

Transportation Legislation Review Committee

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November 2019

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Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of that development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including those that impose penalties for violating traffic statutes and rules.

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete financial or performance audits. The committee may also conduct a post-operation review of any project completed by these entities to determine whether it was completed in the most cost-effective and efficient manner.

Committee Activities

During the 2019 interim, the TLRC toured the mountain and western regions of the state to visit infrastructure projects, tour transportation facilities, and meet with stakeholders. In addition, the committee held two meetings at the State Capitol. The following subsections discuss the TLRC's actions during the 2019 interim.

Mountain and western tour. As part of the committee's mountain and western tour, the committee undertook discussions and tours with the following entities:

- Park County Senior Coalition;
- Breckenridge Free Ride and Summit Stage;
- Loma Port of Entry;
- CDOT regarding Bustang;
- ECO Transit;
- I-70 Coalition;
- Clear Creek County Transportation; and
- Regional Transportation District (RTD) and EasyMile at the 61st and Pena RTD Station.

Colorado Department of Transportation. Executive Director Lew and CDOT representatives updated the committee on several ongoing CDOT activities. Representatives from CDOT updated the committee on the US 36 eastbound emergency bridge construction; discussed managed lanes; highlighted the ongoing statewide planning process; discussed a recent nationwide pavement report; gave an update on Senate Bill 17-267 projects; highlighted the work of stakeholder group on Senate Bill 19-239; discussed stakeholder recommendations on recent changes in Colorado’s winter traction laws; provided an update on multi-modal funding; and discussed the implementation of recent audit recommendations. A representative from Plenary also answered several questions regarding the emergency bridge construction on US 36.

Southwest Chief and Front Range Passenger Rail Commission. Representatives of the Southwest Chief and Front Range Passenger Rail Commission briefed the committee on its work in the past year. Representatives discussed the commission’s work with Amtrak and the renewed interest in passenger rail along the Front Range and highlighted recent federal and state funding and future commission activities.

Barriers to driver license for foster youth. House Bill 19-1023 required the TLRC to study the barriers to foster children meeting the 50-hour driving requirement for an instruction permit, and the ability of foster children to obtain automobile insurance during the 2019 legislative interim. Representatives from the Colorado Department of Human Services, the Adams County Department of Human Services, the Office of Child’s Representative, Fostering Great Ideas, and the Division of Motor Vehicles (DMV) presented on barriers to foster children receiving driver licenses, including a discussion of the options available and difficulties facing foster youth when applying for driver licenses. The representative from the Office of Child’s Representative noted that three main statutory and rule barriers to driver licenses are funding for driver education, access to vital documents, and county vital documents requirements. This discussion resulted in Bill C.

Colorado AAA presentation. A representative from Colorado AAA presented to the committee on driver education requirement modernizations. In addition, the representative discussed traffic fatalities and driver distraction. Colorado AAA recommended that Colorado’s law on driver education be updated to require driver education for all drivers under 17 years of age.

Special mobile machinery presentation. Representatives of United Rentals presented to the committee on special mobile machinery. The discussion highlighted issues with the current registration process, and eliminating the registration process for large rental business was recommended.

Regional Transportation District. Representatives from the RTD briefed the committee on recent developments, including new line openings, service performance, the status of the upcoming N line, FasTracks investments, transit-oriented development, and mobility innovation. The representatives also discussed RTD’s driver recruitment and retention issues. The committee was also updated about the 16th Street Mall project and new technology products offered by RTD, such as a current partnership with Uber. Finally, representatives discussed RTD’s future mobility plan and the public input associated with the new plan. Representatives responded to questions from the committee about issues related to RTD’s services and driver retention.

Division of Motor Vehicles. Representatives from the DMV within DOR provided an overview of the division’s customer service improvements and issues related to the implementation of the DRIVES project. Representatives also provided information on the DMV’s relationship with county clerks and law enforcement. The committee heard about the Real ID Act, SB 13-251 driver licenses, dealership registration, the self-service kiosk pilot, license plates, and other topics related to the state’s registration and titling system. DMV representatives answered several questions regarding dealership registrations, DRIVES programming costs, and out-of-state registration violation enforcement.

Public highway authorities. Representatives from the E-470, Northwest Parkway, and Jefferson Parkway Public Highway Authorities (PHA) 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. 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 bond debt, and highlighted the authority’s plan to accommodate growth along the corridor and 2040 traffic projections for the corridor. 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. Finally, representatives highlighted several changes due to recent legislation and answered several questions about transportation in the region.
- *Northwest Parkway.* Representatives from the Northwest Parkway PHA provided an overview of their 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. They also highlighted the solar projects along the corridor.
- *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 towards completion of the parkway. In addition, representatives addressed the recent radiation soil sample surveys along a section of the corridor.

Colorado Cross Disability Coalition. Representatives of the Colorado Cross Disability Coalition provided information on several issues related to transportation for person with disabilities, including CDOT’s Bustang program, the accessibility of transportation network companies, RTD services and Access-a-Ride, and bike lane accessibility. Representatives highlighted the issues persons with disabilities face due to distracted drivers.

Colorado Motor Carriers Association. Representatives of the Colorado Motor Carriers Association provided information on freight in Colorado, highlighting trucking’s impact on the Colorado economy, the revenue generated by trucking for transportation funding, truck safety, emissions in the trucking industry, and the organization’s views on several committee interim bill drafts. Representatives also discussed several federal regulations affecting trucking and truck parking issues.

Enterprise Holdings Rental Car Company. Representatives from Enterprise Holdings Rental Car Company provided information on how the company is complying with the new winter traction law passed in 2019. They discussed their education campaign to customers and their work with CDOT and the Colorado State Patrol. Representatives answered several questions concerning public safety and traction checkpoints in other states.

Renewable Energy Group. Representatives from the Renewable Energy Group provided information on biofuels, including biodiesel production, the benefits of biodiesel and biofuels, and biofuels role in Colorado’s greenhouse gas reductions goals. Representatives also highlighted several policy options, such as tax-based incentives, to increase biofuel adoption.

ACLU of Colorado. Representatives of the ACLU of Colorado provided information on the cancellation of a driver license due to unpaid traffic violation debt in Colorado. They highlighted the cases of several Colorado citizens impacted by the current cancellation process and recent legislation in Colorado regarding license suspensions.

EdenCrete. Representatives of EdenCrete, LLC, provided information to the committee on its product, EdenCrete. EdenCrete is a Colorado-based company that produces a carbon concrete additive that has been used in several construction projects around the state. Representatives discussed their nanotube technology and highlighted several projects in Colorado that used the product.

Committee Recommendations

As a result of committee discussion and deliberation, the Transportation Legislation Review Committee recommends the following five bills for consideration in the 2020 legislative session.

Bill A – License Plate Expiration on Change of Ownership. The bill creates a license plate reissuance process and changes Colorado's license plate color scheme beginning on January 2021. On or after January 1, 2021, the license plates expire for any owner who transfers or assigns their title or interest in another vehicle, and the plates may not be transferred to another vehicle. Owners of expired license

plates will be required to pay any associated fees with the issuance of new license plates, but the DOR may not recover any incremental costs from producing or distributing the new license plates. The bill applies to all Class C motor vehicles, except for horseless carriages.

In addition, the bill requires license plates issued on or after January 1, 2021, to display white letters and numbers over a background of dark green mountains and a white sky. The DOR must exhaust its stock of current license plates before issuing license plates with the new color scheme.

Bill B – Transportation Public Private Partnership Reporting. By February 15, 2021, this bill requires the High-Performance Transportation Enterprise to include the following information for each executed or proposed public-private partnership in its report: a summary of HPTE's processes and activities leading up to the public-private partnership, including information on the public comment and selection processes; and a summary of the major financial, performance, and length-of-term provisions in actual or anticipated public-private partnership agreements.

Bill C – Driving Instructions for Foster Youth. The bill creates a grant program within the Department of Human Services (DHS) to reimburse counties for the cost of driver education classes for 15- to 17-year-old youth in foster care. The State Board of Human Services is required to promulgate rules for the administration of the program by December 1, 2020. Each county that receives a grant must submit an annual report to the DHS beginning November 1, 2021, and the DHS must submit an annual summary report to the General Assembly beginning January 1, 2021. The program repeals on September 1, 2030, pending a sunset review.

In addition, the bill clarifies that county departments of human or social services are not liable for any injury that may occur while a youth in foster care is receiving driving instruction. The bill also clarifies that a certified court order is sufficient documentation for eligible foster youth to apply for driver licenses.

Bill D – Commercial Vehicle VIN Verification Inspections. Under current law, the Colorado State Patrol in the Department of Public Safety administers a pilot program that allows a third-party transportation association or organization to perform Vehicle Identification Number (VIN) verifications on commercial vehicles. This bill recreates the pilot program as a permanent program.

Bill E – Commercial Vehicle Annual Fleet Overweight Permits. Under current law, commercial motor vehicle fleet owners can apply to CDOT for two separate annual non-interstate overweight divisible load permits: quad axle and two or three axle trailer. The bill combines the two permits and creates one annual fleet permit for non-interstate overweight divisible load quad axles and two or three axle trailers.