

Transportation Legislation Review Committee

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November 2015

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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 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 financial or performance audits. The committee may also conduct a postoperation review of any project completed by these entities to determine whether it was completed in the most cost-effective and efficient manner.

Committee Activities

The committee held four meetings during the 2015 interim. Briefings and presentations were made by state departments, local governments, transit authorities, public highway authorities, transportation industry associations and organizations, and members of the public on a wide range of subjects, including:

- local, state, and nationwide transportation infrastructure funding and planning;
- highway corridor maintenance and construction;
- transportation construction contracting and intergovernmental agreements (IGAs);
- traction and congestion issues on I-70;
- law enforcement data gathering for enhanced traffic safety;
- laws surrounding impeding traffic;
- challenges of current statutory definitions of motor vehicles;
- regulation of transportation network companies (TNCs) by the Public Utilities Commission (PUC);
- public highway authorities;
- regional transportation authorities; and
- low-income fare options on public transit systems.

This interim, the TLRC toured the southwest region of the state to hear feedback from the Transportation Commission, representatives of CDOT, county commissioners, local elected officials, representatives of Native American tribes, regional transit organizations, and constituents about transportation needs in their respective areas. The committee visited a number of infrastructure projects and transportation facilities throughout the southwest and held field hearings in the cities of Alamosa, Durango, and Montrose.

The committee also toured CDOT's I-70 East project and the Lockheed Martin campus in Littleton.

The following subsections discuss the TLRC's activities during the 2015 interim.

Transportation infrastructure funding. Representatives of CDOT gave an overview of CDOT's budget on the federal, state, and local levels. They discussed how inflation has impacted the federal and state gas taxes, which have not been adjusted since the early 1990s, and noted that per capita spending on transportation infrastructure in Colorado was \$125.70 in 1991 versus \$68.94 in 2015. The committee heard information on CDOT's sources of revenue, its estimated shortfall for the next 20 years, and the negative impact that uncertainty of funding can have on multi-year projects. The committee also heard about CDOT's asset management goals and the innovative ideas that its leadership has for alternative transportation funding solutions.

A representative of the National Conference of State Legislatures presented on nationwide transportation funding, noting that nearly every state considered a transportation funding bill in 2015, with over 500 of such bills being introduced, as well as over 700 similar bills being considered by state legislatures in 2013 and 2014. The committee heard about the states that have either increased their gas taxes or added a fee for electric and alternative fuel vehicles since 2013. It also heard about the bond packages and other transportation financing legislation enacted by states in 2015, upcoming ballot measures across the states that are related to transportation funding, and states that have entered into public-private partnerships (P3s) for transportation projects.

Transportation infrastructure planning. Representatives of CDOT's Transportation Commission, several Transportation Planning Regions (TPRs), and the Statewide Transportation Advisory Committee (STAC) presented on the state and local transportation planning process. The Transportation Commission representative discussed the process through which the commission sets its policy direction and budgets and allocates funds, stating that it does not generally choose projects, but rather sets policy goals and performance objectives for CDOT. The committee heard about the work of the Intermountain TPR and the Denver Regional Council of Governments, funding and transportation planning challenges faced by the TPRs, and public-public partnership strategies being employed in the state. The committee also heard an overview of the STAC, which reviews and comments on statewide transportation plan development, conflicts between TPRs and CDOT, and the integration of regional plans into the statewide plan.

As a result of the testimony and discussion, the committee recommends Bill B, which requires the STAC to provide advice and comments to both CDOT and the Transportation Commission, rather than only to CDOT. The bill also specifies that the STAC will provide advice on budgets and transportation policy, programming, and planning.

Highway corridor maintenance and construction. The committee heard from a representative of CDOT's High Performance Transportation Enterprise (HPTE), who discussed the grand opening of the US-36 Express Lane project in the summer of 2015, the procurement schedule for the I-70 East project, and the I-70 Mountain Express Lane project, which adds a third travel lane to the I-70 mountain corridor at peak travel periods and is scheduled to open for the 2015 ski season.

Contracting and intergovernmental agreements. Representatives of CDOT presented on the state's transportation construction contracting process and use of IGAs. The committee heard about challenges faced by smaller construction companies in the contracting and bonding process; CDOT's contracting with minority-owned, women-owned, and local businesses; and how CDOT plans to address payment issues that some contractors have experienced. The committee also heard how CDOT has so far issued \$250 million worth of IGAs, which it uses for any agreement with a non-state governmental entity, and how the Safe Routes to School program is an example of one such situation where IGAs are necessary because of the funneling of Federal Highway Administration revenue.

I-70 mountain corridor traction and congestion issues. Per the requirements of House Bill 15-1173, the committee studied the use of adequate and appropriate tire tread or traction equipment to reduce congestion, lane closures, and accidents in the I-70 mountain corridor. It heard from representatives of CDOT, the Colorado State Patrol (CSP), the I-70 Coalition, the Colorado Motor Carriers Association (CMCA), and the American Car Rental Association on these issues. Discussion focused on the challenges for CDOT and CSP surrounding current state chain laws for passenger and commercial vehicles, which cannot be called into effect expediently by CDOT and CSP, and which require statutory clarity for CSP to be able to enforce with passenger vehicles. The committee also heard how congestion and closures of the corridor are a major issue for the region and can cost up to \$800,000 for every hour of closure. Congestion and closure data were provided to the committee, as well as information on the strategies and campaigns that have been implemented by various entities in recent years throughout the mountain corridor to reduce traffic congestion and accidents and promote winter driving preparedness. The committee also heard about the impact of the trucking industry on traffic congestion along I-70 and the attempts made by the industry to mitigate delays caused by freight in the region. Committee concerns were raised about traction control equipment cost burdens for drivers and the rental car industry that could result from a clarification of the state's chain laws.

As a result of the testimony and discussion, the committee recommends Bill A, which will be introduced as a TLRC-recommended bill in the 2016 session, per the requirements of House Bill 15-1173. Pursuant to HB 15-1173, this bill is not subject to review or approval by the Legislative Council. The bill requires motor vehicles driving on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison), when icy or snow-packed conditions are present, to be equipped with:

- tire chains or an equivalent traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive, and tires with a tread depth of one-eighth of an inch; or
- tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch.

A noncommercial violator of these requirements commits a class B traffic infraction and is subject to a \$100 fine and a \$32 surcharge. If a violation results in the closure of at least one lane of traffic, the violator is subject to an enhanced penalty of \$500 and a \$156 surcharge.

Traffic safety data gathering. Representatives of CSP, the Office of Information Technology (OIT), the Department of Revenue (DOR), and the Judicial Department gave an overview of how traffic accident data is collected and analyzed in the state, and the ways that this data can be used by and shared among agencies to reduce the number of accidents and fatalities on Colorado's roads.

Definition of a motor vehicle. The committee heard from representatives of CSP, DOR, the Colorado Automobile Dealers Association, and the motorcycle industry on how current statutory definitions of a motor vehicle need to be studied to ensure that certain vehicle types, such as tuk-tuks and kei vehicles, are not misclassified, which can result in improper taxation, the bypassing of emissions standards and safety requirements, and inaccurate traffic accident data collection.

PUC regulation of TNCs and common carriers. Representatives of the PUC gave an overview of the commission and discussed the regulation of TNCs by the PUC since the passage of Senate Bill 14-125, which created a limited regulatory structure for such companies, versus the PUC's established common carrier (taxicab) regulation system. The need for regulatory equity between taxis and TNCs was discussed, along with the PUC's plan to work with taxicab companies in revising its rules for their industry. The committee heard from representatives of the taxicab industry on how TNCs have a weaker regulatory structure than taxicab companies, and how robust regulation of both industries can help ensure public safety. A representative of the Colorado Cross-Disability Coalition also raised concerns about the number of taxicab companies and TNCs in the area that have accessible vehicles in their fleets.

Regional transportation authorities (RTAs). The committee heard from representatives of RTAs in Colorado about how they fund local transportation infrastructure projects and provide regional transit services within their boundaries through local sales taxes that have been approved by their voters. The RTAs requested that the committee extend a provision of statute that sunsets in 2019, allowing them to levy local property taxes with voter approval. The committee considered, but did not approve, a bill that would have extended the authority of RTAs to impose a property tax of five mills until January 1, 2029, if approved by voters.

Low-income transit fares. Representatives of RTD and Mile High Connects presented to the committee on the availability of reduced fares for the low-income community in the metro Denver area. The committee heard about RTD's nonprofit agency reduced fare program; new 2016 RTD fare policies that make reduced fares available for seniors, persons with disabilities, Medicare recipients, and students ages 6 through 19; and Mile High Connects' collaboration with various philanthropic organizations to subsidize low-income fare programs in and around Denver.

Other testimony. The committee heard testimony on other topics, including the role of the HPTE as a financing entity; the success of public highway authorities in managing toll roads in the state; the various rail lines and transit services provided by RTD under FasTracks; and RTD's key upcoming projects, which include: Bus Rapid Transit (BRT) service between Boulder and Denver; the "A" line between Denver Union Station and Denver International Airport (DIA); services between Westminster and Denver; the Gold Line between Union Station and Arvada; and the "R" Line, which connects Aurora to the A Line.

The committee also heard about the primary oversight responsibility the PUC has over RTD's light rail system, alongside its inability to collect money from RTD to cover the costs of oversight since the passage of the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012.

Committee Recommendations

As a result of committee discussion and deliberation, the TLRC recommends five bills for consideration in the 2016 legislative session.

Bill A — Interstate 70 Motor Vehicle Traction Equipment. Bill A requires motor vehicles driving on Interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison), when icy or snow-packed conditions are present, to be equipped with:

- tire chains or an equivalent traction control device (i.e. cable chains);
- four-wheel drive or all-wheel drive, and tires with a tread depth of one-eighth of an inch; or
- tires with any form of the mountain-snowflake symbol or "mud and snow" lettering (i.e., M/S and M+S) on the side wall of the tire and a tread depth of one-eighth of an inch.

A noncommercial violator of these requirements commits a class B traffic infraction and is subject to a \$100 fine and a \$32 surcharge. If a violation results in the closure of at least one lane of traffic, the violator is subject to an enhanced penalty of \$500 and a \$156 surcharge.

Pursuant to HB 15-1173, this bill is not subject to review or approval by the Legislative Council.

Bill B — Transportation Advisory Committee Procedures. Bill B requires the STAC to provide advice and comments to both CDOT and the Transportation Commission, rather than only to CDOT. The bill also specifies that the STAC will provide advice on budgets and transportation policy, programming, and planning.

Bill C — Modify Transportation Commission Membership. Bill C requires the TLRC to study the current statutory Transportation Commission districts during the 2016 interim to determine whether the number and boundaries of the districts should be modified. To assist the TLRC in its work, by August 1, 2016, Legislative Council Staff (LCS), with the cooperation of CDOT, must present a research study to the TLRC that documents changes in the current 11 Transportation Commission districts since the last time the General Assembly modified the districts, to include population, number of lane miles, and annual vehicle miles traveled in each of the districts. In doing so, LCS must take into account existing county and municipal boundaries, regional transportation areas and districts, and Transportation Planning Regions. The TLRC must also hold public hearings in the major geographical regions of the state regarding potential district modifications. The committee may recommend legislation to modify the Transportation Commission districts, which will not be subject to review by or approval of the Legislative Council.

Bill D — Register Title Kei Vehicle for Roadway. Bill D allows the DOR to title, register, and issue a rear license plate to kei vehicles. A person with a valid driver's license and insurance may operate a registered kei vehicle on a roadway with a posted speed limit of 55 miles per hour (MPH) or less, unless it is a limited access highway. Under the bill, it is a class B traffic infraction to operate a kei vehicle on an unauthorized roadway, without proper registration, or without the required safety equipment.

Bill E — Abandoned Motor Vehicle National Title Search. Currently, when an abandoned motor vehicle has been towed, the responsible law enforcement agency and tow operator notify the DOR, which searches its records to determine who owns the vehicle and if there is a lienholder. This information is used to return stolen vehicles and to notify the owner and any lienholder that the vehicle will be sold at an auction if it is not claimed. Bill E broadens the records used in the search to include those that can be obtained through a national title search. The bill also extends the period for a tow operator to notify the owner and any lienholder from three days to five days.

The committee also considered, but did not approve, a bill that would have allowed the DOR to certify private agents to perform certain functions related to driver's licenses, and the registration, taxation, licensing, and titling of motor vehicles.