

CHAPTER 269

TRANSPORTATION

HOUSE BILL 05-1064

BY REPRESENTATIVE(S) May M., Boyd, Coleman, Knoedler, McFadyen, Merrifield, Paccione, Plant, Sullivan, Berens, Harvey, and Stengel;
also SENATOR(S) Williams, Bacon, Groff, and Tupa.

AN ACT

CONCERNING REGIONAL TRANSPORTATION, AND, IN CONNECTION THEREWITH, ALLOWING LOCAL GOVERNMENTS THROUGHOUT THE STATE TO FORM REGIONAL TRANSPORTATION AUTHORITIES.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The "Rural Transportation Authority Law", part 6 of article 4 of title 43, Colorado Revised Statutes, authorizes combinations of counties and municipalities in all areas of the state, except areas in the Denver metropolitan region that are included within the boundaries of the regional transportation district established in article 9 of title 32, Colorado Revised Statutes, to create rural transportation systems to assist in addressing the transportation needs within their boundaries.

(b) Counties and municipalities within the Denver metropolitan region whose territory is partly or entirely included within the regional transportation district should have the same power to create a transportation authority as other local governments in the state.

(c) It is necessary and appropriate to change the name of the "Rural Transportation Authority Law" to the "Regional Transportation Authority Law" and to amend its provisions so that all counties and municipalities in the state can combine to establish regional transportation authorities to assist in addressing the transportation needs within their boundaries.

SECTION 2. 43-4-601, Colorado Revised Statutes, is amended to read:

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

43-4-601. Short title. This part 6 shall be known and may be cited as the "~~Rural~~ "REGIONAL Transportation Authority Law".

SECTION 3. 43-4-602 (1), (5), (9) (a), (9) (b) (I), (11), (13), (14), (15), and (16), Colorado Revised Statutes, are amended, and the said 43-4-602 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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.~~ "ADVERTISING DEVICE" MEANS AN OUTDOOR SIGN, DISPLAY, POSTER, OR OTHER MESSAGE USED TO ADVERTISE A PRODUCT OR SERVICE OR OTHER MESSAGE.

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

(5) "Construct" or "construction" means the planning, designing, engineering, acquisition, installation, construction, or reconstruction of ~~rural~~ REGIONAL transportation systems.

(9) (a) "Grant" means a cash payment of public funds made directly to a ~~rural~~ REGIONAL transportation activity enterprise by a governmental unit within the state, which cash payment is not required to be repaid.

(b) "Grant" does not include the following:

(I) Public funds paid or advanced to a ~~rural~~ REGIONAL transportation activity enterprise by a governmental unit in exchange for an agreement by a ~~rural~~ REGIONAL transportation activity enterprise to provide a ~~rural~~ REGIONAL transportation system or for the use of property included in or in connection with a ~~rural~~ REGIONAL transportation system;

(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~~ REGIONAL transportation system.

(12.5) "REGION" MEANS ALL OF THE TERRITORY WITHIN THE BOUNDARIES OF, AND SUBJECT TO THE JURISDICTION OF, THE GOVERNING BODY OF ANY MEMBER OF A COMBINATION THAT CREATES AN AUTHORITY PURSUANT TO SECTION 43-4-603.

(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~~ "REGIONAL transportation activity enterprise" means any ~~rural~~

REGIONAL 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~~ REGIONAL 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~~ REGIONAL transportation system shall be considered public rights-of-way for purposes of the location of utilities owned by persons other than the authority; EXCEPT THAT NO RIGHT-OF-WAY WITHIN THE REGIONAL TRANSPORTATION DISTRICT CREATED AND EXISTING PURSUANT TO ARTICLE 9 OF TITLE 32, C.R.S., THAT IS NOT PUBLICALLY DEDICATED RIGHT-OF-WAY BY A MUNICIPALITY, A COUNTY, OR THE STATE SHALL BE CONSIDERED PUBLIC RIGHT-OF-WAY AS A RESULT OF ITS INCLUSION IN THE DISTRICT.

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

(18) "STREETSCAPE ENHANCEMENT" MEANS AN ADVERTISING DEVICE LOCATED ON A BUS OR TRANSIT SHELTER OR BENCH, WASTE RECEPTACLE, KIOSK, OR OTHER FREESTANDING STRUCTURE LOCATED WITHIN AN AUTHORITY.

SECTION 4. 43-4-603 (1) and (2) (a), Colorado Revised Statutes, are amended, and the said 43-4-603 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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 COMBINATION JOINING IN THE CREATION OF THE AUTHORITY SHALL PROVIDE A COPY OF THE CONTRACT TO THE DEPARTMENT OF TRANSPORTATION FOR

COMMENT AND, IF THE TERRITORY OF THE PROPOSED AUTHORITY INCLUDES OR BORDERS ANY TERRITORY OF THE REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32, C.R.S., OR INTERSECTS WITH OR IS LIKELY TO DIVERT VEHICLE TRAFFIC TO OR FROM A TOLL HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY ESTABLISHED UNDER PART 5 OF THIS ARTICLE, SHALL ALSO PROVIDE A COPY OF THE CONTRACT TO THE DISTRICT OR THE AFFECTED PUBLIC HIGHWAY AUTHORITY, AS APPLICABLE, FOR COMMENT. THE COMBINATION SHALL ALSO PROVIDE A COPY OF THE CONTRACT TO EACH COUNTY AND MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION BUT THAT INCLUDES TERRITORY THAT BORDERS THE TERRITORY OF THE PROPOSED AUTHORITY FOR COMMENT. 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.

(1.5) ON AND AFTER JANUARY 1, 2006, IF, AFTER REVIEWING A CONTRACT THAT CREATES AN AUTHORITY PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION, BUT IN NO EVENT MORE THAN NINETY DAYS AFTER A COPY OF THE CONTRACT IS PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION, THE REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32, C.R.S., A BORDERING COUNTY OR MUNICIPALITY, OR A PUBLIC HIGHWAY AUTHORITY ESTABLISHED UNDER PART 5 OF THIS ARTICLE INFORMS THE COMBINATION THAT EXECUTED THE CONTRACT THAT ANY PORTIONS OF THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED BY THE PROPOSED AUTHORITY THAT INVOLVE ROAD CONSTRUCTION OR IMPROVEMENT, AS SPECIFIED IN THE CONTRACT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, AND THAT ARE ON, ALTER THE PHYSICAL STRUCTURE OF, OR NEGATIVELY IMPACT SAFE OPERATION OF ANY HIGHWAY, ROAD, OR STREET UNDER ITS JURISDICTION OR WILL PROVIDE MASS TRANSPORTATION SERVICES THAT IMPACT THE DISTRICT THEN, AT THE REQUEST OF THE AFFECTED ENTITY, THE COMBINATION SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE IDENTIFIED PORTIONS OR MASS TRANSPORTATION SERVICES WITH THE DEPARTMENT, THE DISTRICT, THE BORDERING COUNTY OR MUNICIPALITY, THE PUBLIC HIGHWAY AUTHORITY, OR ANY COMBINATION THEREOF, AS APPLICABLE, WITHIN ONE HUNDRED EIGHTY DAYS AFTER A COPY OF THE CONTRACT WAS PROVIDED, OR ELIMINATE THOSE PORTIONS OR SERVICES FROM THE LIST OF PROJECTS SPECIFIED IN THE CONTRACT BEFORE IT SUBMITS THE CONTRACT TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED AUTHORITY AS REQUIRED BY SUBSECTION (4) OF THIS SECTION. WHEN REQUESTING THAT AN INTERGOVERNMENTAL AGREEMENT BE ENTERED INTO OR THAT PORTIONS OF A REGIONAL TRANSPORTATION SYSTEM BE ELIMINATED DUE TO A NEGATIVE IMPACT TO SAFE OPERATION OF A HIGHWAY, ROAD, OR STREET, THE REQUESTING ENTITY SHALL PROVIDE, AT THE TIME OF THE REQUEST, EVIDENCE OF THE NEGATIVE IMPACT. THE INTERGOVERNMENTAL AGREEMENT SHALL SPECIFY WHATEVER TERMS THE COMBINATION AND THE AFFECTED ENTITY OR ENTITIES DEEM NECESSARY TO AVOID DUPLICATION OF EFFORT AND TO ENSURE COORDINATED TRANSPORTATION PLANNING, EFFICIENT ALLOCATION OF RESOURCES, AND EQUITABLE SHARING OF COSTS. IF THE DEPARTMENT IS A PARTY TO THE INTERGOVERNMENTAL AGREEMENT, THE AGREEMENT SHALL ALSO DESCRIBE IN DETAIL ANY EFFECT ON

DEPARTMENT FUNDING OF ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE PROPOSED REGION THAT IS EXPECTED TO RESULT FROM THE CREATION OF THE PROPOSED AUTHORITY. NOTHING IN THIS SUBSECTION (1.5) SHALL BE CONSTRUED TO PRECLUDE A COMBINATION OR ANY AUTHORITY FROM ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT, THE DISTRICT, A PUBLIC HIGHWAY AUTHORITY, A BORDERING COUNTY OR MUNICIPALITY, OR ANY OTHER GOVERNMENTAL ENTITY REGARDING ANY REGIONAL TRANSPORTATION SYSTEM.

(2) Any contract establishing an authority shall specify:

(a) The name and purpose of the authority and the ~~rural~~ REGIONAL transportation systems to be provided;

SECTION 5. 43-4-605 (1) (d), (1) (f), (1) (i), (1) (i.5) (II), (1) (i.5) (IV), (1) (i.5) (V), (1) (j), (4), and (5), Colorado Revised Statutes, are amended to read:

43-4-605. Powers of the authority - inclusion or exclusion of property - determination of regional 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:

(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~~ REGIONAL 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~~ REGIONAL 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;

(f) To finance, construct, operate, or maintain ~~rural~~ REGIONAL transportation systems within or without the boundaries of the authority; except that the authority shall not construct ~~rural~~ REGIONAL 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~~ THE 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~~ THE county, OR INSIDE OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY IF THE REGIONAL TRANSPORTATION SYSTEMS WOULD ALTER THE STATE HIGHWAY SYSTEM, AS DEFINED IN SECTION 43-2-101 (1), OR THE INTERSTATE SYSTEM, AS DEFINED IN SECTION 43-2-101 (2), EXCEPT AS AUTHORIZED BY AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY THE MEMBERS OF THE COMBINATION THAT CREATED THE AUTHORITY AND THE DEPARTMENT OF TRANSPORTATION AS REQUIRED BY SECTION 43-4-603 (1.5);

(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~~ THE 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~~ THE 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~~ REGIONAL transportation systems that are consistent with the expenditures specified in section 18 of article X of the state constitution.

(i.5) (II) The visitor benefit tax is in addition to any fee or tax imposed by the state or any other governmental unit and a minimum of seventy-five percent of the net revenue derived from the tax shall be used by the authority solely to finance, construct, operate, and maintain ~~rural~~ REGIONAL transportation systems and provide incentives to overnight visitors to use public transportation.

(IV) Any authority that imposes a visitor benefit tax shall give due consideration to the transportation needs of persons who pay the visitor benefit tax on the purchase of overnight rooms or accommodations when constructing, operating, and maintaining ~~rural~~ REGIONAL transportation systems and shall ensure that such visitors have easy access to ~~such rural~~ THE REGIONAL transportation systems.

(V) Upon the request of the authority, the executive director of the department of revenue shall administer and collect the visitor benefit tax authorized by subparagraph (I) of this paragraph (i.5). If the authority requests that the executive director administer and collect the tax, the executive director shall make monthly distributions of the tax collections to the authority. 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~~ REGIONAL transportation authority visitor benefit tax fund, which fund is hereby created. The amounts so retained are hereby appropriated annually from the fund to the department 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 for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

(j) (I) 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 one percent upon every transaction or other incident with respect to which a sales or use tax is levied by the state; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (j), AS AMENDED, IF THE AUTHORITY INCLUDES TERRITORY THAT IS WITHIN THE REGIONAL TRANSPORTATION DISTRICT CREATED AND

EXISTING PURSUANT TO ARTICLE 9 OF TITLE 32, C.R.S., A DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION IN WHICH A NEW TAX IS LEVIED SHALL BE COMPRISED OF ENTIRE TERRITORIES OF MEMBERS OF THE COMBINATION SO THAT THE RATE OF TAX IMPOSED PURSUANT TO THIS PART 6 WITHIN THE TERRITORY OF ANY SINGLE MEMBER OF THE COMBINATION IS UNIFORM AND except that the authority shall not levy ~~any such~~ a 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~~ the 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~~ the county. Subject to the provisions of section 43-4-612, the authority may elect to levy any such sales or use tax at different rates in different designated portions of the members of the combination; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (j), AS AMENDED, IF THE AUTHORITY INCLUDES TERRITORY THAT IS WITHIN THE REGIONAL TRANSPORTATION DISTRICT, A DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION IN WHICH A NEW TAX IS LEVIED SHALL BE COMPRISED OF ENTIRE TERRITORIES OF MEMBERS OF THE COMBINATION SO THAT THE RATE OF TAX IMPOSED PURSUANT TO THIS PART 6 WITHIN THE TERRITORY OF ANY SINGLE MEMBER OF THE COMBINATION IS UNIFORM. If the authority so elects, it shall submit a single ballot question that lists all of the different rates to the registered electors of all designated portions of the members of the combination in which the proposed sales or use tax is to be levied. 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 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~~ REGIONAL 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~~ REGIONAL transportation authority sales tax fund, which fund is hereby created. The amounts so retained are hereby appropriated annually from the fund to the department 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 for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

(II) A SALES OR USE TAX, OR BOTH, LEVIED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (j) SHALL NOT BE LEVIED ON THE SALE OF TANGIBLE PERSONAL PROPERTY:

(A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A COMMON CARRIER

FOR DELIVERY TO A DESTINATION OUTSIDE THE AUTHORITY; OR

(B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE BOUNDARIES OF THE AUTHORITY OR THE PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND IF THE PERSONAL PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED OUTSIDE THE BOUNDARIES OF THE AUTHORITY.

(4) The board, upon the affirmative vote of two-thirds of the directors of the board, may determine the location of the ~~rural~~ REGIONAL transportation system.

(5) Any ~~rural~~ REGIONAL 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~~ THE REGIONAL 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.

SECTION 6. Part 6 of article 4 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

43-4-605.5. Preservation of state highway funding - legislative declaration.

THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT MONEYS MADE AVAILABLE FOR REGIONAL TRANSPORTATION SYSTEMS PURSUANT TO THIS PART 6 SHALL NOT BE USED TO SUPPLANT EXISTING OR BUDGETED DEPARTMENT OF TRANSPORTATION FUNDING OF ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE TERRITORY OF ANY AUTHORITY OR ANY TRANSPORTATION PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8), THAT INCLUDES ANY PORTION OF THE TERRITORY OF THE AUTHORITY EXCEPT AS DESCRIBED IN DETAIL IN AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO SECTION 43-4-603 (1.5).

43-4-607.5. Streetscape enhancements - local and private authority. A LOCAL GOVERNMENT WHOSE JURISDICTION INCLUDES TERRITORY WITHIN AN AUTHORITY MAY CREATE, PERMIT, OR CONTRACT STREETSCAPE ENHANCEMENTS WITHIN THAT TERRITORY.

SECTION 7. 43-4-606, Colorado Revised Statutes, is amended to read:

43-4-606. Establishment of regional transportation activity enterprises.

(1) Any authority may establish ~~rural~~ REGIONAL transportation activity enterprises for the purpose of pursuing or continuing activities authorized by this part 6. Any ~~rural~~ REGIONAL 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~~ REGIONAL transportation activity enterprise shall be wholly owned by a single authority and shall not be combined with any ~~rural~~ REGIONAL transportation activity enterprise owned by another authority; except that each

authority may establish more than one ~~rural~~ REGIONAL transportation activity enterprise and each ~~rural~~ REGIONAL 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~~ REGIONAL transportation activity enterprise.

(b) This subsection (2) does not limit the authority of a ~~rural~~ REGIONAL transportation activity enterprise to contract with any other person or entity, including other authorities, other state or local governments, or other ~~rural~~ REGIONAL transportation activity enterprises.

(3) The governing body of a ~~rural~~ REGIONAL transportation activity enterprise is the board of the authority that owns the enterprise.

(4) The governing body for each ~~rural~~ REGIONAL transportation activity enterprise may exercise the authority's legal authority relating to activities authorized by this part 6, but no ~~rural~~ REGIONAL 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~~ REGIONAL 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~~ REGIONAL transportation activity enterprise pledged for the payment thereof.

(6) The powers provided in this section for ~~rural~~ REGIONAL 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~~ REGIONAL transportation systems or the use of property included in or in connection with a ~~rural~~ REGIONAL transportation system, which involve the payment of funds for such systems or the use of the property to an authority or its ~~rural~~ REGIONAL transportation activity enterprise by a state or local government or by another authority or ~~rural~~ REGIONAL 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~~ REGIONAL transportation activity enterprise may contract with any other governmental or private source of funding for loans and grants related to ~~rural~~ REGIONAL transportation activity enterprise functions.

(9) Revenues collected or spent by an authority for ~~rural~~ REGIONAL transportation systems or the use of property included in or in connection with a ~~rural~~ REGIONAL transportation system rendered or provided by a ~~rural~~ REGIONAL 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~~ REGIONAL transportation systems or for the use of property included in or in connection with a ~~rural~~ REGIONAL transportation system rendered or provided by a ~~rural~~ REGIONAL

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~~ REGIONAL 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~~ REGIONAL 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.

SECTION 8. 43-4-607, Colorado Revised Statutes, is amended to read:

43-4-607. Traffic laws - toll collection. (1) The traffic laws of this state and of any municipality, in which a ~~rural~~ REGIONAL 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~~ REGIONAL 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~~ REGIONAL 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.

SECTION 9. 43-4-608, Colorado Revised Statutes, is amended to read:

43-4-608. Local improvement districts. The board, OR THE BOARD OF THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED UNDER ARTICLE 9 OF TITLE 32, C.R.S., IN THE CASE OF ANY AUTHORITY WHOSE TERRITORY IS LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF THE DISTRICT, may establish local improvement districts within the boundaries of the authority to facilitate the financing, construction, operation, or maintenance of ~~rural~~ REGIONAL 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~~ REGIONAL 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~~ REGIONAL transportation systems as defined by section 43-4-602 (16).

SECTION 10. 43-4-610, Colorado Revised Statutes, is amended to read:

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~~ REGIONAL 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~~ REGIONAL transportation system;

(c) To enter into joint operating contracts concerning a ~~rural~~ REGIONAL transportation system;

(d) To acquire easements or rights-of-way for a ~~rural~~ REGIONAL transportation system;

(e) To transfer dominion over all or any portion of a ~~rural~~ REGIONAL 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~~ REGIONAL 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.

SECTION 11. 43-4-611, Colorado Revised Statutes, is amended to read:

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~~ REGIONAL 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~~ REGIONAL 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~~ REGIONAL 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~~ REGIONAL transportation system.

(2) To assist in the financing, construction, operation, or maintenance of a ~~rural~~ REGIONAL 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~~ REGIONAL 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.

SECTION 12. 43-4-612 (2), Colorado Revised Statutes, is amended to read:

43-4-612. Referendum. (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~~ REGIONAL 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.

SECTION 13. 43-4-614 (1) (a) and (3) (a), Colorado Revised Statutes, are amended to read:

43-4-614. Notice - coordination of information. (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~~ REGIONAL transportation systems in the authority shall be sent to the division and to the department of revenue.

(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~~ REGIONAL transportation systems that are being provided and how they are being financed.

SECTION 14. 43-4-616, Colorado Revised Statutes, is amended to read:

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~~ REGIONAL transportation systems.

SECTION 15. 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~~ REGIONAL transportation authority, and housing authority within this state.

SECTION 16. 39-21-201 (2), Colorado Revised Statutes, is amended to read:

39-21-201. Program established. (2) A taxpayer eligible to participate in the tax amnesty program shall include any taxpayer liable for payment of income taxes imposed pursuant to article 22 of this title, estate taxes imposed pursuant to article 23.5 of this title, inheritance taxes imposed pursuant to article 24 of this title, gift taxes imposed pursuant to article 25 of this title, sales and use taxes imposed pursuant to article 26 of this title, gasoline and special fuel taxes imposed pursuant to article 27 of this title, cigarette taxes imposed pursuant to article 28 of this title, taxes on tobacco products imposed pursuant to article 28.5 of this title, severance taxes imposed pursuant to article 29 of this title, waste tire fees collected by the department pursuant to section 25-17-202, C.R.S., county or municipal sales taxes collected by the executive director pursuant to article 2 of title 29, C.R.S., local marketing and promotion taxes collected by the department pursuant to section 29-25-112, C.R.S., county lodging taxes collected by the department pursuant to section 30-11-107.5, C.R.S., county rental taxes collected by the department pursuant to section 30-11-107.7, C.R.S., local improvement district sales taxes collected by the department pursuant to section 30-20-604.5, C.R.S., regional transportation district sales and use taxes imposed pursuant to article 9 of title 32, C.R.S., Denver metropolitan scientific and cultural facilities district sales and use taxes imposed pursuant to article 13 of title 32, C.R.S., Denver metropolitan major league baseball stadium district sales and use taxes imposed pursuant to article 14 of title 32, C.R.S., metropolitan football stadium district sales and use taxes imposed pursuant to article 15 of title 32, C.R.S., and ~~rural~~ REGIONAL transportation authority sales and use taxes collected by the department pursuant to section 43-4-605 (1) (j), C.R.S.

SECTION 17. 42-4-613, Colorado Revised Statutes, is amended to read:

42-4-613. Failure to pay toll established by regional transportation authority. Any person who fails to pay a required fee, toll, rate, or charge established by a ~~rural~~ REGIONAL 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~~ REGIONAL transportation system pursuant to part 6 of article 4 of title 43, C.R.S., commits a class A traffic infraction.

SECTION 18. 43-2-145 (1.9), Colorado Revised Statutes, is amended to read:

43-2-145. Transportation legislation review - committee. (1.9) The committee may review any phase of operations of any ~~rural~~ REGIONAL transportation authority created pursuant to part 6 of article 4 of this title, including the planning and construction of ~~rural~~ REGIONAL 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~~ REGIONAL transportation authority to prepare and adopt long-range plans for the development of ~~rural~~ REGIONAL transportation systems, and the committee shall monitor the progress of ~~such~~ THE plans. The committee may also require financial or performance audits to be conducted.

SECTION 19. Effective date. (1) This act shall take effect January 1, 2006.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: June 3, 2005