A BILL FOR AN ACT

Concerning the creation of an enterprise to provide infrastructure improvements that protect vulnerable 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
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.

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

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

**PART 16**

**VULNERABLE ROAD USER PROTECTION ENTERPRISE**

**43-4-1601. Legislative declaration.** (1) The General Assembly hereby finds and declares that:

(a) Advancing the safety of the transportation system of Colorado is of paramount importance;

(b) One of the best ways to improve the safety of the transportation system is to reduce the number of fatalities and serious injuries caused by collisions between motor vehicles that enclose occupants and unenclosed vulnerable road users.
SUCH AS PEDESTRIANS, BICYCLISTS, AND INDIVIDUALS USING OTHER
NONMOTORIZED OR MOTORIZED PERSONAL CONVEYANCES;

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

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

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

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

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

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

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

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

(B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
FORTY-TWO MILES PER HOUR; AND

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

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

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

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:
(a) The enterprise provides impact remediation services when, in exchange for the payment of motor vehicle registration fees that it imposes on motor vehicles in weight- and configuration-based amounts that increase as the potential harm to vulnerable road users from such motor vehicles increases, it provides sustainable funding for transportation system infrastructure improvements and data-driven strategies that reduce the number of collisions between motor vehicles and vulnerable road users that result in death or serious injury;

(b) By providing impact remediation services as authorized by this Article 4, the enterprise provides a benefit to fee payers and therefore operates as a business in accordance with the determination of the Colorado Supreme Court in Colorado Union of Taxpayers Foundation v. City of Aspen, 2018 CO 36;

(c) Consistent with the determination of the Colorado Supreme Court in Nicholl v. E-470 Public Highway Authority, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with enterprise status under Section 20 of Article X of the state constitution, it is the conclusion of the General Assembly that the revenue collected by the enterprise is generated by fees, not taxes, because the motor vehicle registration fees imposed by the enterprise as authorized by Section 43-4-1603 are:

(I) Imposed for the specific purpose of allowing the enterprise to defray the costs of providing the remediation services specified in this section, specifically the funding of
TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS THAT ARE
DESIGNED TO MITIGATE THE HARM TO VULNERABLE ROAD USERS CAUSED
BY THE OPERATION OF THE MOTOR VEHICLES ON WHICH THE FEES ARE
ASSESSED, AND CONTRIBUTE TO THE IMPLEMENTATION OF THE
COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
SUPERVISION OF A SUSTAINABLE AND SAFE TRANSPORTATION SYSTEM;
AND

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

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

43-4-1602. Definitions. As used in this Part 16, unless the
CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.
(2) "DEPARTMENT" MEANS THE DEPARTMENT OF
TRANSPORTATION.
(3) "ELIGIBLE ENTITY" MEANS A COUNTY, A MUNICIPALITY, THE
DEPARTMENT, OR ANY OTHER PUBLIC ENTITY THAT IS SEEKING FUNDING
FROM THE FUND FOR AN ELIGIBLE PROJECT.

(4) "Eligible project" means a project that improves transportation system infrastructure or otherwise implements data-driven strategies identified in the Federal Highway Administration-mandated vulnerable road user assessment 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:

(a) separate users in space, such as separated bike lanes, walkways, and pedestrian refuge islands;

(b) implement physical features to slow traffic such as road diets or self-enforcing roads, as defined by the Federal Highway Administration, that are planned and designed to encourage drivers to select operating speeds in harmony with posted speed limits;

(c) increase attentiveness and awareness, such as crosswalk visibility enhancements, pedestrian hybrid beacons, and lighting; and

(d) implement speed enforcing strategies, such as speed safety cameras.

(5) "Enterprise" means the vulnerable road user protection enterprise created in section 43-4-1603 (1)(a).

(6) "Federal Highway Administration-mandated vulnerable road user assessment" means the vulnerable road user safety assessment required to be prepared by the department as part of the highway safety improvement program pursuant to 23 U.S.C. § 148 (1).
(7) "Fund" means the vulnerable road user protection enterprise fund created in section 43-4-1603 (5)(a).

(8) "Inflation" means the annual percentage change in the United States department of labor, bureau of labor statistics, consumer price index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable predecessor or successor index, for the year ending on the December 31 before a state fiscal year for which an inflation adjustment is to be made begins.

(9) "Light truck" means a motor vehicle other than a motor vehicle that is a commercial vehicle, as defined in section 42-1-102 (17.5), that has two axles and at least four wheels, weighs no more than nine thousand five hundred pounds, and is a pickup truck, a sport utility vehicle, a van, or a minivan.

(10) "Passenger car" means a motor vehicle other than a motor vehicle that is a commercial vehicle, as defined in section 42-1-102 (17.5), that has two axles and four wheels, weighs no more than nine thousand five hundred pounds, is manufactured primarily for use in the transportation of not more than ten individuals, and is not a pickup truck, a sport utility vehicle, a van, or a minivan.

(11) "Vulnerable road user" means an individual who is unprotected by an outside shield when using a road including, but not limited to, a pedestrian, a bicyclist, and an individual using any other nonmotorized or motorized personal conveyance that does not enclose the individual.

(12) "Weight", with respect to a motor vehicle, means
DECLARED EMPTY VEHICLE WEIGHT.

43-4-1603. Vulnerable road users protection enterprise - creation - board - powers and duties - rules - fees - fund. (1) (a) The vulnerable road users protection enterprise is created in the department. The enterprise is and operates as a government-owned business within the department in order to execute its business purpose as specified in subsection (3) of this section by exercising the powers and performing the duties and functions set forth in this section.

(b) The enterprise is a type 1 entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department.

(2) (a) The governing board of the enterprise consists of five members as follows:

(I) An employee of a statewide or regional multimodal advocacy organization appointed by the president of the senate;

(II) A representative of a community organization involved in environmental justice appointed by the speaker of the house of representatives;

(III) Two employees of the department appointed by the executive director of the department, one of whom must be an engineer who is working on the department's statewide safety plan; and

(IV) An employee of the office of health equity in the department of public health and environment who works on issues relating to healthy equitable livable communities appointed by the director of the prevention services division of
THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(b) Members of the board serve at the pleasure of their respective appointing authority.

(3) The business purpose of the enterprise is to provide funding for transportation system infrastructure improvements or other data-driven improvements that reduce the number of collisions with motor vehicles that result in death or serious injury to vulnerable road users. To allow the enterprise to accomplish this purpose and fully exercise its powers and duties through the board, the enterprise may:

(a) Impose vulnerable road user protection fees on the registration of motor vehicles as authorized by subsection (7) of this section;

(b) Issue grants as authorized by subsection (8) of this section; and

(c) Issue revenue bonds payable from the revenue and other available money of the enterprise.

(4) The enterprise constitutes an enterprise for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total annual revenue in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this subsection (4), the enterprise is not subject to section 20 of article X of the state constitution.

(5) (a) The vulnerable road user protection enterprise fund is hereby created in the state treasury. The fund consists
OF VULNERABLE ROAD USER PROTECTION FEE REVENUE CREDITED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 16 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

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

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24-77-102 (7). All money transferred as a loan to the enterprise shall be credited to the fund. Loan liabilities that are recorded in the fund but that are not required to be paid in the current fiscal year shall not be considered when calculating sufficient statutory fund balance for purposes of section 24-75-109. As the enterprise receives sufficient revenue in excess of expenses, the enterprise shall reimburse the department for the principal amount of any loan made by the department plus interest at a rate set by the department.

(6) In addition to any other powers and duties specified in this section, the board has the following general powers and duties:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To acquire, hold title to, and dispose of real and personal property;

(c) In consultation with the executive director of the department, or the executive director’s designee, to employ and supervise such individuals, professional consultants, and contractors as are necessary in its judgment to carry out its business purpose;

(d) To contract with any public or private entity, including state agencies, consultants, and the attorney general’s office, for professional and technical assistance, office space and administrative services, advice, and other services related to the conduct of the affairs of the enterprise.

The enterprise is encouraged to issue grants on a competitive
BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT
APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE
CONTRACTS.

(e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
OF THIS PART 16 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
or other payments to the State Treasurer, who shall credit the
money to the fund.

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

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

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

(7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
JANUARY 1, 2025, THE ENTERPRISE SHALL IMPOSE A VULNERABLE ROAD
USER PROTECTION FEE UPON THE REGISTRATION OF CERTAIN MOTOR
VEHICLES FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42.

(b) Except as otherwise provided in subsections (7)(c) and (7)(d) of this section, for motor vehicle registration periods commencing on or after January 1, 2025, but before July 1, 2025, the enterprise shall impose a weight- and configuration-based fee on passenger cars and light trucks registered in the twelve most populous counties in the state only in the following maximum amounts:

(I) For a motor vehicle that is a passenger car:

(A) Zero dollars if the motor vehicle weight is less than three thousand five hundred pounds;

(B) Three dollars if the motor vehicle weight is at least three thousand five hundred pounds but no more than four thousand four hundred ninety-nine pounds;

(C) Four dollars and forty cents if the motor vehicle weight is at least four thousand five hundred pounds but no more than five thousand four hundred ninety-nine pounds;

(D) Six dollars and forty cents if the motor vehicle weight is at least five thousand five hundred pounds but no more than six thousand four hundred ninety-nine pounds;

(E) Nine dollars and thirty cents if the motor vehicle weight is at least six thousand five hundred pounds but no more than seven thousand four hundred ninety-nine pounds;

(F) Thirteen dollars and sixty cents if the motor vehicle weight is at least seven thousand five hundred pounds but no more than eight thousand four hundred ninety-nine pounds; and
(G) NINETEEN DOLLARS AND NINETY CENTS IF THE MOTOR VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

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

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

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

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

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

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

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

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

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

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

(e) THE DEPARTMENT OF REVENUE AND ITS AUTHORIZED AGENTS SHALL TRANSMIT ALL NET VULNERABLE ROAD USER PROTECTION FEE REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE REVENUE TO THE FUND.

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

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

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

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

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

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

(9) (a) To ensure transparency and accountability, the enterprise shall:

(I) No later than June 1, 2025, publish and post on its website a five-year plan that details how the enterprise will execute its business purpose during state fiscal years 2025-26 through 2029-30 and estimates the amount of funding that will be available to implement the plan;

(II) Create, maintain, and regularly update on its website a public accountability dashboard that provides, at a minimum, accessible and transparent summary information regarding the implementation of its five-year plan, the funding status and progress toward completion of each eligible project that it wholly or partly funds, and its per project and total funding and expenditures; and

(III) Prepare an annual report regarding its activities and funding and present the report to the transportation commission created in section 43-1-106 (1) and to the transportation, housing, and local government and energy and environment committees of the house of representatives and the transportation and energy committee of the senate, or any successor committees. The enterprise shall also post the annual report on its website. Notwithstanding the requirement in section 24-1-136 (11)(a)(I), the requirement to submit the report required in this subsection (9)(a)(IV) to the specified legislative committees continues indefinitely.

(b) The enterprise is subject to the open meetings
provisions of the "Colorado Sunshine Act of 1972", contained in
part 4 of article 6 of title 24, and the "Colorado Open Records
Act", part 2 of article 72 of title 24.

(c) For purposes of the "Colorado Open Records Act", part
2 of article 72 of title 24, and except as may otherwise be
provided by federal law or regulation or state law, the records
of the enterprise are public records, as defined in section
24-72-202 (6), regardless of whether the enterprise receives less
than ten percent of its total annual revenue in grants, as
defined in section 24-77-102 (7), from all Colorado state and
local governments combined.

(d) The enterprise is a public entity for purposes of part 2
of article 57 of title 11.

SECTION 2. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety.