

2018

Report to the Colorado General Assembly



Transportation Legislation Review Committee



Prepared by Legislative Council Staff
Research Publication No. 705
October 2018

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Transportation Legislation Review Committee

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October 2018

To Members of the Seventy-second General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee (TLRC). This committee was created pursuant to Section 43-2-145, C.R.S. The purpose of this committee is to give guidance and direction to the Colorado Department of Transportation on the development of the state transportation system, and to provide legislative oversight of and input into such development. The TLRC is granted statutory oversight responsibilities for certain activities of the state's regional transportation and public highway authorities, as well as the Regional Transportation District in the Denver metropolitan area. The TLRC also monitors the activities of the Colorado Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

At its meeting on October 15, 2018, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2019 session was approved.

Sincerely,

/s/ Representative Crisanta Duran, Chair

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This report is also available on line at:

<http://leg.colorado.gov/committees/transportation-legislation-review-committee/2018-regular-session>

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Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 20 members of the House Transportation and Energy Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation (CDOT), regional transportation authorities, public highway authorities, and the Regional Transportation District (RTD). In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., authorizes the TLRC to:

- give guidance and direction to CDOT in the development of the state transportation system;
- provide legislative oversight of and input into such development;
- make recommendations concerning the financing of the state's transportation system;
- review any phase of CDOT's operations, including the planning and construction of highway projects;
- review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- require CDOT to conduct long-term planning efforts for the state transportation system, and may require financial and performance audits to be conducted; and
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for traffic law violations.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities (PHA) in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review PHA projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require PHAs to develop long-range plans, and may require financial or performance audits of these entities.

Committee Activities

During the 2018 interim, the TLRC toured the north-central and northwest regions of the state to visit infrastructure projects, tour facilities, and meet with stakeholders. In addition, the committee held two meetings at the State Capitol. Briefings and presentations were made by a variety of state departments, cities, counties, and outside entities on a wide range of subjects, including:

- public highway authorities;
- electricity transmission;
- right-of-way acquisitions;
- managed toll lanes;
- the transportation of hazardous materials; and
- children in foster care and driver licenses.

The following sections discuss the committee's activities during the 2018 interim.

Northern and Northwest Tour

Northern and Northwest tour. During the committee's tour, the committee undertook the following activities:

- discussion and tour of Weld County Road 49;
- discussion and tour of State Highway 402 and I-25 interchange;
- en route tour of US 34 and Trail Ridge Road;
- tour of the Eagle Valley Clean Energy Biomass Plant;
- tour of the new Grand Avenue Bridge in Glenwood Springs;
- tour of the Aspen-Pitkin County Airport; and
- discussion and tour with the Roaring Fork Regional Transportation Authority.

Weld County Road 49. The committee met with several Weld County Commissioners and Weld County Department of Public Works staff to discuss Weld County Road 49. Weld County Road 49 is a 24-mile county road that connects I-76 with US 34. Through [House Bill 16-1155](#), Weld County was permitted to operate the controlled-access highway like a county road. The road was designed to reduce travel time along the 24-mile stretch, accommodate increased truck traffic, and increase public safety.

State Highway 402 and I-25 interchange. Representatives from CDOT discussed the upcoming interchange project at State Highway 402 and I-25. The construction will shift traffic to relieve bottlenecks and create a safer intersection. The project is scheduled to start in Fall 2018 and finish in Summer 2020.

US 34 and Trail Ridge Road. CDOT representatives discussed the recent construction and rebuilding of US 34 after the 2013 floods. The project included both emergency temporary repairs and longer term, permanent repairs. CDOT added extra resiliency measures to the corridor in order to reduce risk and become better prepared for future high water natural disasters.

Eagle Valley Clean Energy Biomass Plant. Representatives from Holy Cross Energy, the Colorado Rural Electric Association, and Eagle Valley Clean Energy provided a tour of the Eagle Valley Clean Energy Biomass Plant in Gypsum. The 12-megawatt biomass plant uses wood chips collected from public land to generate electricity. Holy Cross Energy, a rural Colorado cooperative electric association, has a long-term purchase power agreement with the plant. The plant provides 8 percent of Holy Cross's renewable energy portfolio.

Grand Avenue Bridge tour. CDOT representatives lead the committee on a tour of the new Grand Avenue Bridge in Glenwood Springs. The committee toured the bridge in 2017 prior to construction. The project replaced the functionally obsolete Grand Avenue Bridge and built a new pedestrian bridge. The project was fully complete in June 2018.

Lake Christine Fire Command Center. En route to Aspen, the committee stopped at the Lake Christine Fire Command Center in Basalt to hear an update on fire suppression efforts.

Aspen-Pitkin County Airport. Representatives from the Aspen-Pitkin County Airport and Pitkin County met with the committee to discuss current airport operations and future airport expansion projects.

Roaring Fork Regional Transportation Authority. Representatives from the Roaring Fork Regional Transportation Authority (RFTA) met with the committee to discuss RFTA operations. The committee toured a bus rapid transit bus stop and a transit underpass. RFTA encompasses Eagle, Garfield, and Pitkin Counties and provides over 5 million passenger trips annually on the I-70 and State Highway 82 corridor.

Public Highway Authority Updates

Representatives from the E-470, Northwest Parkway, and Jefferson Parkway PHAs provided overviews of their agencies.

E-470. The E-470 PHA is a 47-mile corridor that serves as a beltway for Denver's east side. E-470 is financed from bonds, toll revenues, investment income, and other non-toll revenue. The highway was completed in 2003, and rolled out all-electronic tolling in 2009. The E-470 representatives discussed several capital improvement projects underway on the toll road and the authority's current bonded debt. Representatives highlighted the authority's plan to accommodate growth along the corridor and discussed the discontinuation of the PHA fee. An E-470 representative also discussed the authority's work as the state's electronic toll provider and the increase in the usage of managed lanes statewide. A copy of E-470's presentation can be found here:

http://leg.colorado.gov/sites/default/files/images/e-470_public_highway_authority.pdf.

Northwest Parkway. Representatives from the Northwest Parkway PHA provided an overview of the authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided an overview of their concession agreement, information on expansion possibilities, traffic history, and toll revenue statistics. Representatives noted that toll rates are regulated by the

concession agreement and overseen by the authority. A copy of Northwest Parkway PHA's presentation can be found here:

http://leg.colorado.gov/sites/default/files/images/northwest_parkway_public_highway_authority.pdf.

Jefferson Parkway. The Jefferson Parkway PHA was established in 2003 to complete the last unbuilt portion of the 470 beltway in the northwest quadrant of the Denver metropolitan area. Representatives of the authority discussed the authority's history and the next steps the authority will undertake toward completion of the parkway.

Electricity Transmission

The committee heard presentations from several panels about electricity generation and transmission in Colorado. A public utilities commissioner, in his personal capacity, gave the committee an overview of the sector and some contextual background information about electricity transmission in Colorado. The committee also heard from representatives of investor-owned utilities, generation and transmission utilities, municipal utilities, rural electric associations, and third-party interveners. The panels discussed numerous topics, including Colorado's potential participation in a regional transmission organization.

CDOT Presentations

CDOT right-of-way acquisitions. CDOT representatives discussed the how recent litigation has affected their right-of-way process. Representatives highlighted the changes between the prior process and the new acquisition process following the Colorado Supreme Court's decision in *Department of Transportation v. Amerco Real Estate Company and U-Haul of Colorado*. The state's Chief Engineer answered questions about the current CDOT condemnation process. A copy of CDOT's presentation can be found here:

http://leg.colorado.gov/sites/default/files/images/cdot_presentation_amerco.pdf.

High Performance Transportation Enterprise managed toll lanes study. Senate Bill 18-001 required CDOT to conduct a data-driven study of the use of managed lanes throughout the state. Representatives of the High Performance Transportation Enterprise (HPTE) presented to the committee an overview of toll and express lanes in Colorado. Representatives discussed several results of the Senate Bill 18-001 study including, but not limited to: the number of managed lanes and lane miles; how express lanes are used to finance projects; findings related to transit, safety, and public perception; trips of managed lanes by different types of vehicles; corridor specific impacts; and several key takeaways from the study. The full presentation can be found here:

http://leg.colorado.gov/sites/default/files/images/senate_bill_1_managed_lanes_presentation-tlrc.pdf.

Committee recommendations. As a result of its discussions, the committee recommends Bill A, which states that the Chief Engineer of CDOT may acquire land by purchase or exchange through negotiations, and is not required to provide information about the land acquired to the Transportation Commission. In addition, the committee recommended that a bill on managed lanes be drafted, but the committee did not approve the draft bill.

Transportation of Hazardous Materials

Colorado Wyoming Petroleum Marketers Association. Representatives of the Colorado Wyoming Petroleum Marketers Association (CWPMA) discussed the transportation of hazardous materials with the committee. CWPMA, founded in 1934, represents petroleum marketers of wholesale and retailers of gasoline, special fuels, and lubricants. The representative highlighted several topics, including the transportation of hazardous materials through the Eisenhower- Edwin C. Johnson Memorial Tunnel, hazardous materials designated routes in cities and counties, and potential policy ideas. CWPMA's presentation to the committee can be found here:

http://leg.colorado.gov/sites/default/files/images/cwpma_hazardouse_materials_transportation.pdf.

Colorado municipalities and counties. Representatives of the Colorado Municipal League and Colorado Counties Inc., along with representatives of the town of Dillon, town of Silverthorne, Summit County, and the city of Aurora, presented to the committee on the transportation of hazardous materials through their communities.

Committee recommendations. The committee recommended that a bill on the transportation of hazardous materials be drafted, but the committee did not approve the draft bill.

Colorado Motor Carriers Association

A representative of the Colorado Motor Carriers Association (CMCA) gave the committee an update on the trucking industry in Colorado. The representative highlighted the organization's economic impact in Colorado and discussed trucking safety. The organization's key concerns for the future include a critical shortage of drivers and reducing the age of qualification for a commercial driver license from 21 to 18. Additionally, along with CWPMA, representatives discussed their support of easier access to driver licenses for children in foster care. A copy of CMCA's presentation can be found here:

http://leg.colorado.gov/sites/default/files/images/colorado_motor_carriers_presentation.pdf.

Committee recommendations. As a result of its discussions, the committee recommends Bill B, which concerns decreasing the age to obtain a commercial driver license from 21 to 18, if allowed under federal regulations. In addition, the committee recommends Bill C, which concerns children in foster care and their access to driver licenses and insurance.

Regional Transportation District Update

Representatives from RTD briefed the committee on recent developments, including the University of Colorado A-Line to the airport, the status of the G-Line to Arvada and Golden, and the new 2019 fare policy. The representatives also discussed at-grade crossing issues face by RTD and current litigation. Finally, representatives updated the committee on the Civic Center Station revitalization, other 16th Street Mall projects, and several new district-wide initiatives. Representatives responded to questions from the committee about issues related to RTD's services, collective bargaining agreements, the new fare program, and the at-grade crossing issues. A copy of RTD's presentation to the committee can be found here:

http://leg.colorado.gov/sites/default/files/images/rtd_presentation.pdf.

Division of Motor Vehicles Update

A representative from the Division of Motor Vehicles (DMV) within DOR provided an overview of customer service improvements and the issues related to the implementation of the DRIVES project. The DRIVES project replaced the outdated Driver License System and Colorado State Titling and Registration System with a modern, web-based system. The committee discussed at length the issues facing the titling component of the project and the project's schedule to relieve current title backlogs. Representatives also provided the committee with information on self-service kiosk pilot, license plates and the retirement of group special license plates, and other topics related to the state's registration and titling system. The DMV's presentation to the committee can be found here:

http://leg.colorado.gov/sites/default/files/images/dmv_presentation.pdf.

Summary of Recommendations

As a result of the committee's activities, the committee recommended three bills to the Legislative Council for consideration in the 2019 session. At its meeting on October 15, 2018, the Legislative Council approved three recommended bills for introduction. The approved bills are described below.

Bill A — Requirements for CDOT Property Acquisitions

Under current law, the Chief Engineer of CDOT must provide a written report to the Transportation Commission when a project to alter a state highway requires land acquisition. The Transportation Commission must then determine if the project will serve the public interest or convenience and may adopt a resolution authorizing the Chief Engineer to offer affected landowners appropriate compensation.

Under Bill A, the Chief Engineer of CDOT may acquire land by purchase or exchange through negotiations, and is not required to provide information about the land acquired to the Transportation Commission. If negotiations to acquire land have failed and the Chief Engineer of CDOT determines that filing a petition of condemnation is necessary, he or she must submit a written report to the Transportation Commission describing the project. The Transportation Commission may then adopt a resolution approving the action.

Bill B — Commercial Vehicle Driver Age

Currently, persons must be 21 years old to obtain a commercial driver license. Bill B decreases the age to obtain a commercial driver license from 21 to 18, if allowed under federal regulations.

Bill C — Foster Children Driver Licenses

Bill C clarifies that a minor who is at least 16 years of age can purchase auto insurance. It exempts a foster child from having a foster parent or other legal guardian sign an affidavit of liability if he or she holds evidence of financial responsibility. It lowers the age that the state or a county must obtain permission from a foster parent or guardian to help a foster child obtain an instruction permit from 17 1/2 years old to 17 years old. It allows each county department of human services or social services that has custody of a foster child or ward of the court to implement a program that provides foster kids under the age of 18 with an instruction permit if the minor's foster parent consents or the county has first consulted with the foster parent for a child 17 years old or older. Further, it allows anyone who is at least 21 of age and holds a driver license to instruct a foster child with an instruction permit and sign a foster child's driving logs.

The bill directs the Department of Personnel and Administration to create a program that pools the insurance of a child who has been in a foster home for at least one year with the insurance on the state fleet to make it less expensive for the foster child.

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Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

Northern and Northwest Tour (July 11 -12)

- ◆ Stakeholder meeting and tour of Weld County Road 49
- ◆ Stakeholder meeting and tour of SH 402/I-25 interchange
- ◆ En route tour of US 34 and Trail Ridge Road
- ◆ Tour of Eagle Valley Energy Biomass Plant, Gypsum
- ◆ Tour of Grand Avenue Bridge, Glenwood Springs
- ◆ Tour Aspen/Pitkin County Airport
- ◆ Tour Roaring Fork Regional Transportation Authority

August 20, 2018

- ◆ Public highway authority update
- ◆ Panel discussion on electricity transmission
- ◆ Hazardous materials transportation presentation
- ◆ Presentation from Colorado Motor Carriers Association
- ◆ Discussion of children in foster care and driver licenses
- ◆ Interim bill draft requests

October 1, 2018

- ◆ RTD update
- ◆ DMV update
- ◆ HPTE update
- ◆ Presentations from Colorado municipalities and counties
- ◆ Interim bill draft approval

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First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL A

LLS NO. 19-0188.01 Jason Gelender x4330

SENATE BILL

SENATE SPONSORSHIP

Zenzinger, Todd

HOUSE SPONSORSHIP

Roberts, Ginal, McLachlan

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXEMPTION OF THE DEPARTMENT OF**
102 **TRANSPORTATION FROM EXISTING REPORTING AND**
103 **TRANSPORTATION COMMISSION APPROVAL REQUIREMENTS**
104 **WHEN IT ACQUIRES LAND NEEDED FOR SPECIFIED**
105 **HIGHWAY-RELATED PURPOSES BY MEANS OTHER THAN**
106 **CONDEMNATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

11

Transportation Legislation Review Committee. Current law provides that when the department of transportation (CDOT) needs to acquire land in order to establish, open, relocate, widen, add mass transit to, or otherwise alter a portion of a state highway, it may only acquire the land after:

- The chief engineer of CDOT has provided a written report to the transportation commission that describes the project and all land to be acquired for the project, includes a map of the existing and future boundaries of the highway, and estimates the damages and benefits to each affected landowner; and
- The transportation commission has determined that the project will serve public interest or convenience and adopted a resolution authorizing the chief engineer to offer affected landowners appropriate compensation.

The bill authorizes CDOT, acting through the chief engineer, to acquire land in such circumstances by purchase or exchange without providing the report or obtaining transportation commission approval. If CDOT needs to acquire land in such circumstances through condemnation, it must provide the report and obtain transportation commission approval.

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

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

4 (a) Section 43-1-208, Colorado Revised Statutes, has for many
5 years specified that when the chief engineer of the department of
6 transportation deems it desirable to establish a state highway or make
7 specified types of changes to an existing state highway:

8 (I) The chief engineer must provide a written report to the
9 transportation commission that describes the project and all land to be
10 acquired for the project, includes a map of the existing and future
11 boundaries of the highway, and estimates the damages and benefits to
12 each affected landowner;

13 (II) The transportation commission must determine if the project
14 will serve public interest or convenience and adopt a resolution

1 authorizing the chief engineer to offer affected landowners appropriate
2 compensation before the chief engineer may acquire land; and

3 (III) The department of transportation may acquire any land
4 needed for the project by condemnation if the landowner declines the
5 chief engineer's offer of compensation;

6 (b) Because the department of transportation must regularly
7 acquire land adjacent to state highways and many acquisitions are routine,
8 the transportation commission adopted a resolution in 1994 that directed
9 the department to act on the transportation commission's behalf with
10 respect to both the approval for land acquisition actions and the tendering
11 of payments to landowners for damages in connection with previously
12 approved highway projects;

13 (c) Thereafter, believing that the transportation commission had,
14 through the 1994 resolution, authorized it to acquire land for the purposes
15 specified in section 43-1-208, Colorado Revised Statutes, without
16 obtaining additional commission approval for each acquisition, the
17 department of transportation regularly acquired land without such
18 additional approval for over twenty years; and

19 (d) In 2016, in *DOT v. Amerco Real Estate Co.*, 2016 CO 62, the
20 Colorado Supreme Court held that:

21 (I) The transportation commission cannot legally delegate its
22 section 43-1-208, Colorado Revised Statutes, obligations to make a
23 determination of public interest or convenience and approve the payment
24 of compensation to affected landowners before authorizing the
25 department of transportation to acquire land for the purposes specified in
26 the statute; and

27 (II) The 1994 resolution therefore did not grant the department of

1 transportation authority to acquire land for the purposes specified in the
2 statute without transportation commission approval and the transportation
3 commission must instead determine if a project that requires the
4 acquisition of land will serve public interest or convenience and adopt a
5 resolution authorizing the chief engineer to offer affected landowners
6 appropriate compensation as specified in the statute.

7 (2) The general assembly further finds and declares that:

8 (a) Because the department of transportation must regularly
9 acquire land for the purposes set forth in section 43-1-208, Colorado
10 Revised Statutes, and in most instances can do so with the agreement of
11 the affected landowner and because of the *Amerco* decision, the reporting
12 and transportation commission approval requirements of section
13 43-1-208, Colorado Revised Statutes, are, in most instances, unnecessary,
14 administratively burdensome, and inefficient; and

15 (b) Because instances in which a landowner does not agree to sell
16 the owner's land to the department of transportation are comparatively
17 infrequent, it is necessary, appropriate, and not unduly burdensome to the
18 state to continue to require reporting and transportation commission
19 approval as specified in section 43-1-208, Colorado Revised Statutes, for
20 those instances in which a petition in condemnation will be filed to
21 acquire land for the purposes specified in the statute.

22 **SECTION 2.** In Colorado Revised Statutes, 43-1-208, **amend** (1)
23 and (2); and **repeal** (3) as follows:

24 **43-1-208. State highway - damages - eminent domain.** (1) IF
25 the chief engineer ~~when he~~ deems it desirable to establish, open, relocate,
26 widen, add mass transit to, or otherwise alter a portion of a state highway,
27 NEGOTIATIONS TO ACQUIRE THE LAND HAVE FAILED, AND THE CHIEF

1 ENGINEER DETERMINES THAT FILING A PETITION IN CONDEMNATION
2 PURSUANT TO ARTICLE 1 OF TITLE 38 IS NECESSARY ~~or when so required~~
3 ~~by~~ IF THE COMMISSION OTHERWISE SO REQUIRES, THE CHIEF ENGINEER shall
4 make a written report to the commission describing the portion of the
5 highway to be established, opened, added to, or changed and the ~~portions~~
6 ~~of land of each landowner to be taken for the purpose and~~ ACQUIRED BY
7 A PETITION IN CONDEMNATION. THE CHIEF ENGINEER shall accompany ~~his~~
8 THE report with a map showing the present and proposed boundaries of
9 the portion of the highway to be established, opened, added to, or
10 changed, together with an estimate of the damages and benefits accruing
11 to each landowner ~~whose land may be affected thereby~~ AGAINST WHOSE
12 LAND A PETITION IN CONDEMNATION WILL BE FILED. THE CHIEF ENGINEER
13 MAY ALSO ACQUIRE LAND BY PURCHASE OR EXCHANGE OR THROUGH
14 NEGOTIATIONS PRIOR TO THE FILING OF A PETITION IN CONDEMNATION AND
15 IS NOT REQUIRED TO PROVIDE ANY INFORMATION ABOUT LAND SO
16 ACQUIRED TO THE COMMISSION UNDER THIS SECTION.

17 (2) If, upon receipt of ~~such~~ THE report, the commission decides
18 that public interest or convenience will be served by the proposed ~~change~~
19 ACTION AND THE FILING OF A PETITION IN CONDEMNATION FOR THE LAND
20 PURSUANT TO ARTICLE 1 OF TITLE 38, it shall ~~enter~~ ADOPT a resolution
21 ~~upon its minutes~~ approving the same and ~~authorizing the chief engineer~~
22 ~~to tender each landowner the amount of damages, as estimated by him~~
23 ~~and approved by the commission. In estimating the amount of damages~~
24 ~~to be tendered a landowner, due account shall be taken of any benefits~~
25 ~~which will accrue to such landowner by the proposed action. The amount~~
26 ~~of benefit shall not in any case exceed the amount of damages awarded.~~
27 ACTION AND THE FILING OF A PETITION IN CONDEMNATION FOR THE LAND.

1 THEREUPON THE COMMISSION, ACTING THROUGH THE DEPARTMENT,
2 SHALL PROCEED IN THE ACQUISITION OF THE LAND, UNDER ARTICLES 1 TO
3 7 OF TITLE 38, WITHOUT TENDER OR OTHER PROCEEDINGS UNDER THIS
4 PART 2.

5 (3) ~~Any person owning land or having an interest in any land over~~
6 ~~which any proposed state highway extends who is of the opinion that the~~
7 ~~tender made to him by the transportation commission is inadequate,~~
8 ~~personally or by agent or attorney on or before ten days from the date of~~
9 ~~such tender, may file a written request addressed to the transportation~~
10 ~~commission for a jury to ascertain the compensation which he may be~~
11 ~~entitled to by reason of damages sustained by altering, widening,~~
12 ~~changing, or laying out such state highway. Thereupon the transportation~~
13 ~~commission shall proceed in the acquisition of such premises, under~~
14 ~~articles 1 to 7 of title 38, C.R.S. The transportation commission also has~~
15 ~~the power and is authorized to proceed in the acquisition of the lands of~~
16 ~~private persons for state highway purposes, according to said articles 1 to~~
17 ~~7 of title 38, C.R.S., without tender or other proceedings under this part~~
18 ~~2.~~

19 **SECTION 3.** In Colorado Revised Statutes, 38-1-202, **amend** (1)
20 introductory portion and (1)(b)(IV)(I) as follows:

21 **38-1-202. Governmental entities, corporations, and persons**
22 **authorized to use eminent domain.** (1) The following governmental
23 entities, types of governmental entities, and public corporations, in
24 accordance with all procedural and other requirements specified in this
25 ~~article~~ ARTICLE 1 and articles 2 to 7 of this ~~title~~ TITLE 38 and to the extent
26 and within any time frame specified in the applicable authorizing statute,
27 may exercise the power of eminent domain:

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(b) The state:

(IV) By action of the general assembly or by action of any of the following officers and agencies of the state:

(I) The transportation commission created in section 43-1-106, ~~C.R.S.~~, as authorized in ~~section 43-1-208 (3), C.R.S.~~ SECTION 43-1-208 (2);

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

BILL B

LLS NO. 19-0190.01 Jery Payne x2157

SENATE BILL

SENATE SPONSORSHIP

Scott, Marble, Todd

HOUSE SPONSORSHIP

McLachlan, Buck, Lewis, Saine

A BILL FOR AN ACT

101 **CONCERNING THE AGE REQUIREMENT TO DRIVE A COMMERCIAL**
102 **VEHICLE IN INTERSTATE COMMERCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. The bill authorizes the department of revenue to adopt rules authorizing a person who is at least 18 years of age but under 21 years of age to be licensed to drive a commercial vehicle in interstate commerce if the person holds a commercial driver's license and operation of a commercial vehicle in

interstate commerce by a person in that age range is permitted under federal law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-404, **amend** (4)
3 as follows:

4 **42-2-404. License for drivers - limitations - rules.** (4) (a) ~~The~~
5 ~~provisions of~~ This part 4 ~~shall~~ DOES not apply to any person who is at
6 least eighteen years of age but less than twenty-one years of age and who
7 operates a commercial motor vehicle upon the highways of this state
8 solely in intrastate operations. ~~Pursuant to the provisions of~~ IN
9 ACCORDANCE WITH section 42-2-101 (4), ~~no such~~ A person of ~~such~~ THIS
10 age shall NOT operate any commercial motor vehicle upon the highways
11 ~~of this state~~ unless ~~such~~ THE person has been issued and is in immediate
12 possession of a minor driver's license of the correct type ~~of~~ OR general
13 class for the type or general class of motor vehicle ~~which~~ THAT is issued.

14 (b) THE DEPARTMENT MAY PROMULGATE RULES AUTHORIZING A
15 PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT LESS THAN
16 TWENTY-ONE YEARS OF AGE TO BE LICENSED TO DRIVE A COMMERCIAL
17 VEHICLE IN INTERSTATE COMMERCE IF:

- 18 (I) THE PERSON HOLDS A COMMERCIAL DRIVER'S LICENSE; AND
19 (II) FEDERAL LAW AUTHORIZES THE PERSON TO DRIVE A
20 COMMERCIAL VEHICLE IN INTERSTATE COMMERCE.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.

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**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

BILL C

LLS NO. 19-0186.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Saine and Jackson, McLachlan, Roberts

SENATE SPONSORSHIP

Marble and Todd, Zenzinger

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ISSUANCE OF DRIVING AUTHORIZATION DOCUMENTS TO**
102 **FOSTER CHILDREN WHO ARE UNDER EIGHTEEN YEARS OF AGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. Section 1 of the bill clarifies that a minor who is at least 16 years of age can purchase auto insurance.

Section 2 exempts a foster child from being required, when being issued a driver's license, to have his or her foster parent or other legal guardian sign an affidavit of liability if the child holds evidence of

financial responsibility in his or her own name. Section 2 also authorizes counties to provide a service that exempts foster children from needing a foster parent or other legal guardian to sign an affidavit of liability. The county may accept and expend gifts, grants, or donations to implement this program.

Under current law, a county must obtain the permission of a foster parent to help a foster child obtain an instruction permit without a responsible adult signing an affidavit of liability, but the county need not obtain this permission if the foster child is at least 17 1/2 years of age. Section 2 lowers this requirement to age 17.

To be issued a driver's license, current law requires a minor to submit driving logs showing 50 hours of instruction. **Section 3** allows any person who is at least 21 years of age and who holds a driver's license to sign a foster child's driving logs if the person provided the instruction and the foster child has provided proof of financial responsibility.

Current law, with some exceptions, requires a person who is under 16 years of age and who was issued an instruction permit to be instructed in driving by the person who signed the affidavit of liability. **Section 4** authorizes anyone who is at least 21 years of age and who holds a driver's license to instruct a foster child with a driving permit.

Section 5 directs the department of personnel to create a program that pools insurance of a child who has been in a foster home for at least one year with the insurance on the state fleet to make insurance less expensive for the foster child. The department of personnel may accept and expend gifts, grants, or donations to implement this program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 10-4-104 as
3 follows:

4 **10-4-104. Competency of minor to contract for insurance -**
5 **nonavoidance.** Any minor ~~of the age of sixteen years OF AGE or over~~
6 OLDER may, notwithstanding his OR HER minority, contract for insurance,
7 INCLUDING MOTOR VEHICLE INSURANCE, upon his OR HER own property
8 or liabilities. ~~Such a~~ THE minor shall, ~~notwithstanding such minority, be~~
9 ~~deemed~~ IS HEREBY DETERMINED TO BE competent to exercise all rights
10 and powers with respect to or under any such contract as might be
11 exercised by a person of full legal age and may at any time surrender his

1 THE MINOR'S interest in ~~any such contracts~~ THE CONTRACT and give valid
2 discharge for any benefits accruing or money payable thereunder. ~~Such~~
3 ~~a minor shall not, by reason of his minority, be~~ HAVING ENTERED INTO A
4 CONTRACT FOR INSURANCE, THE MINOR IS NOT entitled to rescind, avoid,
5 or repudiate the contract nor to rescind, avoid, or repudiate any exercise
6 of a right or privilege ~~thereunder~~ UNDER THE CONTRACT.

7 **SECTION 2.** In Colorado Revised Statutes, 42-2-108, **amend**
8 (1)(a), (1)(b) introductory portion, (1)(b)(II), and (3); and **add** (1.5)(e) as
9 follows:

10 **42-2-108. Application of minors.** (1) (a) (I) The application of
11 any person under eighteen years of age for an instruction permit or minor
12 driver's license must be accompanied by EITHER:

13 (A) An affidavit of liability signed and verified by the parent,
14 stepparent, FOSTER PARENT, grandparent with power of attorney,
15 guardian, spouse of the applicant if the spouse is eighteen years of age or
16 older, or ~~in the event there is no such person, guardian, or spouse,~~ any
17 other responsible adult who ~~is willing to assume~~ ASSUMES the obligation
18 imposed under this article 2 ~~upon an adult~~ BY signing the affidavit of
19 liability for a minor; OR

20 (B) EVIDENCE OF FINANCIAL RESPONSIBILITY HELD IN THE NAME
21 OF THE MINOR IF THE MINOR IS A FOSTER CHILD.

22 (II) When an applicant has been made a ward of any court in the
23 state for any reason and has been placed in a foster home, the foster
24 parents or parent may sign the affidavit of liability for the minor. If the
25 parent or foster parent is unwilling or unable to sign the affidavit of
26 liability, a guardian ad litem, a designated official of the county
27 department of human or social services having custody of the applicant,

1 or a designated official of the division of youth services in the state
2 department of human services having custody of the applicant may sign
3 the application for an instruction permit without signing the affidavit of
4 liability for the minor if the requirements of subsection (1)(b) of this
5 section are met; except that, prior to signing the application for an
6 instruction permit, the guardian ad litem or other designated official shall
7 notify the court of his or her intent to sign the application, and except that,
8 the guardian ad litem or designated official shall not sign the application
9 for an instruction permit for a minor who is placed in a foster care home
10 and is under seventeen ~~and one-half~~ years of age without first obtaining
11 the consent of the foster parent. If the minor is seventeen ~~and one-half~~
12 years of age or older and is in the care of a foster parent, in order to
13 prepare the minor for emancipation from foster care and to assist the
14 minor in obtaining important life skills, the guardian ad litem or
15 designated official shall consult with the foster parent of the minor about
16 the opportunity for the minor to learn driving skills under the restrictions
17 provided in subsection (1)(b) of this section prior to signing an
18 application for an instruction permit. The guardian ad litem or designated
19 official shall solicit the opinion of the minor's foster parent concerning
20 the minor's ability to exercise good judgment and make decisions as well
21 as the minor's overall capacity to drive.

22 (III) When a minor to whom an instruction permit or minor
23 driver's license has been issued is required to appear before the
24 department for a hearing ~~pursuant to any provision of~~ IN ACCORDANCE
25 WITH this article 2, the ~~minor must be accompanied by the~~ person who
26 signed the affidavit of liability for the minor or ~~by~~ the guardian ad litem
27 or designated official who signed the application for an instruction permit

1 for the minor SHALL ACCOMPANY THE MINOR. If the person who signed
2 the minor's affidavit of liability or application for an instruction permit is
3 unable to attend the hearing, he or she shall submit to the department a
4 verified signed statement certifying under oath that he or she is aware of
5 the purpose of the hearing but cannot attend.

6 (b) The department shall issue an instruction permit to an
7 applicant under ~~the age of~~ eighteen years OF AGE who is otherwise
8 eligible to obtain an instruction permit and who has been made a ward of
9 the court and who is in out-of-home placement without the requirement
10 of a parent, guardian, stepparent, or foster parent signing an affidavit of
11 liability if the following requirements are met:

12 (II) (A) If the minor is in the care of a foster parent and is under
13 seventeen ~~and one-half~~ years of age, the foster parent consents to the
14 minor learning driving skills under the restrictions provided in this
15 subsection (1); or

16 (B) If the minor is in the care of a foster parent and is at least
17 seventeen ~~and one-half~~ years of age, the guardian ad litem or the
18 designated official has consulted with the foster parent prior to signing
19 the application for an instruction permit;

20 (1.5) (e) (I) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL
21 SERVICES HAVING CUSTODY OF A FOSTER CHILD OR WARD OF THE COURT
22 MAY IMPLEMENT A PROGRAM THAT PROVIDES THE SERVICES AUTHORIZED
23 UNDER SUBSECTION (1)(b) OF THIS SECTION. THE COUNTY DEPARTMENT
24 OF HUMAN OR SOCIAL SERVICES MAY:

25 (A) ASSESS THE CHILD'S OR WARD'S MENTAL, EMOTIONAL, AND
26 PHYSICAL ABILITY TO SAFELY DRIVE A MOTOR VEHICLE AND, BASED ON
27 THAT ASSESSMENT, APPROVE OR DENY THE PROVISION OF SERVICES UNDER

1 SUBSECTION (1)(b) OF THIS SECTION; AND

2 (B) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
3 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
4 SUBSECTION (1.5).

5 (II) A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
6 SHALL NOT IMPLEMENT A PROGRAM ESTABLISHED PURSUANT TO
7 SUBSECTION (1.5)(e)(I) OF THIS SECTION UNLESS FULL FUNDING HAS BEEN
8 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS.

9 (3) (a) ~~In the event this state requires a minor under the age of~~
10 ~~eighteen years to deposit, or there is deposited upon such minor's behalf,~~
11 ~~proof of financial responsibility with respect to the operation of a motor~~
12 ~~vehicle owned by such minor or, if such minor is not the owner of a~~
13 ~~motor vehicle, with respect to the operating of any motor vehicle, in form~~
14 ~~and in amounts as required under the motor vehicle financial~~
15 ~~responsibility laws of this state, then~~ The department ~~may~~ SHALL accept
16 the application of ~~such~~ A QUALIFIED minor ~~when~~ IF:

17 (I) A MINOR UNDER EIGHTEEN YEARS OF AGE HAS DEPOSITED, OR
18 THERE IS DEPOSITED ON THE MINOR'S BEHALF, PROOF OF FINANCIAL
19 RESPONSIBILITY COVERING THE OPERATION OF A MOTOR VEHICLE OWNED
20 BY THE MINOR OR, IF THE MINOR IS NOT THE OWNER OF A MOTOR VEHICLE,
21 COVERING THE OPERATION OF ANOTHER MOTOR VEHICLE; AND

22 (II) THE APPLICATION IS accompanied by an affidavit of liability
23 signed by one parent or the guardian of ~~such~~ THE minor ~~except as~~
24 ~~otherwise provided in subsection (1) of this section~~ UNLESS, UNDER
25 SUBSECTION (1) OR (1.5) OF THIS SECTION, THE MINOR NEED NOT HAVE A
26 RESPONSIBLE ADULT SIGN THE AFFIDAVIT OF LIABILITY.

27 (b) While ~~such~~ proof OF FINANCIAL RESPONSIBILITY is maintained,

1 ~~such~~ THE parent, FOSTER PARENT, or guardian is not subject to the liability
2 imposed under subsection (2) of this section. Nothing in this section
3 requires a foster parent to sign an affidavit of liability for a foster child
4 and nothing in this section precludes a foster parent from obtaining a
5 named driver's exclusion on the foster parent's insurance policy.

6 **SECTION 3.** In Colorado Revised Statutes, 42-2-104, **amend**
7 (4)(a) as follows:

8 **42-2-104. Licenses issued - denied.** (4) (a) The department shall
9 not issue a driver's license, including, without limitation, a temporary
10 driver's license ~~pursuant to~~ UNDER section 42-2-106 (2), to a person under
11 eighteen years of age unless the person has:

12 (I) Applied for, been issued, and possessed an appropriate
13 instruction permit for at least twelve months; AND

14 (II) Submitted a log or other written evidence on a standardized
15 form approved by the department ~~that is signed by his or her parent or~~
16 ~~guardian or other responsible adult who signed the affidavit of liability or~~
17 ~~the instructor of a driver's education course approved by the department,~~
18 certifying that the person has completed not less than fifty hours of actual
19 driving experience, of which not less than ten hours shall have been
20 completed while driving at night, WHICH FORM IS SIGNED BY:

21 (A) THE APPLICANT'S PARENT OR GUARDIAN OR OTHER
22 RESPONSIBLE ADULT WHO SIGNED THE AFFIDAVIT OF LIABILITY;

23 (B) THE INSTRUCTOR OF A DRIVER'S EDUCATION COURSE
24 APPROVED BY THE DEPARTMENT; OR

25 (C) ANY INDIVIDUAL WHO IS TWENTY-ONE YEARS OF AGE OR
26 OLDER, WHO HOLDS A VALID DRIVER'S LICENSE, AND WHO INSTRUCTED THE
27 APPLICANT IF THE APPLICANT IS A FOSTER CHILD WHO HAS PROOF OF

1 FINANCIAL RESPONSIBILITY IN THE APPLICANT'S OWN NAME.

2 **SECTION 4.** In Colorado Revised Statutes, 42-2-106, **add** (1)(h)
3 as follows:

4 **42-2-106. Instruction permits and temporary licenses.**

5 (1) (h) NOTWITHSTANDING SUBSECTIONS (1)(b) TO (1)(d) OF THIS
6 SECTION, A FOSTER CHILD WHO HAS PROOF OF FINANCIAL RESPONSIBILITY
7 IN HIS OR HER OWN NAME TO OBTAIN AN INSTRUCTION PERMIT UNDER
8 SUBSECTIONS (1)(b) TO (1)(d) OF THIS SECTION MAY DRIVE WITH ANY
9 PERSON WHO:

10 (I) HOLDS A VALID DRIVER'S LICENSE;

11 (II) IS AT LEAST TWENTY-ONE YEARS OF AGE; AND

12 (III) OCCUPIES THE FRONT PASSENGER SEAT, IN CLOSE PROXIMITY
13 TO THE FOSTER CHILD, FOR THE PURPOSES OF INSTRUCTION.

14 **SECTION 5.** In Colorado Revised Statutes, 24-30-1104, **amend**
15 (2) introductory portion, (2)(s), and (2)(t); and **add** (2)(u) as follows:

16 **24-30-1104. Functions of the department - definitions.** (2) In
17 addition to the county-specific functions set forth in subsection (1) of this
18 section, the department of personnel shall take such steps as are necessary
19 to fully implement a central state motor vehicle fleet system. ~~by January~~
20 ~~1, 1993. The provisions of~~ The motor vehicle fleet system created
21 pursuant to this subsection (2) ~~apply~~ APPLIES to the executive branch of
22 the state of Colorado, its departments, its institutions, and its agencies;
23 except that the governing board of each institution of higher education,
24 by formal action of the board, and the Colorado commission on higher
25 education, by formal action of the commission, may elect to be exempt
26 from ~~the provisions of~~ this subsection (2) and may obtain a motor vehicle
27 fleet system independent of the state motor vehicle fleet system. Under

1 the direction of the executive director, the department of personnel shall
2 perform the following functions pertaining to the motor vehicle fleet
3 system throughout the state:

4 (s) Exercise any other powers or perform any other duties that are
5 reasonably necessary for the fulfillment of the powers and duties assigned
6 to the department of personnel pursuant to this part 11; ~~and~~

7 (t) Require that the federal environmental protection agency
8 mile-per-gallon rating for all motor vehicles purchased for the
9 state-owned motor vehicle fleet on or after January 1, 2007, meet or
10 exceed the average fuel efficiency standards as established pursuant to the
11 federal "Energy Policy and Conservation Act", 15 U.S.C. sec. 2001, et
12 seq., recodified as 49 U.S.C. sec. 32901 et seq.; AND

13 (u) (I) ESTABLISH A PROGRAM THAT ALLOWS CHILDREN WHO HAVE
14 BEEN IN A FOSTER HOME FOR AT LEAST ONE YEAR AND ARE IN A FOSTER
15 HOME AT THE TIME THAT INSURANCE IS PURCHASED TO PURCHASE
16 INSURANCE THROUGH THE DEPARTMENT OF PERSONNEL THAT POOLS THE
17 PURCHASED INSURANCE WITH THE STATE FLEET TO OBTAIN LOWER
18 INSURANCE RATES FOR THE FOSTER CHILDREN.

19 (II) THE DEPARTMENT OF PERSONNEL IS AUTHORIZED TO SEEK,
20 ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR
21 PUBLIC SOURCES FOR THE PURPOSES OF THIS SUBSECTION (2)(u). THE
22 DEPARTMENT OF PERSONNEL SHALL NOT IMPLEMENT A PROGRAM
23 ESTABLISHED PURSUANT TO THIS SUBSECTION (2)(u) UNLESS FULL
24 FUNDING HAS BEEN RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS.

25 **SECTION 6. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.