

CHAPTER 368

TRANSPORTATION

HOUSE BILL 10-1405

BY REPRESENTATIVE(S) Vaad and Pommer, Baumgardner, King S., Liston, Looper, May, McKinley, McNulty, Primavera, Swalm, Bradford, Ferrandino, Gerou, Hullinghorst, Kerr J., Lambert, McFadyen, Murray, Pace, Priola, Tipton, Vigil, Weissmann, Massey, Rice, Sonnenberg, Stephens;
also SENATOR(S) Spence and Tochtrop.

AN ACT

CONCERNING A STUDY OF THE OPTIONS FOR DEVOLUTION OF STATE HIGHWAYS THAT ARE COMMUTER HIGHWAYS TO LOCAL GOVERNMENTS.

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

SECTION 1. Part 1 of article 2 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

43-2-101.5. Devolution of commuter highways to counties and municipalities - required study - definitions. (1) THE TRANSPORTATION COMMISSION, USING EXISTING OR EASILY OBTAINABLE DATA, SHALL CONDUCT OR DIRECT THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE STATE HIGHWAY SYSTEM FOR THE PURPOSE OF DETERMINING WHICH HIGHWAYS OR PORTIONS OF HIGHWAYS THAT ARE PART OF THE STATE HIGHWAY SYSTEM ARE COMMUTER HIGHWAYS. THE COMMISSION SHALL REPORT THE RESULTS OF THE STUDY TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN FEBRUARY 1, 2011. THE COMMISSION MAY INCLUDE IN THE REPORT RECOMMENDATIONS AS TO WHETHER ALL OR SOME OF THE IDENTIFIED COMMUTER HIGHWAYS SHOULD BE REMOVED FROM THE STATE HIGHWAY SYSTEM AND THEREAFTER MAINTAINED AND SUPERVISED BY COUNTIES AND MUNICIPALITIES. IF THE COMMISSION RECOMMENDS THE REMOVAL OF ANY COMMUTER HIGHWAYS FROM THE STATE HIGHWAY SYSTEM, IT SHALL FIRST HAVE CONSULTED WITH THE AFFECTED METROPOLITAN PLANNING ORGANIZATIONS IN THE CONDUCT OF THE STUDY, RECEIVED THE INPUT OF ONE LOCAL GOVERNMENT ELECTED OFFICIAL APPOINTED BY EACH OF THE FIVE METROPOLITAN PLANNING ORGANIZATIONS IN THE STATE FOR THE PURPOSE OF PROVIDING SUCH INPUT, AND

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

PRESENTED THE RECOMMENDATIONS TO THE BOARDS OF THE AFFECTED METROPOLITAN PLANNING ORGANIZATIONS FOR REVIEW AND COMMENT AND SHALL ALSO MAKE RECOMMENDATIONS REGARDING MODIFICATION OF THE FORMULAS USED TO ALLOCATE MONEYS IN THE HIGHWAY USERS TAX FUND BETWEEN THE STATE, COUNTIES, AND MUNICIPALITIES SET FORTH IN PART 2 OF ARTICLE 4 OF THIS TITLE TO PROVIDE THE LEVEL OF FUNDING NECESSARY TO AVOID ANY UNFUNDED MANDATES CREATED BY CHANGES IN THE ALLOCATION OF HIGHWAY MAINTENANCE AND SUPERVISION RESPONSIBILITIES BETWEEN THE STATE, COUNTIES, AND MUNICIPALITIES THAT WOULD RESULT FROM THE REMOVAL. A REPORT MADE PURSUANT TO THIS SECTION THAT INCLUDES RECOMMENDATIONS AS TO WHETHER COMMUTER HIGHWAYS SHOULD BE REMOVED FROM THE STATE HIGHWAY SYSTEM SHALL INCLUDE A STATEMENT REGARDING THE EXTENT TO WHICH THE ELECTED OFFICIALS APPOINTED BY THE METROPOLITAN PLANNING ORGANIZATIONS IN THE STATE AGREE WITH THE COMMISSION'S RECOMMENDATIONS.

(2) FOR PURPOSES OF THIS SECTION:

(a) "COMMUTER HIGHWAY" MEANS A HIGHWAY OR A PORTION OF A HIGHWAY THAT:

(I) IS PART OF THE STATE HIGHWAY SYSTEM;

(II) IS LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING ORGANIZATION;

(III) IS NOT AN INTERSTATE HIGHWAY; AND

(IV) IS DETERMINED IN THE CONDUCT OF THE STUDY REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE USED AT LEAST EIGHTY PERCENT OF THE TIME, ESTIMATED AS A PERCENTAGE OF TOTAL TRIPS ON THE HIGHWAY OR PORTION OF A HIGHWAY, FOR TRAVEL WITHIN THE TERRITORY OF THE METROPOLITAN PLANNING ORGANIZATION.

(b) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

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

Approved: June 7, 2010