

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 2013 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;
- oversize/overweight vehicle permits;
- public transit and rail;
- public highway authorities; and
- regulation of motor carriers by the Public Utilities Commission (PUC).

This interim, the TLRC also toured different parts of the state to hear feedback from the Transportation Commission, representatives of CDOT, county commissioners, local elected officials, and constituents about transportation needs in their respective areas. The committee toured Northern Colorado, Southern Colorado, and the Western Slope, holding field hearings in a total of 10 cities and towns.

The following subsections discuss the TLRC's activities during the 2013 interim.

CDOT flood presentation. Representatives of CDOT briefed the committee on the damage caused by the September 2013 flooding across the Front Range, and the recovery efforts that are underway to restore the region's roads and bridges. The extent of the flood damage was discussed, especially in relation to U.S. 34, and State Highways 7, 72, and 119. The panel noted that the flooding caused 27 closures of highways and bridges, and over \$400 million in damage. Committee members heard about the funding sources for the recovery efforts, including Federal

Highway Administration emergency relief funds and Federal Emergency Management Agency funds, as well as CDOT's emergency funds, and how the money may be used. The committee members were also provided with a brief overview of CDOT's budget and discussion of the Responsible Acceleration of Maintenance and Partnerships (RAMP) program.

Disabled parking. The committee heard from representatives of the Colorado Advisory Council for Persons with Disabilities about the enforcement of Colorado's laws concerning disabled parking. The panel noted that current state law concerning disabled parking does not conform to federal law, is poorly organized and difficult to follow, and is susceptible to abuse. The discussion also focused on educating the public, medical personnel, and local governments about the proper use of handicap parking tags. As a result of the testimony and committee discussion, the committee recommends Bill A, which reorganizes and recodifies the disabled parking statutes.

Aviation. The committee heard from representatives of Denver International Airport (DIA), Centennial Airport, the Fort Collins-Loveland 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 DIA's South Terminal Redevelopment Program which will open in 2015. Information was also presented on current projects that CDOT is working on, including the airport directory, a statewide system plan, and an economic impact update study.

Public transit and rail. The committee heard testimony from the Regional Transportation District (RTD) on ridership, cost recoveries, and revenue. The panel noted that RTD provides transit service to about 2,400 square miles, which includes 40 municipalities and approximately 57 percent of the state's population. Information was also provided on the FasTracks plan, which will provide 122 miles of light rail and commuter rail, 18 miles of bus rapid transit (BRT) service, and 31 new Park-n-Rides, and will include the redevelopment of Denver Union Station.

Oversize/overweight vehicle permits. Representatives of the Colorado Motor Carriers Association presented information about oversize/overweight vehicle permits and divisible loads in Colorado. The committee also heard information on the safety of the trucking industry and careless driving laws. As a result of this discussion, the committee recommends:

- Bill B which creates an overweight permit for vehicles that haul sludge for wastewater purposes or other loads deemed by CDOT to be a public hazard, and authorizes issuing an annual fleet permit for two- or three-axle group vehicles with divisible loads; and
- Bill D which raises the fine for the operator of a commercial vehicle who violates a road closure or restriction.

The committee also considered, but did not approve a bill that would have reduced the maximum weight for five-axle overweight vehicle combinations for overweight vehicle permits and a resolution that would have created a work group to study the permit system for oversize and overweight vehicles.

Public Utilities Commission (PUC) regulation of motor carriers. Representatives of the PUC gave an overview of the organization and said that 2013 is the 100th year that the PUC has been regulating the transportation industry in Colorado. The panel commented on illegal motor carrier operators throughout the state and how the PUC is addressing the issue, including warnings and penalties. The panel said that in FY 2012-13 the PUC issued 111 civil penalties, compared to 95 issued in the previous fiscal year. Of the penalties issued in FY 2012-13, the PUC issued

32 civil penalties to limited regulation carriers, 43 to fully regulated carriers, 11 to household goods carriers, and 25 to towing carriers. As a result of the discussion, the committee recommends Bill E, which concerns the weight of motor vehicles that are subject to rate regulation when being towed without the owner's consent.

Other. The committee heard testimony on other topics, including increasing the transparency of the High-Performance Transportation Enterprise (HPTE) and updated definitions for alternative fuel vehicles. As a result of this testimony and discussion, the committee recommends Bill C, which clarifies the definition of a plug-in electric motor vehicle.

Committee Recommendations

As a result of committee discussion and deliberation, the TLRC recommends five bills for consideration in the 2014 legislative session.

Bill A — Disabled Parking License Plates Placards. Bill A recodifies the disabled parking statutes to clarify that:

- the Colorado Advisory Council for Persons with Disabilities may implement an education program;
- persons may get personalized license plates with an identifying figure;
- the Department of Revenue must place a "C" on the registration of the parent of a child who is mobility impaired and has a license plate granting reserved parking;
- if an entity transports mobility-impaired people, the entity must provide a driver's license or identification document of its executive director or chief executive officer;
- disabled placards must be visible through the windshield and hung on the rearview mirror or placed on the dashboard;
- an applicant for a license plate or placard with the identifying figure must sign an affidavit that the person for whom it is issued is eligible;
- reserved parking signs must conform to the requirements of the "Americans with Disabilities Act;"
- the chief officer and the employee of a company that violates parking laws are each individually liable; and
- the prohibition against using reserved parking for commercial purposes does not apply when the owner of the business consents to its use.

Bill B — Divisible Load Overweight Vehicle Permits. Bill B authorizes an overweight permit for vehicles that haul sludge for wastewater purposes or other loads that are deemed a public hazard by CDOT, and sets standards for the application and issuance of permits. The bill also authorizes the issuance of an annual fleet permit for two- and three-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

Bill C — Plug-in Electric Motor Vehicle Definition. Bill C clarifies the definition of a plug-in electric motor vehicle. For the purposes of registering a motor vehicle, a "plug-in electric motor vehicle" is defined as a vehicle that can be recharged from any external source of electricity and the electricity stored in a rechargeable battery pack propels or contributes to propel the vehicle's drive wheels. The definition includes motor vehicles that are certified to be eligible for a particular federal tax credit and other vehicles that may be retrofitted to be a plug-in electric vehicle.

Bill D — Highway Restriction Violation Penalties. Bill D raises the fine for the operator of a commercial vehicle who violates a road closure or road restriction from \$500 to \$2,000, and when the violation of a restriction results in the closure of a travel lane, the fine is increased to \$2,500. Additionally, two license plate suspension points will be imposed for each of these violations.

Bill E — Nonconsensual Tow Motor Vehicle. Bill E changes the limitations on vehicles that are subject to rate regulation when being towed without the owner's consent. Currently, the PUC regulates rates for a nonconsensual tow of a motor vehicle if the vehicle is 10,000 pounds or less. The bill repeals the 10,000-pound limitation to apply the rate regulation to all vehicles. The bill also creates a committee to advise the Public Utilities Commission on rates and investigations of overcharges.