

Transportation Legislation Review Committee

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Transportation Legislation Review Committee Report to Legislative Council

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 the 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 penalties imposed 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 the CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete a financial or performance audit.

Committee Activities

The TLRC held four meetings during the 2012 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;
- Colorado's aviation industry;
- the ports of entry;
- driver's licenses;
- public transit and rail;
- special license plates; and
- regulation of motor carriers by the Public Utilities Commission (PUC).

Staff from the Joint Budget Committee (JBC) prepared and presented information about "off-the-top" appropriations from the Highway Users Tax Fund (HUTF). The following subsections discuss the TLRC's activities in the 2012 interim.

Transportation infrastructure and financing. The committee heard testimony from CDOT, public highway authorities, and the motor carrier industry regarding the state transportation network and financing. A variety of projects for interstate corridors were discussed, including plans for the widening of Interstate 70 (I-70) between Idaho Springs and Floyd Hill. Inflation, funding sources, and federal legislation, including the new federal highway authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21), were also discussed. Committee members heard about fuel taxes, particularly the differences in the taxes owed by owners of alternative fuel vehicles, such as electric and compressed natural gas vehicles. Following comments about cash fund balances

and the number of incomplete transportation projects around the state, the committee prepared and approved a letter to CDOT expressing its support of CDOT and recommending an expedited use of available funds.

As a result of committee discussion, the committee considered, but did not approve, Draft Bill 2. The bill would have allocated a portion of future state sales and use tax net revenue growth toward improvements to state highways, county roads, and municipal streets.

Motor carrier industry. Representatives of the Colorado Motor Carriers Association and Western State Transportation Alliance presented information on employment and the safety of the trucking industry. The panel noted that in 2011, trucks transported more than 7.7 billion tons of freight and 90 percent of manufactured freight commodities were transported by truck. Industry representatives discussed the impact of state taxes and fees on the trucking industry and a proposal that specific ownership tax (SOT) for commercial vehicles be restructured.

Ports of entry. Staff from the DOR and the Colorado State Patrol (CSP) provided brief updates on the progress of the transfer of the ports of entry from the DOR to the CSP, which took effect July 1, 2012. Representatives noted that the transfer has gone relatively smoothly.

Driver's licenses. The committee heard testimony from the DOR about increases in the number of driver's licenses issued, as well as ongoing efforts to improve wait times at offices and ensure that persons leaving the custody of the Department of Corrections can obtain a driver's license or state identification card. The committee discussed fees charged to a member of the armed services for the branch-of-service identifier on a Colorado driver's license or state identification card. As a result of this discussion, the committee recommends Bill F, which repeals the fee for a branch-of-service identifier.

Aviation. The committee heard from representatives of Denver International Airport (DIA), Centennial Airport, and CDOT's Division of Aeronautics about operations and economic impacts, passenger traffic, and airspace capacity at Colorado's airports. Statewide aviation projects were also discussed, including the state's Mountain Radar surveillance project and the federal NextGen project, which uses satellite and GPS technology in place of radar to manage airspace.

Public transit and rail. The committee heard testimony from CDOT's Division of Transit and Rail about the completion of the Colorado Passenger and Freight Rail Plan. The Regional Transportation District (RTD) provided testimony on ridership, cost recoveries, and revenue. Information was also provided on Union Station and FasTracks, including various lines' funding, construction, and completion time frames.

Special license plates. The DOR presented information on special license plates, including a review of the application process, existing and retired plate types, and the state's plans to move towards a "print on demand" system to assist county offices in managing license plate inventories. As a result of this testimony and discussion, the committee recommends:

- Bill C, which proposes to add a statement on the notice of vehicle registration regarding the penalty for failure to register a vehicle consistent with the actual statutory penalty, and also repeals statutory provisions for two retired special license plates; and
- Bill G, which proposes to limit the number of unique alumni, designer, military, or group special license plate designs to 96.

Public Utilities Commission (PUC) regulation of motor carriers. The committee heard testimony on federal reporting requirements and legislation modifying the funding of the PUC's Safety Oversight Program, as well as on the implementation of House Bill 12-1327, which repealed the requirement that a towing carrier maintain a \$50,000 surety bond to pay a civil penalty assessed against it by the PUC. As a result of this testimony and discussion, the committee recommends Bill H, which aligns state and federal law to prohibit the PUC from collecting fees for rail fixed guideway system safety from entities that PUC regulates.

Other. The committee heard testimony on a number of other topics including the collection of SOT on special mobile machinery (SMM), the Transportation Commission, definitions for alternative fuel vehicles, penalties for driving while under the influence of marijuana, and the Waste Tire Recycling Program administered by the Department of Public Health and Environment. As a result of this testimony and discussion, the committee recommends:

- Bill A, which proposes to add two at-large members to the Transportation Commission;
- Bill B, which expands the Department of Public Administration's (DPA) use of alternative fuel vehicles and requires DPA to report on its fleet in connection with fuel types;
- Bill D, which proposes to expand the "DUI per se" statute to include driving while a driver's blood contains five nanograms or more of delta 9-tetrahydrocannabinol per milliliter of whole blood; and
- Bill E, which would direct the DOR to set up an electronic system to receive tax reports filed by owners of SMM.

Committee Recommendations

As a result of committee discussion and deliberation, the TLRC recommends eight bills for consideration in the 2013 legislative session.

Bill A — Add Two At-Large Members to Transportation Commission. Bill A adds two at-large members to the Transportation Commission. Under current law, the commission has 11 members representing each transportation district. The two additional at-large members proposed under this bill are appointed by the Governor. One at-large member must reside on the western slope, and the other must reside on the eastern slope. The terms of the at-large members begin on July 1, 2013, and last for four years, but the first term of the western slope at-large member expires July 1, 2015.

Bill B — Report on Alternative Fuel Fleet Vehicles. Under current law, the Department of Personnel (DPA) is required to purchase compressed natural gas (CNG) vehicles if the life cycle or base cost of the vehicle does not exceed ten percent over the cost of a dedicated petroleum vehicle. This bill expands the requirement to include vehicles using other alternative fuels in addition to CNG.

In addition, under this bill, DPA must provide a report to the General Assembly that includes the number of CNG and other alternative fuel vehicles purchased by DPA since 2008, and the number of dedicated petroleum vehicles purchased since 2008 instead of CNG and alternative fuel vehicles. The report must also address a number of policy decisions DPA is taking regarding CNG and alternative fuel vehicles. The report is due March 1, 2013.

Bill C — Vehicle Registration Penalty Statement and Repeal Specialty Plates. Bill C changes the penalty stated on the notice for motor vehicle registration for failure to register a vehicle from \$100 to \$500 to align with the actual statutory penalty. The bill also eliminates the U.S. Olympic Committee and Colorado Foundation for Agriculture and Natural Resources specialty plates.

Bill D — Penalty for DUI Involving Marijuana. Bill D changes the definition of DUI *per se* to include drivers who test positive for blood that contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter of blood, either while driving or within two hours after driving. Drivers testing positive for blood exceeding this threshold will be subject to the same penalties as stated for DUI *per se*. The bill also alters the definition of habitual user.

Bill E — Ownership Tax Rental Mobile Machinery Electronic. Bill E allows fleet owners of special mobile machinery to file or report electronically with the DOR. The bill also allows such fleet owners to pay specific ownership tax directly to the DOR, as opposed to the county clerks where each fleet vehicle operates.

Bill F — Repeal Branch of Service Identifier Fee. Bill F eliminates the fee charged to a member or veteran of the armed services to have a military service branch identifier affixed to his or her driver's license or state-issued identification card. Currently, the identifier requires payment of a \$15 fee, which is credited toward the cost of creating the identifier and the HUTF.

Bill G — Vehicle Special License Plate Limit. Bill G limits the number of special license plates to 96 available plate types.

Bill H — PUC Oversight of Rail Fixed Guideway Systems. Bill H aligns state and federal law to prohibit the PUC from charging fees to cover the oversight and administration of rail fixed guideway system safety. The PUC may still expend funds from the Public Utilities Fixed Utility Fund to cover administrative expenses.