

## CHAPTER 132

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**TRANSPORTATION**

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**HOUSE BILL 97-1273**

BY REPRESENTATIVES Taylor, George, K. Alexander, Entz, Kaufman, Sullivant, Miller, Bacon, G. Berry, Dyer, Gordon, Morrison, Romero, Schwarz, Swenson, and T. Williams;  
also SENATORS Hopper, B. Alexander, Bishop, Chlouber, Norton, Rizzuto, Feeley, Matsunaka, Phillips, Reeves, Rupert, and Weddig.

**AN ACT**

CONCERNING THE CREATION OF THE "RURAL TRANSPORTATION AUTHORITY LAW".

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

**SECTION 1.** Article 4 of title 43, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

**PART 6****RURAL TRANSPORTATION AUTHORITY LAW**

**43-4-601. Short title.** THIS PART 6 SHALL BE KNOWN AND MAY BE CITED AS THE "RURAL TRANSPORTATION AUTHORITY LAW".

**43-4-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AUTHORITY" MEANS A BODY CORPORATE AND POLITICAL SUBDIVISION OF THE STATE CREATED PURSUANT TO THIS PART 6.

(2) "BOARD" MEANS THE BOARD OF DIRECTORS OF AN AUTHORITY.

(3) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER OBLIGATION OF AN AUTHORITY AUTHORIZED BY THIS PART 6.

(4) "COMBINATION" MEANS ANY TWO OR MORE MUNICIPALITIES, TWO OR MORE COUNTIES, OR ONE OR MORE MUNICIPALITIES AND ONE OR MORE COUNTIES. IN ADDITION, "COMBINATION" MAY INCLUDE THE STATE TO THE EXTENT AUTHORIZED BY SECTION 43-4-603 (5).

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(5) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION OF RURAL TRANSPORTATION SYSTEMS.

(6) "COUNTY" MEANS ANY COUNTY ORGANIZED UNDER THE LAWS OF THE STATE, INCLUDING ANY CITY AND COUNTY.

(7) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

(8) "GOVERNMENTAL UNIT" MEANS THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, EXCEPT SCHOOL DISTRICTS OR SPECIAL PURPOSE AUTHORITIES AS DEFINED IN SECTION 24-77-102 (15), C.R.S.

(9) (a) "GRANT" MEANS A CASH PAYMENT OF PUBLIC FUNDS MADE DIRECTLY TO A RURAL TRANSPORTATION ACTIVITY ENTERPRISE BY A GOVERNMENTAL UNIT WITHIN THE STATE, WHICH CASH PAYMENT IS NOT REQUIRED TO BE REPAYED.

(b) "GRANT" DOES NOT INCLUDE THE FOLLOWING:

(I) PUBLIC FUNDS PAID OR ADVANCED TO A RURAL TRANSPORTATION ACTIVITY ENTERPRISE BY A GOVERNMENTAL UNIT IN EXCHANGE FOR AN AGREEMENT BY A RURAL TRANSPORTATION ACTIVITY ENTERPRISE TO PROVIDE A RURAL TRANSPORTATION SYSTEM OR FOR THE USE OF PROPERTY INCLUDED IN OR IN CONNECTION WITH A RURAL TRANSPORTATION SYSTEM;

(II) REFUNDS MADE IN THE CURRENT OR NEXT FISCAL YEAR;

(III) GIFTS;

(IV) ANY PAYMENTS DIRECTLY OR INDIRECTLY FROM FEDERAL FUNDS OR EARNINGS ON FEDERAL FUNDS;

(V) COLLECTIONS FOR ANOTHER GOVERNMENT;

(VI) PENSION CONTRIBUTIONS BY EMPLOYEES AND PENSION FUND EARNINGS;

(VII) RESERVE TRANSFERS OR EXPENDITURES;

(VIII) DAMAGE AWARDS; OR

(IX) PROPERTY SALES.

(10) "MUNICIPALITY" HAS THE SAME MEANING AS THAT PROVIDED IN SECTION 31-1-101 (6), C.R.S.

(11) "OPERATION AND MAINTENANCE EXPENSES" MEANS ALL REASONABLE AND NECESSARY CURRENT EXPENSES OF THE AUTHORITY, PAID OR ACCRUED, OF OPERATING, MAINTAINING, AND REPAIRING ANY RURAL TRANSPORTATION SYSTEM.

(12) "PERSON" MEANS ANY NATURAL PERSON, CORPORATION, PARTNERSHIP, ASSOCIATION, OR JOINT VENTURE, THE UNITED STATES OF AMERICA, OR ANY GOVERNMENTAL UNIT.

(13) "REVENUES" MEANS ANY TOLLS, FEES, RATES, CHARGES, ASSESSMENTS, TAXES, GRANTS, CONTRIBUTIONS, OR OTHER INCOME AND REVENUES RECEIVED BY THE AUTHORITY.

(14) "RURAL REGION" MEANS ANY AREA OF THE STATE THAT IS NOT INCLUDED IN THE BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED UNDER ARTICLE 9 OF TITLE 32, C.R.S.

(15) "RURAL TRANSPORTATION ACTIVITY ENTERPRISE" MEANS ANY RURAL TRANSPORTATION ACTIVITY BUSINESS OWNED BY AN AUTHORITY, WHICH ENTERPRISE RECEIVES UNDER TEN PERCENT OF ITS ANNUAL REVENUES IN GRANTS FROM ALL STATE AND LOCAL GOVERNMENTS WITHIN THE STATE COMBINED AND IS AUTHORIZED TO ISSUE ITS OWN REVENUE BONDS PURSUANT TO THIS PART 6.

(16) "RURAL TRANSPORTATION SYSTEM" MEANS ANY PROPERTY, IMPROVEMENT, OR SYSTEM DESIGNED TO BE COMPATIBLE WITH ESTABLISHED STATE AND LOCAL TRANSPORTATION PLANS THAT TRANSPORTS OR CONVEYS PEOPLE OR GOODS OR PERMITS PEOPLE OR GOODS TO BE TRANSPORTED OR CONVEYED WITHIN A RURAL REGION BY ANY MEANS, INCLUDING, BUT NOT LIMITED TO, AN AUTOMOBILE, TRUCK, BUS, RAIL, AIR, OR GONDOLA. THE TERM INCLUDES ANY REAL OR PERSONAL PROPERTY OR EQUIPMENT, OR INTEREST THEREIN, THAT IS APPURTENANT OR RELATED TO ANY PROPERTY, IMPROVEMENT, OR SYSTEM THAT TRANSPORTS OR CONVEYS PEOPLE OR GOODS OR PERMITS PEOPLE OR GOODS TO BE TRANSPORTED OR CONVEYED WITHIN A RURAL REGION BY ANY MEANS OR THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED IN CONNECTION WITH THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY SUCH PROPERTY, IMPROVEMENT, OR SYSTEM. THE TERM MAY ALSO INCLUDE, BUT IS NOT LIMITED TO, ANY HIGHWAY, ROAD, STREET, BUS SYSTEM, RAILROAD, AIRPORT, GONDOLA SYSTEM, OR MASS TRANSIT SYSTEM AND ANY REAL OR PERSONAL PROPERTY OR EQUIPMENT, OR INTEREST THEREIN, USED IN CONNECTION THEREWITH; ANY REAL OR PERSONAL PROPERTY OR EQUIPMENT, OR INTEREST THEREIN, THAT IS USED TO TRANSPORT OR CONVEY GAS, ELECTRICITY, WATER, SEWAGE, OR INFORMATION OR THAT IS USED IN CONNECTION WITH THE TRANSPORTATION, CONVEYANCE, OR PROVISIONS OF ANY OTHER UTILITIES; AND PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS, LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, CROSS-ROADS, PARKWAYS, DRAINAGE FACILITIES, MASS TRANSIT LANES, PARK-AND-RIDE FACILITIES, TOLL COLLECTION FACILITIES, SERVICE AREAS, AND ADMINISTRATIVE OR MAINTENANCE FACILITIES. RIGHTS-OF-WAY INCLUDED IN A RURAL TRANSPORTATION SYSTEM SHALL BE CONSIDERED PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF THE LOCATION OF UTILITIES OWNED BY PERSONS OTHER THAN THE AUTHORITY.

(17) "STATE" MEANS THE STATE OF COLORADO OR ANY OF ITS AGENCIES.

**43-4-603. Creation of authorities.** (1) ANY COMBINATION MAY CREATE, BY CONTRACT, AN AUTHORITY THAT IS AUTHORIZED TO EXERCISE THE FUNCTIONS CONFERRED BY THE PROVISIONS OF THIS PART 6 UPON THE ISSUANCE BY THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE AUTHORITY HAS

BEEN DULY ORGANIZED ACCORDING TO THE LAWS OF THE STATE. THE DIRECTOR SHALL ISSUE THE CERTIFICATE UPON THE FILING WITH THE DIRECTOR OF A COPY OF THE CONTRACT BY THE COMBINATION JOINING IN THE CREATION OF THE AUTHORITY. THE DIRECTOR SHALL CAUSE THE CERTIFICATE TO BE RECORDED IN THE REAL ESTATE RECORDS IN EACH COUNTY HAVING TERRITORY INCLUDED IN THE BOUNDARIES OF THE AUTHORITY. UPON ISSUANCE OF THE CERTIFICATE BY THE DIRECTOR OF THE DIVISION, THE AUTHORITY SHALL CONSTITUTE A SEPARATE POLITICAL SUBDIVISION AND BODY CORPORATE OF THE STATE AND SHALL HAVE ALL OF THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES OF A PUBLIC BODY POLITIC AND CORPORATE.

(2) ANY CONTRACT ESTABLISHING AN AUTHORITY SHALL SPECIFY:

(a) THE NAME AND PURPOSE OF THE AUTHORITY AND THE RURAL TRANSPORTATION SYSTEMS TO BE PROVIDED;

(b) THE ESTABLISHMENT AND ORGANIZATION OF THE BOARD OF DIRECTORS IN WHICH ALL LEGISLATIVE POWER OF THE AUTHORITY IS VESTED, INCLUDING:

(I) THE NUMBER OF DIRECTORS, WHICH SHALL BE AT LEAST FIVE, ALL OF WHICH, EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, SHALL BE ELECTED OFFICIALS FROM THE MEMBERS OF THE COMBINATION AND WHICH SHALL INCLUDE AT LEAST ONE ELECTED OFFICIAL FROM EACH MEMBER OF THE COMBINATION;

(II) THE MANNER OF THE APPOINTMENT, THE QUALIFICATIONS, AND THE COMPENSATION, IF ANY, OF THE DIRECTORS AND THE PROCEDURE FOR FILLING VACANCIES;

(III) THE OFFICERS OF THE AUTHORITY, THE MANNER OF THEIR APPOINTMENT, AND THEIR DUTIES; AND

(IV) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD; EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN THE CONTRACT, A MAJORITY OF THE DIRECTORS OF THE BOARD CONSTITUTES A QUORUM AND A MAJORITY OF THE BOARD IS NECESSARY FOR ACTION BY THE BOARD;

(c) THE PROVISIONS FOR THE DISTRIBUTION, DISPOSITION, OR DIVISION OF THE ASSETS OF THE AUTHORITY;

(d) THE BOUNDARIES OF THE AUTHORITY, WHICH MAY NOT INCLUDE TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF THE COMBINATION, MAY NOT INCLUDE TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION AS THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY, AND MAY NOT INCLUDE TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY THAT IS NOT A MEMBER OF THE COMBINATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY;

(e) THE TERM OF THE CONTRACT, WHICH MAY BE FOR A DEFINITE TERM OR UNTIL

RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY WHICH IT MAY BE TERMINATED OR RESCINDED; EXCEPT THAT THE CONTRACT MAY NOT BE TERMINATED OR RESCINDED SO LONG AS THE AUTHORITY HAS BONDS OUTSTANDING;

(f) THE PROVISIONS FOR AMENDMENT OF THE CONTRACT;

(g) THE LIMITATIONS, IF ANY, ON THE POWERS GRANTED BY THIS PART 6 THAT MAY BE EXERCISED BY THE AUTHORITY PURSUANT TO THIS PART 6; AND

(h) THE CONDITIONS REQUIRED WHEN ADDING OR DELETING PARTIES TO THE CONTRACT.

(3) NO MUNICIPALITY OR COUNTY SHALL ENTER INTO A CONTRACT ESTABLISHING AN AUTHORITY WITHOUT HOLDING AT LEAST TWO PUBLIC HEARINGS THEREON IN ADDITION TO OTHER REQUIREMENTS IMPOSED BY LAW FOR PUBLIC NOTICE. THE MUNICIPALITY OR COUNTY SHALL GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE PUBLIC HEARING BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY OR COUNTY, AS THE CASE MAY BE, AT LEAST TEN DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING.

(4) NO CONTRACT ESTABLISHING AN AUTHORITY PURSUANT TO THIS SECTION SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED AUTHORITY. THE QUESTION OF ESTABLISHING THE AUTHORITY SHALL BE SUBMITTED TO SUCH REGISTERED ELECTORS AT A GENERAL ELECTION OR A SPECIAL ELECTION CALLED FOR SUCH PURPOSE. SUCH QUESTION MAY ALSO BE PROPOSED TO SUCH REGISTERED ELECTORS AT THE SAME TIME AND IN THE SAME OR A SEPARATE QUESTION AS AN ELECTION REQUIRED UNDER SECTION 43-4-612. THE AUTHORITY SHALL NOT BE ESTABLISHED UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING THEREON AT THE ELECTION VOTE IN FAVOR THEREOF. THE ELECTION SHALL BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE MEMBERS OF THE COMBINATION OF THE PROPOSED AUTHORITY IN CONDUCTING THE ELECTION.

(5) THE STATE, ACTING BY AND THROUGH THE TRANSPORTATION COMMISSION, CREATED IN SECTION 43-1-106, AND UPON THE APPROVAL OF THE GOVERNOR, MAY JOIN IN THE CONTRACT CREATING THE AUTHORITY. THE NUMBER OF DIRECTORS OF THE BOARD TO WHICH THE STATE IS ENTITLED SHALL BE ESTABLISHED IN THE CONTRACT, BUT IN NO CASE SHALL THE STATE BE ENTITLED TO LESS THAN ONE DIRECTOR. THE GOVERNOR SHALL APPOINT THE DIRECTOR OR DIRECTORS REPRESENTING THE STATE ON THE BOARD, WITH THE CONSENT OF THE SENATE, FOR SUCH TERM AS ESTABLISHED BY THE GOVERNOR.

**43-4-604. Board of directors.** (1) ALL POWERS, PRIVILEGES, AND DUTIES VESTED IN OR IMPOSED UPON THE AUTHORITY SHALL BE EXERCISED AND PERFORMED BY AND THROUGH THE BOARD. THE BOARD, BY RESOLUTION, MAY DELEGATE ANY OF THE POWERS OF THE BOARD TO ANY OF THE OFFICERS OR AGENTS OF THE BOARD.

(2) ANY DIRECTOR OF THE BOARD SHALL DISQUALIFY HIMSELF OR HERSELF FROM VOTING ON ANY ISSUE WITH RESPECT TO WHICH THE DIRECTOR HAS A CONFLICT OF INTEREST, UNLESS THE DIRECTOR HAS DISCLOSED THE CONFLICT OF INTEREST IN

## COMPLIANCE WITH SECTION 18-8-308, C.R.S.

(3) THE BOARD, IN ADDITION TO ALL OTHER POWERS CONFERRED BY THIS PART 6, HAS THE FOLLOWING POWERS:

(a) TO ADOPT BYLAWS;

(b) TO FIX THE TIME AND PLACE OF MEETINGS, WHETHER WITHIN OR WITHOUT THE BOUNDARIES OF THE AUTHORITY, AND THE METHOD OF PROVIDING NOTICE OF THE MEETINGS;

(c) TO MAKE AND PASS ORDERS AND RESOLUTIONS NECESSARY FOR THE GOVERNMENT AND MANAGEMENT OF THE AFFAIRS OF THE AUTHORITY AND THE EXECUTION OF THE POWERS VESTED IN THE AUTHORITY;

(d) TO ADOPT AND USE A SEAL;

(e) TO MAINTAIN OFFICES AT SUCH PLACE OR PLACES AS THE BOARD MAY DESIGNATE;

(f) TO APPOINT, HIRE, AND RETAIN EMPLOYEES, AGENTS, ENGINEERS, ATTORNEYS, ACCOUNTANTS, FINANCIAL ADVISORS, INVESTMENT BANKERS, AND OTHER CONSULTANTS;

(g) TO PRESCRIBE METHODS FOR AUDITING AND ALLOWING OR REJECTING CLAIMS AND DEMANDS; FOR THE LETTING OF CONTRACTS FOR THE CONSTRUCTION OF IMPROVEMENTS, WORKS, OR STRUCTURES; FOR THE ACQUISITION OF EQUIPMENT; OR FOR THE PERFORMANCE OR FURNISHING OF SUCH LABOR, MATERIALS, OR SUPPLIES AS MAY BE REQUIRED FOR CARRYING OUT THE PURPOSES OF THIS PART 6; AND

(h) TO APPOINT ADVISORY COMMITTEES AND DEFINE THE DUTIES THEREOF.

**43-4-605. Powers of the authority - inclusion or exclusion of property - determination of rural transportation system alignment - fund created.** (1) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE AUTHORITY PURSUANT TO THIS PART 6, THE AUTHORITY HAS THE FOLLOWING POWERS:

(a) TO HAVE PERPETUAL EXISTENCE, EXCEPT AS OTHERWISE PROVIDED IN THE CONTRACT;

(b) TO SUE AND BE SUED;

(c) TO ENTER INTO CONTRACTS AND AGREEMENTS AFFECTING THE AFFAIRS OF THE AUTHORITY;

(d) TO ESTABLISH, COLLECT, AND, FROM TIME TO TIME, INCREASE OR DECREASE FEES, TOLLS, RATES, AND CHARGES FOR THE PRIVILEGE OF TRAVELING ON OR USING ANY PROPERTY INCLUDED IN ANY RURAL TRANSPORTATION SYSTEM FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED BY THE AUTHORITY, WITHOUT THE FEES, TOLLS, RATES, AND CHARGES BEING SUBJECT TO ANY SUPERVISION OR REGULATION BY ANY BOARD, AGENCY, BUREAU, COMMISSION, OR OFFICIAL; EXCEPT THAT ANY

FEES, TOLLS, RATES, AND CHARGES IMPOSED FOR THE USE OF ANY RURAL TRANSPORTATION SYSTEM SHALL BE FIXED AND ADJUSTED SO THAT THE FEES, TOLLS, RATES, AND CHARGES COLLECTED, ALONG WITH OTHER REVENUES, IF ANY, ARE AT LEAST SUFFICIENT TO PAY FOR ANY BONDS ISSUED PURSUANT TO THIS PART 6 AND INTEREST THEREON;

(e) TO PLEDGE ALL OR ANY PORTION OF THE REVENUES TO THE PAYMENT OF BONDS OF THE AUTHORITY;

(f) TO FINANCE, CONSTRUCT, OPERATE, OR MAINTAIN RURAL TRANSPORTATION SYSTEMS WITHIN OR WITHOUT THE BOUNDARIES OF THE AUTHORITY; EXCEPT THAT THE AUTHORITY SHALL NOT CONSTRUCT RURAL TRANSPORTATION SYSTEMS IN ANY TERRITORY LOCATED OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE BOUNDARIES OF A MUNICIPALITY AS THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY;

(g) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, AND ENCUMBER REAL OR PERSONAL PROPERTY AND ANY INTEREST THEREIN, INCLUDING EASEMENTS AND RIGHTS-OF-WAY;

(h) TO ACCEPT REAL OR PERSONAL PROPERTY FOR THE USE OF THE AUTHORITY AND TO ACCEPT GIFTS AND CONVEYANCES UPON THE TERMS AND CONDITIONS AS THE BOARD MAY APPROVE;

(i) TO IMPOSE AN ANNUAL MOTOR VEHICLE REGISTRATION FEE OF NOT MORE THAN TEN DOLLARS FOR EACH MOTOR VEHICLE REGISTERED WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY BY PERSONS RESIDING IN ALL OR ANY DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION; EXCEPT THAT THE AUTHORITY SHALL NOT IMPOSE A MOTOR REGISTRATION FEE WITH RESPECT TO MOTOR VEHICLES REGISTERED TO PERSONS RESIDING OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE BOUNDARIES OF A MUNICIPALITY AS THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY. THE REGISTRATION FEE IS IN ADDITION TO ANY FEE OR TAX IMPOSED BY THE STATE OR ANY OTHER GOVERNMENTAL UNIT. IF A MOTOR VEHICLE IS REGISTERED IN A COUNTY THAT IS A MEMBER OF MORE THAN ONE AUTHORITY, THE TOTAL OF ALL FEES IMPOSED PURSUANT TO THIS PARAGRAPH (i) FOR ANY SUCH MOTOR VEHICLE SHALL NOT EXCEED TEN DOLLARS. THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE REGISTRATION FEE IS IMPOSED SHALL COLLECT THE FEE AND REMIT THE FEE TO THE AUTHORITY. THE AUTHORITY SHALL APPLY THE REGISTRATION FEES SOLELY TO THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF RURAL TRANSPORTATION SYSTEMS THAT ARE CONSISTENT WITH THE EXPENDITURES SPECIFIED IN SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION.

(j) SUBJECT TO THE PROVISIONS OF SECTION 43-4-612, TO LEVY, IN ALL OR ANY DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION, A SALES OR USE TAX, OR BOTH, AT A RATE NOT TO EXCEED FOUR-TENTHS OF ONE PERCENT UPON EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES OR USE TAX IS LEVIED BY THE STATE; EXCEPT THAT THE AUTHORITY SHALL NOT LEVY ANY SUCH SALES OR USE TAX ON ANY TRANSACTION OR OTHER INCIDENT OCCURRING IN ANY TERRITORY LOCATED OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE BOUNDARIES OF A MUNICIPALITY AS THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY AS THE UNINCORPORATED BOUNDARIES EXIST ON THE DATE THE AUTHORITY IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY. THE TAX IMPOSED PURSUANT TO THIS PARAGRAPH (j) IS IN ADDITION TO ANY OTHER SALES OR USE TAX IMPOSED PURSUANT TO LAW AND IS EXEMPT FROM THE LIMITATION IMPOSED BY SECTION 29-2-108, C.R.S. IF A MEMBER OF THE COMBINATION IS LOCATED WITHIN MORE THAN ONE AUTHORITY, THE SALES OR USE TAX, OR BOTH, AUTHORIZED BY THIS PARAGRAPH (j) SHALL NOT EXCEED FOUR-TENTHS OF ONE PERCENT UPON EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES OR USE TAX IS LEVIED BY THE STATE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL COLLECT, ADMINISTER, AND ENFORCE THE SALES OR USE TAX, TO THE EXTENT FEASIBLE, IN THE MANNER PROVIDED IN SECTION 29-2-106, C.R.S. THE DIRECTOR SHALL MAKE MONTHLY DISTRIBUTIONS OF THE TAX COLLECTIONS TO THE AUTHORITY, WHICH SHALL APPLY THE PROCEEDS SOLELY TO THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF RURAL TRANSPORTATION SYSTEMS. THE DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT NOT TO EXCEED THE COST OF THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT AND SHALL TRANSMIT THE AMOUNT TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE RURAL TRANSPORTATION AUTHORITY SALES TAX FUND, WHICH FUND IS HEREBY CREATED. THE AMOUNTS SO RETAINED ARE HEREBY APPROPRIATED ANNUALLY FROM THE FUND TO THE DEPARTMENT OF REVENUE TO THE EXTENT NECESSARY FOR THE DEPARTMENT'S COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE PROVISIONS OF THIS PART 6. ANY MONEYS REMAINING IN THE FUND ATTRIBUTABLE TO TAXES COLLECTED IN THE PRIOR FISCAL YEAR SHALL BE TRANSMITTED TO THE AUTHORITY; EXCEPT THAT, PRIOR TO THE TRANSMISSION TO THE AUTHORITY OF SUCH MONEYS, ANY MONEYS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF REVENUE FOR THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE TAX FOR THE PRIOR FISCAL YEAR SHALL BE REPAID.

(k) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED BY THIS PART 6. THE SPECIFIC POWERS SHALL NOT BE CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS PART 6.

(2) (a) THE BOARD MAY INCLUDE PROPERTY WITHIN OR EXCLUDE PROPERTY FROM THE BOUNDARIES OF THE AUTHORITY IN THE MANNER PROVIDED IN THIS SUBSECTION (2). PROPERTY MAY NOT BE INCLUDED WITHIN THE BOUNDARIES OF THE AUTHORITY UNLESS IT IS WITHIN THE BOUNDARIES OF THE MEMBERS OF THE COMBINATION AND IS CONTIGUOUS TO PROPERTY WITHIN THE BOUNDARIES OF THE AUTHORITY AT THE TIME OF THE INCLUSION. PROPERTY LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION AS THE BOUNDARIES OF

THE MUNICIPALITY EXIST ON THE DATE THE PROPERTY IS INCLUDED MAY NOT BE INCLUDED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY, AND PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY THAT IS NOT A MEMBER OF THE COMBINATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE PROPERTY IS INCLUDED MAY NOT BE INCLUDED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY.

(b) (I) PRIOR TO ANY INCLUSION IN OR EXCLUSION OF PROPERTY FROM THE BOUNDARIES OF THE AUTHORITY, THE BOARD SHALL CAUSE NOTICE OF THE PROPOSED INCLUSION OR EXCLUSION TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE BOUNDARIES OF THE AUTHORITY AND CAUSE THE NOTICE TO BE MAILED TO THE DIVISION, TO THE TRANSPORTATION COMMISSION, AND TO THE OWNERS OF PROPERTY TO BE INCLUDED OR EXCLUDED AT THE LAST-KNOWN ADDRESS DESCRIBED FOR THE OWNERS IN THE REAL ESTATE RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE NOTICE SHALL DESCRIBE THE PROPERTY TO BE INCLUDED IN OR EXCLUDED FROM THE BOUNDARIES OF THE AUTHORITY, SHALL SPECIFY THE DATE, TIME, AND PLACE AT WHICH THE BOARD SHALL HOLD A PUBLIC HEARING ON THE PROPOSED INCLUSION OR EXCLUSION, AND SHALL STATE THAT PERSONS HAVING OBJECTIONS TO THE INCLUSION OR EXCLUSION MAY APPEAR AT THE PUBLIC HEARING TO OBJECT TO THE PROPOSED INCLUSION OR EXCLUSION. THE DATE OF THE PUBLIC HEARING CONTAINED IN THE NOTICE SHALL BE NOT LESS THAN TWENTY DAYS AFTER THE MAILING AND PUBLICATION OF THE NOTICE. THE BOARD, AT THE TIME AND PLACE DESIGNATED IN THE NOTICE OR AT SUCH TIMES AND PLACES TO WHICH THE HEARING MAY BE ADJOURNED, SHALL HEAR ALL OBJECTIONS TO THE PROPOSED INCLUSION OR EXCLUSION.

(II) THE BOARD, UPON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE BOARD, MAY ADOPT A RESOLUTION INCLUDING OR EXCLUDING ALL OR ANY PORTION OF THE PROPERTY DESCRIBED IN THE NOTICE. UPON THE ADOPTION OF THE RESOLUTION, THE PROPERTY SHALL BE INCLUDED WITHIN OR EXCLUDED FROM THE BOUNDARIES OF THE AUTHORITY AS SET FORTH IN THE RESOLUTION. THE BOARD MAY ADOPT THE RESOLUTION WITHOUT AMENDING THE CONTRACT REQUIRED BY SECTION 43-4-603 (2). THE BOARD SHALL FILE THE RESOLUTION WITH THE DIRECTOR OF THE DIVISION, WHO SHALL CAUSE THE RESOLUTION TO BE RECORDED IN THE REAL ESTATE RECORDS OF EACH COUNTY HAVING TERRITORY INCLUDED IN THE BOUNDARIES OF THE AUTHORITY.

(c) ALL PROPERTY EXCLUDED FROM THE AUTHORITY SHALL THEREAFTER BE SUBJECT TO THE REVENUE-RAISING POWERS OF THE AUTHORITY ONLY TO THE EXTENT THAT THE POWERS HAVE BEEN EXERCISED BY THE AUTHORITY AGAINST THE PROPERTY OR ACTIVITIES OCCURRING ON THE PROPERTY PRIOR TO THE EXCLUSION AND TO THE EXTENT REQUIRED TO COMPLY WITH AGREEMENTS WITH THE HOLDERS OF BONDS OUTSTANDING AT THE TIME OF THE EXCLUSION. ALL PROPERTY OR ACTIVITIES OCCURRING ON THE PROPERTY INCLUDED WITHIN THE AUTHORITY SHALL THEREAFTER BE SUBJECT TO THE REVENUE-RAISING POWERS OF THE AUTHORITY. IN NO WAY WILL THIS SECTION AFFECT OR INCREASE PROPERTY TAXES IN THE AFFECTED TERRITORY OR JURISDICTION.

(3) PROPERTY INCLUDED IN AN AUTHORITY PURSUANT TO THIS SECTION ARE SUBJECT TO THE SAME MILL LEVIES AND OTHER TAXES LEVIED OR TO BE LEVIED ON OTHER SIMILARLY SITUATED PROPERTY AT THE TIME THE ADDITIONAL PROPERTY IS

INCLUDED. THE NEWLY INCLUDED PROPERTY IS AN ADDITION TO TAXABLE REAL PROPERTY, AND THE APPLICATION OF SUCH LEVIES AND OTHER TAXES TO THE NEWLY INCLUDED PROPERTY IS NOT SUBJECT TO THE REQUIREMENTS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION. THIS SUBSECTION (3) IS INTENDED TO PLACE NEWLY INCLUDED PROPERTY AND SIMILARLY SITUATED EXISTING PROPERTY WITHIN AN AUTHORITY ON AN EQUAL BASIS.

(4) THE BOARD, UPON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE BOARD, MAY DETERMINE THE LOCATION OF THE RURAL TRANSPORTATION SYSTEM.

(5) ANY RURAL TRANSPORTATION SYSTEM CONSTRUCTED BY AN AUTHORITY UNDER THIS PART 6 THAT IS FUNDED, IN WHOLE OR IN PART, FROM THE HIGHWAY USERS TAX FUND AND THAT MAY BE REASONABLY EXPECTED TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS IN THE AGGREGATE FOR ANY FISCAL YEAR SHALL BE SUBJECT TO THE CONSTRUCTION BIDDING PROVISIONS IN PART 7 OF ARTICLE 1 OF TITLE 29, C.R.S. IF THE STATE IS INVOLVED IN THE CONSTRUCTION OF SUCH RURAL TRANSPORTATION SYSTEM, THE CONSTRUCTION BIDDING PROVISIONS IN ARTICLE 92 OF TITLE 24, C.R.S., SHALL APPLY. NOTHING HEREIN SHALL BE CONSTRUED TO AFFECT THE ABILITY OF SUCH ENTITIES TO ENTER INTO DESIGN-BUILD CONTRACTS UNDER APPLICABLE STATE LAWS.

(6) IN EXERCISING ANY OF THE POWERS TO IMPOSE TAXES PURSUANT TO SUBSECTION (1) OF THIS SECTION, AN AUTHORITY SHALL, WHENEVER POSSIBLE, ASSESS ANY SUCH TAX WITHIN THE BOUNDARIES OF EXISTING TAXING DISTRICTS IN ORDER TO REDUCE THE ADMINISTRATIVE COSTS OF THE DEPARTMENT OF REVENUE.

**43-4-606. Establishment of rural transportation activity enterprises.** (1) ANY AUTHORITY MAY ESTABLISH RURAL TRANSPORTATION ACTIVITY ENTERPRISES FOR THE PURPOSE OF PURSUING OR CONTINUING ACTIVITIES AUTHORIZED BY THIS PART 6. ANY RURAL TRANSPORTATION ACTIVITY ENTERPRISE ESTABLISHED OR MAINTAINED PURSUANT TO THIS PART 6 IS NOT SUBJECT TO THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) EACH RURAL TRANSPORTATION ACTIVITY ENTERPRISE SHALL BE WHOLLY OWNED BY A SINGLE AUTHORITY AND SHALL NOT BE COMBINED WITH ANY RURAL TRANSPORTATION ACTIVITY ENTERPRISE OWNED BY ANOTHER AUTHORITY; EXCEPT THAT EACH AUTHORITY MAY ESTABLISH MORE THAN ONE RURAL TRANSPORTATION ACTIVITY ENTERPRISE AND EACH RURAL TRANSPORTATION ACTIVITY ENTERPRISE MAY CONDUCT OR CONTINUE TO CONDUCT ONE OR MORE ACTIVITIES AUTHORIZED BY THIS PART 6 AS MAY BE DETERMINED BY THE GOVERNING BODY OF THE RURAL TRANSPORTATION ACTIVITY ENTERPRISE.

(b) THIS SUBSECTION (2) DOES NOT LIMIT THE AUTHORITY OF A RURAL TRANSPORTATION ACTIVITY ENTERPRISE TO CONTRACT WITH ANY OTHER PERSON OR ENTITY, INCLUDING OTHER AUTHORITIES, OTHER STATE OR LOCAL GOVERNMENTS, OR OTHER RURAL TRANSPORTATION ACTIVITY ENTERPRISES.

(3) THE GOVERNING BODY OF A RURAL TRANSPORTATION ACTIVITY ENTERPRISE IS THE BOARD OF THE AUTHORITY THAT OWNS THE ENTERPRISE.

(4) THE GOVERNING BODY FOR EACH RURAL TRANSPORTATION ACTIVITY ENTERPRISE MAY EXERCISE THE AUTHORITY'S LEGAL AUTHORITY RELATING TO ACTIVITIES AUTHORIZED BY THIS PART 6, BUT NO RURAL TRANSPORTATION ACTIVITY ENTERPRISE MAY LEVY A TAX THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION.

(5) EACH RURAL TRANSPORTATION ACTIVITY ENTERPRISE, THROUGH ITS GOVERNING BODY, MAY ISSUE OR REISSUE REVENUE BONDS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 43-4-609. EACH BOND ISSUED UNDER THIS SUBSECTION (5) SHALL RECITE IN SUBSTANCE THAT THE BOND, INCLUDING THE INTEREST THEREON, IS PAYABLE FROM THE REVENUES AND OTHER AVAILABLE FUNDS OF THE RURAL TRANSPORTATION ACTIVITY ENTERPRISE PLEDGED FOR THE PAYMENT THEREOF.

(6) THE POWERS PROVIDED IN THIS SECTION FOR RURAL TRANSPORTATION ACTIVITY ENTERPRISES SHALL NOT MODIFY, LIMIT, OR AFFECT THE POWERS CONFERRED BY ANY OTHER LAW, EITHER DIRECTLY OR INDIRECTLY.

(7) LOAN AGREEMENTS SUBJECT TO REPAYMENT OR CONTRACTS TO PROVIDE RURAL TRANSPORTATION SYSTEMS OR THE USE OF PROPERTY INCLUDED IN OR IN CONNECTION WITH A RURAL TRANSPORTATION SYSTEM, WHICH INVOLVE THE PAYMENT OF FUNDS FOR SUCH SYSTEMS OR THE USE OF THE PROPERTY TO AN AUTHORITY OR ITS RURAL TRANSPORTATION ACTIVITY ENTERPRISE BY A STATE OR LOCAL GOVERNMENT OR BY ANOTHER AUTHORITY OR RURAL TRANSPORTATION ACTIVITY ENTERPRISE, ARE NOT GRANTS FOR PURPOSES OF THE DEFINITION OF ENTERPRISE UNDER SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

(8) AN AUTHORITY OR ITS RURAL TRANSPORTATION ACTIVITY ENTERPRISE MAY CONTRACT WITH ANY OTHER GOVERNMENTAL OR PRIVATE SOURCE OF FUNDING FOR LOANS AND GRANTS RELATED TO RURAL TRANSPORTATION ACTIVITY ENTERPRISE FUNCTIONS.

(9) REVENUES COLLECTED OR SPENT BY AN AUTHORITY FOR RURAL TRANSPORTATION SYSTEMS OR THE USE OF PROPERTY INCLUDED IN OR IN CONNECTION WITH A RURAL TRANSPORTATION SYSTEM RENDERED OR PROVIDED BY A RURAL TRANSPORTATION ACTIVITY ENTERPRISE OWNED BY THE AUTHORITY ARE NOT SUBJECT TO THE PROVISIONS OF SECTION 20 (4) AND (7) OF ARTICLE X OF THE STATE CONSTITUTION.

(10) THE RATES OR A CHANGE IN THE RATES CHARGED BY AN AUTHORITY FOR RURAL TRANSPORTATION SYSTEMS OR FOR THE USE OF PROPERTY INCLUDED IN OR IN CONNECTION WITH A RURAL TRANSPORTATION SYSTEM RENDERED OR PROVIDED BY A RURAL TRANSPORTATION ACTIVITY ENTERPRISE OWNED BY THE AUTHORITY ARE NOT TAXES SUBJECT TO THE PROVISIONS OF SECTION 20 (4) AND (7) OF ARTICLE X OF THE STATE CONSTITUTION.

(11) THE AUTHORITY GRANTED TO A RURAL TRANSPORTATION ACTIVITY ENTERPRISE UNDER THIS SECTION IS IN ADDITION TO ALL OTHER AUTHORITY PROVIDED BY LAW. NOTHING CONTAINED IN THIS PART 6 SHALL BE CONSTRUED TO REQUIRE THE ESTABLISHMENT, OPERATION, OR CONTINUATION OF A RURAL TRANSPORTATION ACTIVITY ENTERPRISE OR TO LIMIT THE AUTHORITY OF ANY STATE OR LOCAL GOVERNMENT TO UTILIZE OTHER POLICIES AND PROCEDURES FOR ESTABLISHING,

OPERATING, OR CONTINUING ANY ENTERPRISE FOR ANY LAWFUL PURPOSE.

**43-4-607. Traffic laws - toll collection.** (1) THE TRAFFIC LAWS OF THIS STATE AND OF ANY MUNICIPALITY, IN WHICH A RURAL TRANSPORTATION SYSTEM IS CONSTRUCTED, OPERATED, OR MAINTAINED BY AN AUTHORITY, AND THE AUTHORITY'S RULES AND REGULATIONS REGARDING TOLL COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF ANY SUCH RURAL TRANSPORTATION SYSTEM ON WHICH VEHICLES SUBJECT TO THE TRAFFIC LAWS OR RULES AND REGULATIONS ARE OPERATED. STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT AGREEMENTS WITH AUTHORITIES. ANY FUNDS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT TO THE TOLL ENFORCEMENT AGREEMENT ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE LAW ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO THE AGREEMENT.

(2) ANY PERSON WHO FAILS TO PAY A REQUIRED FEE, TOLL, RATE, OR CHARGE FOR THE PRIVILEGE OF TRAVELING ON OR USING ANY PROPERTY INCLUDED IN A RURAL TRANSPORTATION SYSTEM PURSUANT TO THIS PART 6 IS SUBJECT TO THE PENALTY SPECIFIED IN SECTIONS 42-4-613 AND 42-4-1701 (4) (a) (I) (G), C.R.S.

**43-4-608. Local improvement districts.** THE BOARD MAY ESTABLISH LOCAL IMPROVEMENT DISTRICTS WITHIN THE BOUNDARIES OF THE AUTHORITY TO FACILITATE THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF RURAL TRANSPORTATION SYSTEMS. THE BOARD MAY ESTABLISH SUCH LOCAL IMPROVEMENT DISTRICTS WHENEVER ANY AREA WITHIN THE BOUNDARIES OF THE AUTHORITY, IN THE OPINION OF THE BOARD, WILL BE ESPECIALLY BENEFITED BY THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A RURAL TRANSPORTATION SYSTEM. THE BOARD SHALL NOT ESTABLISH A LOCAL IMPROVEMENT DISTRICT UNLESS THE BOARD RECEIVES A PETITION SIGNED BY THE OWNERS OF THE PROPERTY THAT WILL BEAR A MAJORITY OF THE PROPOSED ASSESSMENTS AND A PETITION SIGNED BY THE LESSER OF A MAJORITY OF THE REGISTERED ELECTORATE IN THE PROPOSED DISTRICT OR ONE THOUSAND REGISTERED ELECTORS IN THE PROPOSED DISTRICT. THE METHOD OF CREATING LOCAL IMPROVEMENT DISTRICTS, MAKING THE IMPROVEMENTS, AND ASSESSING THE COSTS THEREOF SHALL BE AS PROVIDED IN PART 6 OF ARTICLE 20 OF TITLE 30, C.R.S.; EXCEPT THAT THE BOARD SHALL PERFORM THE DUTIES OF THE BOARD OF COUNTY COMMISSIONERS THEREUNDER AND THE IMPROVEMENTS SHALL BE RURAL TRANSPORTATION SYSTEMS AS DEFINED BY SECTION 43-4-602 (16).

**43-4-609. Bonds.** (1) THE AUTHORITY MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE AUTHORITY SHALL ISSUE THE BONDS PURSUANT TO RESOLUTION OF THE BOARD, AND THE BONDS SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE REVENUES AS DESIGNATED BY THE BOARD.

(2) AS PROVIDED IN THE RESOLUTION OF THE BOARD UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE AUTHORITY AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS, THE BONDS MAY:

(a) BE EXECUTED AND DELIVERED BY THE AUTHORITY AT SUCH TIMES;

(b) BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES;

(c) BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM;

(d) BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH;

(e) BEAR SUCH CONVERSION PRIVILEGES;

(f) BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY YEARS FROM THE DATE THEREOF;

(g) BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE;

(h) BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE AUTHORITY OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE;

(i) BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE AUTHORITY AND BE EVIDENCED IN SUCH MANNER;

(j) BE EXECUTED BY THE OFFICERS OF THE AUTHORITY, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH SIGNATURES MAY BE EITHER OF AN OFFICER OF THE AUTHORITY OR OF AN AGENT AUTHENTICATING THE SAME;

(k) BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE AUTHORITY; AND

(l) CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 6.

(3) THE BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE BOARD, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE AUTHORITY. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE AUTHORITY PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE REVENUES OF THE AUTHORITY, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND

REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE AUTHORITY DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE AUTHORITY DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(5) ANY PLEDGE OF REVENUES OR PROPERTY MADE BY THE AUTHORITY OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE AUTHORITY CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE REVENUES OR PROPERTY SO PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(6) NEITHER THE DIRECTORS OF THE BOARD, EMPLOYEES OF THE AUTHORITY, OR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

(7) THE AUTHORITY MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE FUNDS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL THE BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

**43-4-610. Cooperative powers.** (1) THE AUTHORITY HAS THE POWER TO COOPERATE WITH ANY PERSON:

(a) TO ACCEPT CONTRIBUTIONS, LOANS, ADVANCES, OR LIENS SECURING OBLIGATIONS TO OR OF THE AUTHORITY FROM ANY PERSON WITH RESPECT TO THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A RURAL TRANSPORTATION SYSTEM AND, IN CONNECTION WITH ANY LOAN OR ADVANCE, TO ENTER INTO CONTRACTS ESTABLISHING THE REPAYMENT TERMS;

(b) TO ENTER INTO CONTRACTS WITH RESPECT TO AND TO COOPERATE IN THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A SPECIFIED RURAL TRANSPORTATION SYSTEM;

(c) TO ENTER INTO JOINT OPERATING CONTRACTS CONCERNING A RURAL TRANSPORTATION SYSTEM;

(d) TO ACQUIRE EASEMENTS OR RIGHTS-OF-WAY FOR A RURAL TRANSPORTATION SYSTEM;

(e) TO TRANSFER DOMINION OVER ALL OR ANY PORTION OF A RURAL TRANSPORTATION SYSTEM FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED BY THE AUTHORITY TO THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, OTHER GOVERNMENTAL UNITS, OR ANY PERSON; AND

(f) TO DESIGNATE A RURAL TRANSPORTATION SYSTEM AS PART OF THE FEDERAL HIGHWAY SYSTEM, THE STATE HIGHWAY SYSTEM, A COUNTY HIGHWAY SYSTEM, OR A MUNICIPAL HIGHWAY SYSTEM IF THE PERSON WITH JURISDICTION OVER THE APPLICABLE HIGHWAY SYSTEM CONSENTS TO THE DESIGNATION.

**43-4-611. Powers of governmental units.** (1) A GOVERNMENTAL UNIT, FOR THE PURPOSE OF AIDING AND COOPERATING IN THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY RURAL TRANSPORTATION SYSTEM, HAS THE POWER:

(a) TO SELL, LEASE, LOAN, DONATE, GRANT, CONVEY, ASSIGN, TRANSFER, AND OTHERWISE DISPOSE TO THE AUTHORITY ANY REAL OR PERSONAL PROPERTY OR INTERESTS THEREIN;

(b) TO ENTER INTO AGREEMENTS WITH ANY PERSON FOR THE JOINT FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY RURAL TRANSPORTATION SYSTEM. UPON COMPLIANCE WITH APPLICABLE CONSTITUTIONAL OR CHARTER LIMITATIONS, THE GOVERNMENTAL UNIT MAY AGREE TO MAKE PAYMENTS, WITHOUT LIMITATION AS TO AMOUNT EXCEPT AS SET FORTH IN THE AGREEMENT, FROM REVENUES RECEIVED FROM ONE OR MORE FISCAL YEARS, TO THE AUTHORITY OR ANY PERSON TO DEFRAY THE COSTS OF THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A RURAL TRANSPORTATION SYSTEM.

(c) TO TRANSFER OR ASSIGN TO THE AUTHORITY ANY CONTRACTS THAT MAY HAVE BEEN AWARDED BY THE GOVERNMENTAL UNIT FOR CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY RURAL TRANSPORTATION SYSTEM.

(2) TO ASSIST IN THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A RURAL TRANSPORTATION SYSTEM, ANY COUNTY OR MUNICIPALITY THAT IS A MEMBER OF A COMBINATION MAY, BY CONTRACT, PLEDGE TO THE AUTHORITY ALL OR A PORTION OF THE REVENUES IT RECEIVES FROM THE HIGHWAY USERS TAX FUND OR FROM ANY OTHER LEGALLY AVAILABLE FUNDS. THE AUTHORITY SHALL APPLY REVENUES THAT IT RECEIVES PURSUANT TO THE PLEDGE TO THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF ANY RURAL TRANSPORTATION SYSTEM. THE AUTHORITY MAY REFUSE TO ACCEPT ANY REVENUES THAT WOULD CAUSE A MEMBER OF THE COMBINATION TO EXCEED ITS ALLOWABLE FISCAL YEAR SPENDING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND THAT COULD RESULT IN A REFUND OF EXCESS REVENUES UNDER SAID SECTION 20.

**43-4-612. Referendum.** (1) NO ACTION BY AN AUTHORITY TO ESTABLISH OR INCREASE ANY TAX AUTHORIZED BY THIS PART 6 SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS OF THAT PORTION OF THE COMBINATION IN WHICH THE TAX IS PROPOSED TO BE COLLECTED.

(2) NO ACTION BY AN AUTHORITY CREATING A MULTIPLE FISCAL YEAR DEBT OR OTHER FINANCIAL OBLIGATION THAT IS SUBJECT TO SECTION 20 (4) (b) OF ARTICLE X OF THE STATE CONSTITUTION SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE AUTHORITY; EXCEPT THAT NO SUCH VOTE IS REQUIRED FOR OBLIGATIONS OF RURAL TRANSPORTATION ACTIVITY ENTERPRISES ESTABLISHED UNDER SECTION 43-4-606 OR FOR OBLIGATIONS OF ANY OTHER ENTERPRISE UNDER SECTION 20 (2) (d) OF ARTICLE

## X OF THE STATE CONSTITUTION.

(3) THE QUESTIONS PROPOSED TO THE REGISTERED ELECTORS UNDER SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE SUBMITTED AT A GENERAL ELECTION OR ANY ELECTION TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR. THE ACTION SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING THEREON AT THE ELECTION VOTE IN FAVOR THEREOF. THE ELECTION SHALL BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE AUTHORITY IN CONDUCTING THE ELECTION. THE AUTHORITY SHALL PAY THE COSTS INCURRED BY EACH COUNTY IN CONDUCTING SUCH AN ELECTION. NO MONEYS OF THE AUTHORITY MAY BE USED TO URGE OR OPPOSE PASSAGE OF AN ELECTION REQUIRED UNDER THIS SECTION.

**43-4-613. Notice to municipalities - opportunity for comment.** THE BOARD OF ANY AUTHORITY CREATED PURSUANT TO THIS PART 6, AT LEAST FORTY-FIVE DAYS PRIOR TO ANY MEETING AT WHICH THE BOARD SHALL CONSIDER OR TAKE ACTION ON A PROPOSAL TO ESTABLISH, INCREASE, OR DECREASE ANY TAX OR FEE AUTHORIZED BY THIS PART 6, SHALL DELIVER WRITTEN NOTICE OF THE MEETING AND PROPOSAL TO ANY COUNTY AND ANY MUNICIPALITY WHERE THE PROPOSED TAX OR FEE WOULD BE IMPOSED. PRIOR TO THE TAKING OF ANY ACTION ON ANY SUCH PROPOSAL BY THE BOARD OF ANY AUTHORITY, COUNTIES, AND MUNICIPALITIES ENTITLED TO RECEIVE NOTICE PURSUANT TO THIS SECTION SHALL BE AFFORDED A REASONABLE OPPORTUNITY FOR COMMENT, EITHER AT A REGULAR MEETING OF THE BOARD OR AT A SPECIAL MEETING CONVENED TO RECEIVE SUCH COMMENT.

**43-4-614. Notice - coordination of information - reports.** (1) (a) AT LEAST FORTY-FIVE DAYS PRIOR TO THE CREATION OF ANY AUTHORITY PURSUANT TO THIS PART 6, A NOTICE CONTAINING THE PROPOSED BOUNDARIES OF THE AUTHORITY AND THE METHODS PROPOSED FOR FINANCING RURAL TRANSPORTATION SYSTEMS IN THE AUTHORITY SHALL BE SENT TO THE DIVISION, TO THE DEPARTMENT OF REVENUE, AND TO THE CHAIR OF THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION 43-2-145.

(b) AT LEAST FORTY-FIVE DAYS PRIOR TO THE IMPOSITION OF OR ANY INCREASE IN ANY FEE OR TAX OR PRIOR TO THE ISSUANCE OF ANY BONDS AUTHORIZED IN THIS PART 6, A NOTICE SPECIFYING THE AMOUNT OF THE FEE OR TAX AND ITS PROPOSED DURATION OR THE VALUE AND NUMBER OF BONDS TO BE ISSUED SHALL BE SENT TO THE DIVISION. THE NOTICE REQUIRED BY THIS PARAGRAPH (b) IS NOT NECESSARY IF THE REQUIRED INFORMATION HAS PREVIOUSLY BEEN PROVIDED IN THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1).

(c) AT THE TIME THE NOTICE REQUIRED IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1) IS SENT TO THE DIVISION, A COPY OF THE NOTICE SHALL BE FILED WITH THE STATE AUDITOR AND THE TRANSPORTATION COMMISSION.

(2) THE DIVISION SHALL FORWARD COPIES OF ANY SUCH NOTICE TO THE DEPARTMENT OF TRANSPORTATION IF THE DIVISION DETERMINES THAT THE PROPOSED AUTHORITY OR THE TAX, FEE, OR BONDS WILL HAVE AN IMPACT ON ANY OPERATIONS OF THAT DEPARTMENT.

(3) (a) THE DIVISION SHALL FILE AN ANNUAL REPORT WITH THE STATE AUDITOR AND TRANSPORTATION COMMISSION CONCERNING THE ACTIVITIES OF AUTHORITIES CREATED PURSUANT TO THIS PART 6. THE REPORT SHALL DETAIL HOW MANY AUTHORITIES HAVE BEEN CREATED, DESCRIBE THEIR BOUNDARIES, AND SPECIFY THE RURAL TRANSPORTATION SYSTEMS THAT ARE BEING PROVIDED AND HOW THEY ARE BEING FINANCED.

(b) THE DIVISION SHALL NOTIFY THE STATE AUDITOR AND THE TRANSPORTATION COMMISSION EITHER IN THE REPORT REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) OR BY LETTER, IF IT DEEMS THAT IMMEDIATE NOTIFICATION IS WARRANTED, OF ANY SITUATION RELATING TO THE CREATION OF AN AUTHORITY, THE IMPOSITION OF ANY FEE OR TAX, OR THE ISSUANCE OF ANY BONDS BY AN AUTHORITY THAT THE DIVISION BELIEVES OR HAS REASON TO BELIEVE WILL ADVERSELY AFFECT THE TAX-RAISING ABILITY OR THE CREDIT OR BOND RATING OF ANY GOVERNMENTAL UNIT.

(4) EACH AUTHORITY SHALL REPORT ANNUALLY IN THE MONTH OF AUGUST TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE, CREATED IN SECTION 43-2-145, ON ITS ACTIVITIES DURING THE PRECEDING TWELVE MONTHS AND ON ITS PROPOSED ACTIVITIES DURING THE SUCCEEDING TWELVE MONTHS. THE BOARD AND STAFF OF THE AUTHORITY SHALL COOPERATE WITH THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE IN CARRYING OUT THE COMMITTEE'S DUTIES PURSUANT TO SECTION 43-2-145 (1.9).

**43-4-615. Agreement of the state not to limit or alter rights of obligees.** THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS OF ANY BONDS ISSUED UNDER THIS PART 6 AND WITH THOSE PARTIES WHO ENTER INTO CONTRACTS WITH AN AUTHORITY OR ANY MEMBER OF THE COMBINATION PURSUANT TO THIS PART 6 THAT THE STATE WILL NOT IMPAIR THE RIGHTS VESTED IN THE AUTHORITY OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH THE AUTHORITY CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS MADE PURSUANT TO THIS PART 6. THE STATE FURTHER AGREES THAT IT WILL NOT IMPAIR THE RIGHTS OR REMEDIES OF THE HOLDERS OF ANY BONDS OF THE AUTHORITY UNTIL THE BONDS HAVE BEEN PAID OR UNTIL ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. THE AUTHORITY MAY INCLUDE THIS PROVISION AND UNDERTAKING FOR THE STATE IN SUCH BONDS.

**43-4-616. Investments.** AN AUTHORITY MAY INVEST OR DEPOSIT ANY FUNDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, AN AUTHORITY MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS FUNDS OF THE AUTHORITY TO INVEST OR DEPOSIT THE FUNDS IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE INVESTMENT WILL ASSIST THE AUTHORITY IN THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF RURAL TRANSPORTATION SYSTEMS.

**43-4-617. Bonds eligible for investment.** ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS PART

6. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S., MAY INVEST PUBLIC FUNDS IN THE BONDS ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.

**43-4-618. Exemption from taxation - securities laws.** THE INCOME OR OTHER REVENUES OF AN AUTHORITY, ALL PROPERTIES AT ANY TIME OWNED BY AN AUTHORITY, ANY BONDS ISSUED BY AN AUTHORITY, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY AN AUTHORITY ARE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, AN AUTHORITY MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS.

**43-4-619. No action maintainable.** AN ACTION OR PROCEEDING AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS OR TO QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT OR PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS PART 6, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS, SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY DAYS AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE EFFECTIVE DATE THEREOF, WHICHEVER OCCURS FIRST, AND IS THEREAFTER PERPETUALLY BARRED.

**43-4-620. Judicial examination of powers, acts, proceedings, or contracts of an authority.** IN ITS DISCRETION, THE BOARD OF AN AUTHORITY MAY FILE A PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY IN WHICH THE AUTHORITY IS LOCATED WHOLLY OR IN PART PRAYING FOR A JUDICIAL EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED TO THE AUTHORITY, ANY REVENUE-RAISING POWER EXERCISED OR THAT MAY BE EXERCISED BY THE AUTHORITY, OR ANY ACT, PROCEEDING, OR CONTRACT OF THE AUTHORITY, WHETHER OR NOT THE CONTRACT HAS BEEN EXECUTED. THE JUDICIAL EXAMINATION AND DETERMINATION SHALL BE CONDUCTED IN SUBSTANTIALLY THE MANNER SET FORTH IN SECTION 32-4-540, C.R.S.; EXCEPT THAT THE NOTICE REQUIRED SHALL BE PUBLISHED ONCE A WEEK FOR THREE CONSECUTIVE WEEKS AND THE HEARING SHALL BE HELD NOT LESS THAN THIRTY DAYS OR MORE THAN FORTY DAYS AFTER THE FILING OF THE PETITION.

**SECTION 2.** Part 6 of article 4 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-613. Failure to pay toll established by rural transportation authority.** ANY PERSON WHO FAILS TO PAY A REQUIRED FEE, TOLL, RATE, OR CHARGE ESTABLISHED BY A RURAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF ARTICLE 4 OF TITLE 43, C.R.S., FOR THE PRIVILEGE OF TRAVELING ON OR USING ANY PROPERTY INCLUDED IN A RURAL TRANSPORTATION SYSTEM PURSUANT TO PART 6 OF ARTICLE 4 OF TITLE 43, C.R.S., COMMITS A CLASS A TRAFFIC INFRACTION.

**SECTION 3.** 42-4-1701 (4) (a) (I) (G), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or

against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

**Section Violated            Penalty    Surcharge**

**(G) Signals, signs, and markings violations:**

42-4-603	\$ 35.00	\$ 4.00
42-4-604	35.00	4.00
42-4-605	35.00	4.00
42-4-606	15.00	2.00
42-4-607	50.00	6.00
42-4-608	15.00	2.00
42-4-609	15.00	2.00
42-4-610	15.00	2.00
42-4-612	35.00	4.00
42-4-613	35.00	4.00

**SECTION 4.** 43-2-145, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-2-145. Transportation legislation review - committee - repeal.** (1.9) THE COMMITTEE MAY REVIEW ANY PHASE OF OPERATIONS OF ANY RURAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF ARTICLE 4 OF THIS TITLE, INCLUDING THE PLANNING AND CONSTRUCTION OF RURAL TRANSPORTATION SYSTEMS, PRIOR TO AND DURING THE COMPLETION OF SUCH SYSTEMS. THE COMMITTEE MAY ALSO CONDUCT A POSTOPERATION REVIEW OF ANY SYSTEM TO DETERMINE WHETHER THE SYSTEM WAS COMPLETED IN THE MOST COST-EFFECTIVE AND EFFICIENT MANNER. THE COMMITTEE MAY REQUIRE ANY RURAL TRANSPORTATION AUTHORITY TO PREPARE AND ADOPT LONG-RANGE PLANS FOR THE DEVELOPMENT OF RURAL TRANSPORTATION SYSTEMS, AND THE COMMITTEE SHALL MONITOR THE PROGRESS OF SUCH PLANS. THE COMMITTEE MAY ALSO REQUIRE FINANCIAL OR PERFORMANCE AUDITS TO BE CONDUCTED.

**SECTION 5. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 24, 1997