



Report to the Colorado General Assembly

Transportation Legislation Review Committee

Prepared by

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Transportation Legislation Review Committee

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December 2014

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December 2014

To Members of the Sixty-ninth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. The purpose of this committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative oversight of and input into such development.

At its meeting on October 15, 2014, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2015 session was approved.

Sincerely,

/s/ Representative Mark Ferrandino
Chairman

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This report is also available on line at:

<http://www.colorado.gov/lcs/TLRC>

Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 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, regional transportation authorities, public highway authorities, and the Regional Transportation District. In addition, the TLRC 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.

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

- give guidance and direction to the Colorado Department of Transportation (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 the 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 the 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 Colorado Department of Revenue (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 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 public highway authority projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans, and may require financial or performance audits of these entities.



Regional Transportation District. The Regional Transportation District (RTD) is authorized to contract up to 58 percent of its transportation services to private businesses through competitive bidding. The RTD must ensure that these contracted companies meet certain standards relating to experience, safety, and financial responsibility. The TLRC is required to monitor the RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8)(a), C.R.S.). The RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenue, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3)(d), C.R.S.). In this regard, the RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

Committee Activities

The committee held four meetings during the 2014 interim. Briefings and presentations were made by state departments, local governments, transit authorities, public highway authorities, transportation industry associations, and members of the public on a wide range of subjects, including:

- highway maintenance and construction;
- Colorado's aviation industry;
- distracted driving;
- driver's licenses and license plates;
- oversize and overweight vehicle permits; and
- regulation of motor carriers by the Public Utilities Commission.

The committee also toured a precast concrete structure manufacturing facility, the Highway U.S. 36 construction site, Denver Union Station, and the Denver International Airport.

The following subsections discuss the TLRC's activities during the 2014 interim.

Highway Maintenance and Construction

Representatives of the CDOT gave an overview of the department and its public engagement process, and provided an update on the I-70 mountain corridor project. The panel discussed methods for reducing roadway congestion and preserving existing infrastructure, and the department's budget relative to federal funding. The panel stated that the CDOT's goal in the I-70 mountain corridor is to reduce vehicle congestion, and outlined plans to reduce travel times by providing peak-period shoulder lanes. The panel discussed Senate Bill 09-228, which requires the transfer of state monies to the CDOT if the personal income growth trigger is met. Once the trigger is met, about \$1 billion will be transferred to the CDOT over a five-year period. Of this amount, 10 percent will go toward transit, and the remaining 90 percent will go toward highway and bridge projects.

The CDOT hosted the committee members on a tour of the Highway U.S. 36 construction site and provided updates about the project's status. On the same day, the committee visited a precast concrete structure manufacturing facility, and witnessed the process for creating concrete pipes and boxes that are used in highway drainage systems and in other infrastructure projects.



Colorado's Aviation Industry

The committee heard from representatives of Denver International Airport (DIA), Rocky Mountain Metropolitan Airport, Yampa Valley Regional Airport, Steamboat Springs Airport, Centennial Airport, Colorado Airport Operators Association, and the CDOT's Division of Aeronautics about the operations and economic impact of the state's airports. The panel discussed passenger traffic, airspace capacity, and advanced surveillance technology. There are currently 74 airports in Colorado available for public use, of which 13 are commercial, 50 are publicly owned, and 11 are privately owned. Colorado's airports account for about \$36.7 billion annually in total economic activity. Statewide aviation projects were also discussed, including DIA's South Terminal Redevelopment Program, which will be completed in 2015.

The committee toured DIA and the terminal redevelopment project construction area, and received a briefing on the progress of the project.

Distracted Driving

The committee heard about distracted driving from the Colorado State Patrol (CSP), insurance companies, and automobile groups. The panel discussed the main distractions encountered while driving — visual distractions, manual distractions, and cognitive distractions. In 2013, the CSP investigated 6,390 “front to rear” crashes, almost all of which were the result of distracted driving. Distracted driving is dangerous because of the distance a vehicle can travel in a short period. According to the panel, a vehicle driving 55 miles per hour can travel the entire length of a football field in 5 seconds, and it takes at least 5 seconds to look down at a phone and then return to looking at the road. The committee also heard information related to the difficulty of issuing citations for cell phone use and the need for public education and awareness campaigns, and the effectiveness of laws in other states that ban the use of cell phones while driving.

Driver's Licenses and License Plates

Driver's licenses. The committee heard from representatives of the Division of Motor Vehicles (DMV) in the DOR about the division's strategic plan to reduce office wait times and improve customer service by expanding appointment waitlists, tracking wait times, allowing more online renewals, and using new technology. The committee also heard information on the implementation of Senate Bill 13-251, which allows qualified individuals who are unable to demonstrate lawful presence in the United States to obtain a three-year Colorado driver's license.

License plates. Representatives of the DMV presented on current license plate designs available to Colorado drivers. The panel noted that Colorado has 138 different license plate designs and discussed issuance requirements for the plates. The committee received information on the print-on-demand process for license plates and temporary license plate tags.

Committee recommendation. As a result of the testimony and discussion, the committee recommends Bill A, which directs the DOR to issue firefighter special license plates for motorcycles, passenger cars, trucks, and recreational motor vehicles that do not exceed 16,000 pounds empty weight.



Oversize and Overweight Vehicle Permits

Oversize and overweight permit working group. The committee heard from a working group on oversize and overweight vehicle permits that was convened at the request of the TLRC during the 2013 interim. Representatives of the CDOT, Colorado Motor Carriers Association, Colorado Counties Inc., and the Colorado Municipal League updated the committee on the CDOT's new permitting system for oversize and overweight vehicles and discussed how it will streamline the permitting process. The panelists stated that the system is entirely web-based and accessible at any hour of the day. The need for changes to the oversize and overweight permitting fee structure was also discussed.

Colorado Motor Carriers Association. Representatives of the Colorado Motor Carriers Association (CMCA) commented on the trucking industry and said that there are about 17,000 trucking companies in the state. The panel discussed improvements in truck safety and emissions and the projected demand for truck drivers and mechanics in the state.

Public Highway Authorities

E-470 Public Highway Authority. The E-470 Public Highway Authority (PHA) provided the committee with an overview of the E-470 Parkway and its current operations. The panel stated that E-470 is 47 miles long from end to end, and costs two-axle vehicles between \$0.27 and \$0.34 per mile to travel the road. The panel noted that, over the summer, E-470 set records in traffic volume and that widening the highway is being considered. The panel discussed the issue of unbillable tolls and noted that they are the single largest revenue loss for the PHA. Vehicles with temporary license plate tags make up 59 percent of unbillable toll revenue. The panel discussed how E-470 has been working with the CDOT and the DOR to find a solution to the problem.

Northwest Parkway Public Highway Authority. A representative of the Northwest Parkway PHA provided background information on the organization and noted that the highway tolls continue to increase, although the current revenue is less than the initial projection. The panel discussed the efficiency of all-electronic tolling systems and the Northwest Parkway's safety record.

Jefferson Parkway Public Highway Authority. A representative of the Jefferson Parkway PHA provided background information on the organization and discussed future plans for deeding parcels in the right-of-way. The committee heard information regarding the timeline for the Jefferson Parkway and that there is no firm date for construction. The representative described the planning process and commented on the types of financing Jefferson Parkway would seek for the project.

Public Transit and Rail

The committee heard testimony from the Regional Transportation District (RTD) regarding ridership, cost recoveries, and revenue. The RTD provides transit service across 40 municipalities and 2,340 square miles, and serves about 2.8 million people, or about 53 percent of the state's population, each year. The current RTD system has 992 buses, 172 light rail vehicles, 137 routes, 77 park and rides, 9,509 bus stops, 48 miles of light rail tracks, and 46 light rail stations. The committee heard information on the FasTracks projects in the region and the impact that RTD has on the state's economy. The RTD's Workforce Initiative



Now (WIN) program was discussed, which has been recognized by the federal government as a way to involve communities in conversations about transportation infrastructure. The panel also provided an update on the Southeast rail line expansion and said that RTD is expected to receive approximately \$92 million in federal funding in late 2015 for the project. The panel talked about a two-year fare study being conducted by the RTD to simplify the fare structure. Several different fare levels are currently used, making RTD's system one of the most complex fare systems in the United States.

A representative of Commuter Rail Now also briefed the committee and proposed amendments to the Colorado Railroad Act to create three rail districts and provide opportunities for the rail system to work with the RTD and Denver Union Station. The representative stated that the rail yards in downtown Denver, the single track from Douglas County to the Air Force Academy, and the Moffat Tunnel are three railroad bottlenecks in the state and that there is no capacity to operate more trains on the north-to-south routes. The representative proposed the construction of a new set of rail tracks from Sterling to Los Alamos, stating that the expansion would reduce the travel time from 48 hours to 4 hours, and increase capacity on other lines.

The committee toured Denver Union Station, where a massive renovation project has just been completed.

Regulation of Motor Carriers

Representatives of the Public Utilities Commission (PUC) gave an overview of the commission and commented on the ways the PUC works with the transportation industry and law enforcement to perform investigations and enforce motor carrier compliance. The committee heard information about the PUC's role in regulating transportation network companies such as Uber and Lyft, and the implementation of Senate Bill 14-125, which created a limited regulatory structure for these companies.

Other Policy Areas

The committee heard testimony on other topics, including local government transportation needs, the role of the High-Performance Transportation Enterprise as a financing entity, and the Safe Routes to School Program.

High-Performance Transportation Enterprise. A representative of the High-Performance Transportation Enterprise (HPTE) provided an overview of the organization, stating that the HPTE operates as a government-owned business within the CDOT. The HPTE and the CDOT work together to identify infrastructure construction projects and funding for those projects. According to the HPTE representative, the HPTE analyzes the CDOT's project idea to identify innovative delivery options and pursues financing that leverages funding, guarantees high levels of service and maintenance, and is transparent to the public. The committee also heard information on the HPTE's public engagement process, the need for town hall meetings, and public and stakeholder participation. Project updates were also provided for Highway U.S. 36, I-70 East, C-470, I-70 West, and North I-25.



Local government transportation needs. Representatives of Colorado Counties Inc., the Colorado Municipal League, and the Denver Regional Council of Governments discussed local transportation issues and needs. The panel noted that county commissioners are responsible for the construction and maintenance of over 58,000 center lane miles on county roads, and that the state's counties are also responsible for the construction and maintenance of over 3,100 county bridges. The panel commented on the Highway Users Tax Fund as the major source of funding for municipal transportation-related needs.

Safe Routes to School Program. The committee discussed the Safe Routes to School Program, which is housed in the CDOT. Members of the committee commented on the passage of House Bill 14-1301, which provided \$700,000 in funding for the education and training components of the program. The committee noted that some schools have difficult sidewalk access and stressed the need to make routes to schools more accessible. Members of the committee commented on the infrastructure portion of the program and noted that infrastructure projects have improved communities throughout the state.

Committee recommendation. As a result of the testimony and discussion, the committee recommends Bill B, which requires the CDOT to award grants under the Safe Routes to School Program using state moneys available to the department in a total amount of at least \$3 million for the 2015-16 fiscal year.



Summary of Recommendations

As a result of the committee's activities, two bills were recommended to the Legislative Council for consideration in the 2015 session. At its meeting on October 15, 2014, the Legislative Council approved both of the TLRC's recommended bills for introduction. The bills are described below.

Bill A — Firefighter Motorcycle License Plate

Bill A requires the DOR to issue the current firefighter group special license plate to motorcyclists upon receiving proof that the applicant is an active, volunteer, or retired firefighter. Under current law, the firefighter group special license plate is available for passenger cars, trucks, and recreational vehicles not exceeding 16,000 pounds empty weight; however, the plate is not currently available for motorcycles.

Bill B — Funding for Safe Transportation to Schools

Bill B requires the CDOT, under the Safe Routes to School Program, to award at least \$3 million in grants to political subdivisions of the state for projects that will improve the safety of pedestrians and bicyclists in school areas. The grants must be awarded during the 2015-16 fiscal year. The bill requires that state moneys be used for making grant awards of at least \$3 million, unless the CDOT receives federal funds specifically for the Safe Routes to School Program. If the CDOT receives federal funds during the 2015-16 fiscal year for the program, the \$3 million state funding requirement is reduced by the amount of federal moneys received.



Resource Materials

Summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries 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. The meeting summaries are also available on the TLRC's website at:

<http://www.colorado.gov/lcs/TLRC>

Meeting Dates and Topics Discussed

June 10, 2014

- ◆ Presentation by the Colorado Motor Carriers Association
- ◆ Presentation on transportation for persons with disabilities
- ◆ Presentation by Swift Tram, Inc.
- ◆ Presentation on distracted driving
- ◆ Presentation by local government entities

July 15, 2014

- ◆ Precast concrete structure manufacturing facility tour
- ◆ Highway U.S. 36 construction site tour

July 23, 2014

- ◆ Presentation by three public highway authorities
- ◆ Presentation by the Public Utilities Commission
- ◆ Briefing on the oversize and overweight permitting working group
- ◆ Presentation by the Colorado Department of Transportation
- ◆ Presentation on the High-Performance Transportation Enterprise
- ◆ Presentation by the aviation industry



August 5, 2014

- ◆ Presentation by the Colorado Department of Revenue
- ◆ Presentation by the Regional Transportation District
- ◆ Presentation by the Colorado Contractors Association
- ◆ Presentation by the American Council of Engineering Companies of Colorado
- ◆ Discussion of proposed legislation and drafting requests

September 9, 2014

- ◆ Presentation on disabled parking issues
- ◆ Presentation by Commuter Rail Now
- ◆ Presentation on state transportation funding and finance
- ◆ Presentation by Action 22, Club 20, and Progressive 15
- ◆ Discussion and approval of draft legislation

September 10, 2014

- ◆ Denver Union Station tour
- ◆ Denver International Airport tour



**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 15-0092.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR FIREFIGHTER LICENSE PLATES TO**
102 **BE ISSUED FOR MOTORCYCLES.**

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. The bill directs the department of revenue to issue firefighter special license plates for motorcycles, passenger cars, trucks, or recreational motor vehicles that do not exceed sixteen thousand pounds empty weight. Currently the plates

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

11

are issued to every mentioned vehicle except motorcycles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-3-208, **add** (4) as
3 follows:

4 **42-3-208. Special plates - qualifications for issuance of special**
5 **license plates.** (4) THE DEPARTMENT SHALL ISSUE FIREFIGHTER LICENSE
6 PLATES, CREATED BY RULE BY THE DEPARTMENT UNDER SECTION
7 42-3-207 AS IT EXISTED WHEN THE PLATES WERE CREATED, FOR
8 MOTORCYCLES, PASSENGER CARS, TRUCKS, OR NONCOMMERCIAL OR
9 RECREATIONAL MOTOR VEHICLES THAT DO NOT EXCEED SIXTEEN
10 THOUSAND POUNDS EMPTY WEIGHT.

11 **SECTION 2. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 5, 2015, if adjournment sine die is on May 6,
15 2015); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2016 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to applications for license plates made on or
22 after January 1, 2016.

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILL B

LLS NO. 15-0064.01 Jason Gelender x4330

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR THE SAFE ROUTES TO SCHOOL PROGRAM.**

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. For the 2015-16 fiscal year, the bill requires the department of transportation to award grants under the safe routes to school program using state moneys available to the department in a total amount of at least \$3 million. The required total amount is reduced by the amount of any federal moneys

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT *Dashes through the words indicate deletions from existing statute.*

received by the department for the program. Under current law, the department must award at least 20% but not more than 30% of the state grant money for noninfrastructure programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-1601, **amend**
3 (3.5) (b) and (5) as follows:

4 **43-1-1601. Safe routes to school program - repeal.**
5 (3.5) (b) (I) ~~Notwithstanding the provisions of paragraph (a) of this~~
6 ~~subsection (3.5), for the state fiscal year commencing July 1, 2014, all of~~
7 ~~the grants awarded must be for noninfrastructure programs EXCEPT AS~~
8 OTHERWISE PROVIDED IN PARAGRAPH (a) OF SUBSECTION (5) OF THIS
9 SECTION, FOR THE FISCAL YEAR COMMENCING JULY 1, 2015, THE
10 DEPARTMENT SHALL AWARD GRANTS USING STATE MONEYS AVAILABLE TO
11 THE DEPARTMENT IN A TOTAL AMOUNT OF AT LEAST THREE MILLION
12 DOLLARS.

13 (II) This paragraph (b) is repealed, effective ~~July 1, 2015~~ JULY 1,
14 2016.

15 (5) (a) For the fiscal year commencing ~~July 1, 2014~~ JULY 1, 2015,
16 if the state receives federal moneys for the safe routes to school program,
17 the ~~state general fund appropriation for~~ REQUIREMENT THAT THE
18 DEPARTMENT AWARD GRANTS UNDER the program USING STATE MONEYS
19 AVAILABLE TO THE DEPARTMENT IN A TOTAL AMOUNT OF LEAST THREE
20 MILLION DOLLARS is reduced by the amount of the federal moneys
21 received.

22 (b) This subsection (5) is repealed, effective ~~July 1, 2015~~ JULY 1,
23 2016.

24 **SECTION 2. Effective date.** This act takes effect July 1, 2015.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.