

CHAPTER 138

**TRANSPORTATION**

**SENATE BILL 02-085**

BY SENATOR(S) Takis, Entz, Hagedorn, Hernandez, Isgar, May, Nichol, Phillips, Tate, Teck, Tupa, Fitz-Gerald, Linkhart, Matsunaka, and Windels;  
also REPRESENTATIVE(S) Sinclair, Borodkin, Garcia, Jahn, Mace, Madden, Romanoff, Scott, Stafford, Tochtrop, Weddig, and Williams S.

**AN ACT**

**CONCERNING INCREASING THE PUBLIC'S PARTICIPATION IN DECISIONS MADE BY TRANSPORTATION  
AUTHORITIES BY PROVIDING FOR THE PUBLIC'S ABILITY TO HAVE INPUT INTO SUCH DECISIONS.**

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

**SECTION 1.** 43-4-513, Colorado Revised Statutes, is amended to read:

**43-4-513. Notice - opportunity for comment.** (1) The board of any authority created pursuant to this part 5, 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 fee authorized by this part 5, shall deliver written notice of the meeting and proposal to any municipality where the proposed fee would be imposed. Prior to the taking of any action on such proposal by the board of any authority, 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 of the authority or at a special meeting convened to receive such comment.

(2) THE BOARD OF ANY AUTHORITY CREATED PURSUANT TO THIS PART 5, AT LEAST SEVEN BUSINESS DAYS PRIOR TO ANY REGULARLY SCHEDULED MEETING, SHALL MAKE AVAILABLE TO THE PUBLIC WRITTEN OR ELECTRONIC NOTICE OF THE TIME AND AGENDA OF SUCH MEETING. THE BOARD SHALL DESIGNATE DURING EACH MEETING A PUBLIC COMMENT PERIOD THAT SHALL BE AT LEAST ONE HOUR IN DURATION AND SHALL OFFER THE PUBLIC AN OPPORTUNITY TO COMMENT DURING SUCH PERIOD. SUCH PERIOD MAY BE ABRIDGED WHEN THE PUBLIC IS FINISHED OFFERING COMMENTS.

**SECTION 2.** 43-4-613, Colorado Revised Statutes, is amended to read:

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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.*

**43-4-613. Notice - opportunity for comment.** (1) 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.

(2) THE BOARD OF ANY AUTHORITY CREATED PURSUANT TO THIS PART 6, AT LEAST SEVEN BUSINESS DAYS PRIOR TO ANY REGULARLY SCHEDULED MEETING, SHALL MAKE AVAILABLE TO THE PUBLIC WRITTEN OR ELECTRONIC NOTICE OF THE TIME AND AGENDA OF SUCH MEETING. THE BOARD SHALL DESIGNATE DURING EACH MEETING A PUBLIC COMMENT PERIOD THAT SHALL BE AT LEAST ONE HOUR IN DURATION AND SHALL OFFER THE PUBLIC AN OPPORTUNITY TO COMMENT DURING SUCH PERIOD. SUCH PERIOD MAY BE ABRIDGED WHEN THE PUBLIC IS FINISHED OFFERING COMMENTS.

**SECTION 3.** 24-72-202 (5), Colorado Revised Statutes, is amended to read:

**24-72-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(5) "Political subdivision" means and includes every county, city and county, city, town, school district, special district, PUBLIC HIGHWAY AUTHORITY, RURAL TRANSPORTATION AUTHORITY, and housing authority within this state.

**SECTION 4.** 43-4-505 (1), Colorado Revised Statutes, is amended to read:

**43-4-505. Board of directors.** (1) (a) 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; EXCEPT THAT, TO ENSURE PUBLIC PARTICIPATION IN POLICY DECISIONS, THE BOARD SHALL NOT DELEGATE THE FOLLOWING:

(I) ADOPTION OF BOARD POLICIES AND PROCEDURES;

(II) APPROVAL OF FINAL ROADWAY ALIGNMENTS;

(III) RATIFICATION OF ACQUISITION OF LAND BY NEGOTIATED SALE;

(IV) INSTITUTING AN EMINENT DOMAIN ACTION, WHICH MAY BE AT A PUBLIC HEARING OR IN EXECUTIVE SESSION;

(V) INITIATING OR CONTINUING LEGAL ACTION, NOT INCLUDING TRAFFIC OR TOLL VIOLATIONS; AND

(VI) ESTABLISHMENT OF FEE POLICIES.

(b) THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES AND PROCEDURES THAT GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL OPPORTUNITIES FOR PUBLIC INPUT. SUCH POLICIES SHALL INCLUDE STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY MEETING.

**SECTION 5.** 43-4-604 (1), Colorado Revised Statutes, is amended to read:

**43-4-604. Board of directors.** (1) (a) 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; EXCEPT THAT, TO ENSURE PUBLIC PARTICIPATION IN POLICY DECISIONS, THE BOARD SHALL NOT DELEGATE THE FOLLOWING:

(I) ADOPTION OF BOARD POLICIES AND PROCEDURES;

(II) APPROVAL OF FINAL ROADWAY ALIGNMENTS;

(III) RATIFICATION OF ACQUISITION OF LAND BY NEGOTIATED SALE;

(IV) INSTITUTING AN EMINENT DOMAIN ACTION, WHICH MAY BE AT A PUBLIC HEARING OR IN EXECUTIVE SESSION;

(V) INITIATING OR CONTINUING LEGAL ACTION, NOT INCLUDING TRAFFIC OR TOLL VIOLATIONS; AND

(VI) ESTABLISHMENT OF FEE POLICIES.

(b) THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES AND PROCEDURES THAT GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL OPPORTUNITIES FOR PUBLIC INPUT. SUCH POLICIES SHALL INCLUDE STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY MEETING.

**SECTION 6. 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: May 6, 2002