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21), OF THE TYPE DESCRIBED IN SECTION 43-4-803 (21)(b). THE DEPARTMENT SHALL PRIORITIZE FUNDING TO THOSE ROAD SAFETY PROJECTS WITH THE HIGHEST POTENTIAL TO REDUCE VULNERABLE ROAD USER INJURIES AND FATALITIES WHILE TAKING INTO ACCOUNT THE PLANNING CAPACITY OF EACH REGION.

SECTION 2. In Colorado Revised Statutes, **add** 43-1-137 as follows:

43-1-137. Vulnerable road user fatality reduction targets - requirements.

(1) AS PART OF ITS EFFORT TO REDUCE FATALITIES FOR VULNERABLE ROAD USERS, AS DEFINED IN SECTION 43-4-803 (29), THE DEPARTMENT SHALL ESTABLISH DECLINING ANNUAL TARGETS FOR VULNERABLE ROAD USER FATALITIES AND SERIOUS BODILY INJURIES AS PART OF ITS PERFORMANCE PLAN REQUIRED BY SECTION 2-7-204 (3).

(2) AS PART OF THE TARGETS ESTABLISHED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH ENGINEERING METHODOLOGY AND INTERNAL EDUCATION REQUIREMENTS FOR PRACTICES TO PRIORITIZE SAFETY OVER SPEED ON HIGH-INJURY NETWORKS.

SECTION 3. In Colorado Revised Statutes, 43-4-206, **amend** (3) as follows:

43-4-206. State allocation. (3) The revenue ~~credited~~ ALLOCATED to the ~~highway users tax fund~~ STATE HIGHWAY FUND pursuant to ~~section~~ SECTIONS 43-4-205 (6.3) AND 43-4-205 (6)(b)(I) ~~shall~~ MUST be expended by the department of transportation only for road safety projects, as defined in section 43-4-803 (21); except that the department shall, in furtherance of its duty to supervise state highways and as a consequence in compliance with section 43-4-810:

(a) Expend ten million dollars per year of the ~~revenues~~ REVENUE for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway, CROSSING IMPROVEMENTS, and infrastructure needed to integrate different transportation modes within a multimodal transportation system that enhance the safety of state highways for transit users; AND

(b) (I) ALLOCATE, FOR STATE FISCAL YEAR 2025-26 AND EACH SUCCEEDING STATE FISCAL YEAR, AFTER ACCOUNTING FOR CRITICAL SAFETY-RELATED ASSET MANAGEMENT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS ELIGIBLE FOR FUNDING PURSUANT TO SECTION 43-4-803 (21)(a) AND AS DETERMINED BY THE TRANSPORTATION COMMISSION, AT LEAST TEN PERCENT OF THE REMAINING REVENUE BUT NO LESS THAN SEVEN MILLION DOLLARS, AS ADJUSTED PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION FOR STATE FISCAL YEAR 2026-27 AND EACH SUCCEEDING STATE FISCAL YEAR, FOR THE TYPES OF ROAD SAFETY PROJECTS DESCRIBED IN SECTION 43-4-803 (21)(b).

(II) FOR STATE FISCAL YEAR 2026-27 AND EACH SUCCEEDING STATE FISCAL YEAR, THE MINIMUM DOLLAR AMOUNT OF ALLOCATION REQUIRED BY SUBSECTION (3)(b)(I)

OF THIS SECTION IS SEVEN MILLION DOLLARS, ADJUSTED FOR THE CUMULATIVE PERCENTAGE CHANGE IN THE AMOUNT OF REVENUE ACTUALLY CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.3) FROM STATE FISCAL YEAR 2024-25 THROUGH THE PRIOR STATE FISCAL YEAR.

SECTION 4. In Colorado Revised Statutes, 43-4-803, **amend** (21); and **add** (29) as follows:

43-4-803. Definitions. As used in this part 8, unless the context otherwise requires:

(21) "Road safety project" means:

(a) A construction, reconstruction, or maintenance project that the commission determines is needed to enhance the safety of a state highway, a county determines is needed to enhance the safety of a county road, or a municipality determines is needed to enhance the safety of a city street; OR

(b) A PROJECT THAT IMPROVES TRANSPORTATION SYSTEM INFRASTRUCTURE OR OTHERWISE IMPLEMENTS DATA-DRIVEN STRATEGIES THAT REDUCE THE NUMBER OF COLLISIONS WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO VULNERABLE ROAD USERS. ELIGIBLE PROJECTS INCLUDE, BUT ARE NOT LIMITED TO, PROJECTS THAT MEET OR EXCEED THE DEPARTMENT'S COST-TO-BENEFIT RATIO FOR SAFETY PROJECTS AND:

(I) SEPARATE USERS IN SPACE, SUCH AS SEPARATED BIKE LANES, WALKWAYS, CROSSING IMPROVEMENTS, AND PEDESTRIAN REFUGE ISLANDS; OR

(II) INCREASE ATTENTIVENESS AND AWARENESS, SUCH AS CROSSWALK VISIBILITY ENHANCEMENTS, PEDESTRIAN HYBRID BEACONS, AND LIGHTING.

(29) "VULNERABLE ROAD USER" MEANS A NONMOTORIST WITH A FATALITY ANALYSIS REPORTING SYSTEM PERSON ATTRIBUTE CODE FOR A PEDESTRIAN, BICYCLIST, OTHER CYCLIST, AND A PERSON ON A PERSONAL CONVEYANCE OR AN INJURED PERSON THAT IS, OR IS EQUIVALENT TO, A PEDESTRIAN OR PEDAL CYCLIST AS DEFINED IN THE ANSI D16.1-2007 IN ACCORDANCE WITH 23 U.S.C. SEC. 148(a)(15) AND 23 CFR 490.205. "VULNERABLE ROAD USER" DOES NOT INCLUDE A MOTOR CYCLIST BUT DOES INCLUDE:

(a) AN INDIVIDUAL WHO IS WALKING, BIKING, OR ROLLING;

(b) A HIGHWAY WORKER ON FOOT IN A WORK ZONE, GIVEN THEY ARE CONSIDERED A PEDESTRIAN.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 5, 2024