



# **Transportation Legislation**

## **Review Committee**

**Report to the**  
**COLORADO**  
**GENERAL ASSEMBLY**

**Colorado Legislative Council**  
**Research Publication No. 484**  
**December 2000**

**RECOMMENDATIONS FOR 2001**

**TRANSPORTATION LEGISLATION  
REVIEW COMMITTEE**

**Report to the  
Colorado General Assembly**

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December 2000

To Members of the Sixty-second General Assembly:

Submitted herewith is the final report for the Transportation Legislation Review Committee. The committee was reconstituted pursuant to Section 43-2-145, C.R.S. (Senate Bill 36, 1986 Session). The purpose of the 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 overview of and input into such development . . . ."

At its meeting on October 16, 2000, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2001 session was approved.

Respectfully submitted,

/s/ Representative Doug Dean  
Chairman  
Legislative Council

BD/dg

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# **TRANSPORTATION LEGISLATION REVIEW COMMITTEE**

## **Members of the Committee**

**Senator Marilyn Musgrave,  
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# EXECUTIVE SUMMARY

## **Committee Charge**

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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 overview of such development. The committee is directed to review any phase of operations for CDOT, including planning and construction of highway projects. The committee is also authorized to review any phase of operations for any public highway authority (e.g., E-470 Authority) along with any rural transportation authority responsible for the development of rural transportation systems. In addition, the legislative committee provides guidance to the Regional Transportation District and reviews its budget, farebox recovery ratio, and the privatization of bus service.

## **Committee Activities**

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The committee held five meetings and one tour and received testimony on a variety of transportation-related matters from representatives of the following organizations:

- Colorado Department of Transportation,
- Regional Transportation District,
- E-470 Public Highway Authority,
- Colorado Department of Revenue,
- Colorado Intermountain Fixed-Guideway Authority,
- Colorado State Patrol,
- Colorado Association of Transit Agencies,
- Colorado Motor Carriers Association,
- Colorado/Wyoming Petroleum Marketers Association,
- Multi-State Highway Transportation Agreement,
- Northwest Parkway Public Highway Authority,
- Colorado Mobility Coalition, and
- Denver Regional Council of Governments.

A recurring topic at several meetings was the demand placed on various state and local agencies due to the state's continuing growth. Examples of growth-related demands include the issuance of speciality and regular license plates, the collection and analysis of data for the Motorist Insurance Identification Database, the construction of the major transportation projects (i.e., Southeast Corridor Multi-modal Project), and other transportation projects throughout the state. A tour with members of the Transportation Commission afforded members of the TLRC the opportunity to confer with officials from Jefferson County, Lakewood, Arvada, Boulder, Longmont and adjacent areas to discuss how growth and development is impacting these areas. Specific discussions involved the development around US 36, US 287 and the Northwest Quadrant (i.e., land adjoining the



E-470 and C-470 beltways). Additional subjects considered were multi-modal projects, eminent domain powers of the CDOT, and the last phase of the E-470 Toll Road.

Committee members were briefed by the E-470 Highway Authority on the progress of the construction project of Phase Four of the E-470 toll road. This last phase of the toll road, which may eventually be a part of a beltway encircling metropolitan Denver, is scheduled to be completed in 2003. The issue of the yet-to-be-built Northwest leg of the beltway remains controversial. The TLRC met with representatives of the Northwest Parkway Public Highway Authority, which was formed to study the building of a Northwest leg in Adams and Boulder counties.

The CDOT reported that the Transportation Revenue Anticipation Notes (TRANS), which would provide funding for the Southeast Corridor Multimodal Project, began selling on the East Coast in late May. Proceeds from the sale of TRANS were approximately \$530 million. The department also reported on the implementation of the Automated Weather Observation Stations, the process of updating the Statewide Transportation Plan, and transportation trends in Colorado.

Committee members heard testimony from the Department of Revenue (DOR) regarding a variety of issues. There was a briefing on motor fuel excise tax collections during which DOR indicated an increase in motor fuel excise taxes of \$31 million between 1999 and 1998. This increase is believed to be the result of past legislation which closed fuel excise taxation loopholes. The DOR also reported on issues surrounding license plate issuance.

In addition, the DOR briefed the committee on the status of the Motorist Insurance Identification Database (MIID) Program. Initially, the major issue with MIID was obtaining the correct vehicle identification numbers from insurance agents. Most of the 370 insurance companies in Colorado are now responding to the MIID requests and the larger companies are reporting daily to the database.

## **Committee Recommendations**

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As a result of committee discussion and deliberation, the committee recommends five bills for consideration in the 2001 legislative session.

**Bill A — Expanding the Eminent Domain Authority of the Colorado Department of Transportation.** This bill expands the Department of Transportation's eminent domain authority to include the acquisition and disposition of property for state transportation purposes. Under current law, the department may only exercise this authority for state highway purposes. The bill defines "state transportation purposes," to include diverse modes of transportation.

**Bill B — Allocating Moneys to the Capital Construction Fund for Funding State Highway Projects.** Bill B transfers \$50 million from the General Fund to the Capital

# STATUTORY AUTHORITY AND RESPONSIBILITIES

The Transportation Legislation Review Committee is established to give guidance and direction in the development of the state transportation system and to provide legislative overview of and input into such development. Currently, the committee is composed of six members of the General Assembly (three Representatives; three Senators) and five citizen members appointed by the Governor. However, pursuant to legislation enacted during the 2000 Session, effective January 1, 2001, the committee shall be comprised of the members of the House Transportation and Energy and the Senate Transportation Committees.

Specifically, the TLRC is required under Section 43-2-145, C.R.S., to meet at least once a year to review all transportation legislation. Upon completion of its review of the transportation laws, the committee may make recommendations to the Governor and to the General Assembly for such additional legislation as it deems necessary. The committee recommended five bills this year. The committee is authorized to develop and make recommendations concerning the financing of the state transportation system. Several legislative proposals regarding financing have been recommended by the committee for 2001.

In its oversight role, the TLRC is authorized to review any operations of the Colorado Department of Transportation, any public highway authority, the Regional Transportation District, or any rural transportation authority. The committee may review projects after completion to determine whether the project was completed in the most cost-effective and efficient manner. The committee may also require financial or performance audits to be conducted.

The committee may require the CDOT to prepare and adopt 5-, 10-, and 15-year plans for the development of the state transportation system, and the committee must monitor the progress of such plans. The committee is authorized to consult with the CDOT personnel and other experts in the field of highway construction as may be necessary. The CDOT personnel are required to cooperate with the committee and with any persons assisting the committee in carrying out its statutory duties.

## **Background (History of the TLRC)**

The roots of the TLRC go back to 1953 when the General Assembly reorganized the state highway system and restructured the relationship between state highway, county road, and municipal street systems. First established as the Highway Legislation Review Committee (HLRC), the committee's original charge was to review the implementation and impact of these new highway systems. In 1987, the committee's charge was expanded to include oversight of public highway authorities and projects, such as E-470 and W-470. Public highway authorities are required to report annually each August to the TLRC on their

activities in the preceding year and their plans for the coming year. In 1989, the General Assembly required the RTD to respond to the HLRC requests for information.

In 1994, pursuant to the enactment of Senate Bill 94-14, the committee's name was changed to the Transportation Legislation Review Committee to correspond with the Department of Transportation. With the name change, the scope of the committee was expanded to parallel the department's focus which had begun incorporating all types of transportation. The most recent change occurred in 1997, when the committee's authority was expanded to include oversight of rural transportation authorities.

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# COMMITTEE ACTIVITIES

During the 2000 interim, the TLRC held five meetings, conducted one tour, and received information on a variety of transportation-related matters. The TLRC heard various transportation reports regarding the following: the Colorado Department of Transportation's grassroots process of updating the Statewide Transportation Plan generated from their 15 planning regions, the selling of the Transportation Revenue Anticipation Notes, and other state transportation budget issues; the E-470 toll-road; the activities of the Regional Transportation District; and a variety of other statewide transportation issues.

## **Colorado Department of Transportation (CDOT) Plans and Issues**

The CDOT outlined the process of the Statewide Transportation Plan (STP). The purpose of the 2020 STP is to set transportation policy, establish long range priorities through fiscal constraints, and to identify both statewide and regional needs. The plan directly impacts the state's construction program, through the State Transportation Improvement Plan and the department's budget, and drives the roles and responsibilities of CDOT. The plan also requires a reasonable amount of public involvement (i.e., 26 meetings throughout the state) where citizens can comment on the Transportation Commission policy, the state's proposed rail corridors, statewide transportation needs, and the priority of other transportation corridors. The department noted that its primary objective is to provide the best possible multi-modal transportation system for Colorado that most effectively moves people, goods, and information.

***Transportation Revenue Anticipation Notes (TRANS).*** In response to the Transportation Commission's effort to accelerate 28 high-priority projects (i.e., 7<sup>th</sup> Pot Projects), the legislature enacted House Bill 99-1325 which provided for the submission of a ballot question to Colorado voters regarding the issuance of TRANS. The voters approved the financing mechanism measure which allows CDOT to issue notes to accelerate the construction of the 7<sup>th</sup> Pot Projects and repay bondholders over time.

Under this program, the state will be financing transportation projects that qualify for federal funding through the issuance of TRANS. The notes would be repaid using: (1) federal transportation funds and state matching funds allocated by the Transportation Commission; (2) proceeds from the sale of TRANS; and (3) any other moneys which do not include revenues to the state. The notes were rated AA by Standard & Poor's, AA by Fitch, and Aa3 by Moody's financial rating services. The sale of the notes closed on June 1, 2000 with note proceeds totaling approximately \$535,800,000. The next note issuance is currently scheduled for April 2001.

## **Department of Revenue (DOR)**

The Senior Director of the Motor Vehicle Business Group (MVBG), Department of Revenue, commented on several issues affecting the department's functions: the state's exploding population, the needs created by this influx, the desire of citizens to reduce the size of government, aging infrastructures, TABOR implications, and the necessity of improved customer relations through technology.

The department's activities to develop Internet services, otherwise known as the "State Portal" system, are a focused, singular effort to bring Internet services to state departments to provide an easier access to state government. One possible project will be an evaluation of how casinos can directly report to the DOR by downloading information. Other projects will impact how citizens will benefit from greater technological applications due to the State Portal.

***Motorist Insurance Identification Database.*** The DOR also provided an update on the Motorist Insurance Identification Database (MIID). The DOR has established and currently administers a computer database by coordinating information with the auto insurance companies to assist in determining whether or not a motorist is insured. The database is designed to be a comprehensive tool to assist the courts, law enforcement officials, and the DOR in verifying owner compliance with the motor vehicle insurance requirements. This enables Colorado law enforcement, for the first time, to determine whether Colorado drivers have current insurance.

Out of the approximately 370 insurance companies doing business in Colorado, initially 16 companies were not providing current information to the database. Only one or two companies are not "current," demonstrating the level of cooperation of the insurers. The motor vehicle insurance compliance rate is almost 83 percent, indicating an uninsured insurance rate of approximately 17 percent. At first count, there were approximately 608,000 uninsured vehicles, but it is believed that number has been cut by one-third in 2000. It appears the MIID process is encouraging people to obtain automobile insurance as local law enforcement has witnessed increased compliance at checkpoints. House Bill 97-1209 repeals the Database program and the motor vehicle insurance laws, effective July 1, 2001, if the number of uninsured motorist claims reported by insurers does not decline during such period. This function of government is scheduled to terminate on July 1, 2001, and is subject to a sunset review prior to its termination date.

## **E-470 Public Highway Authority Projects and Issues**

Officials of the E-470 Public Highway Authority (Authority) provided the committee with an update of highway construction projects along E-470. The purpose of the Authority is to design, construct, operate, maintain, and manage as a toll facility, the eastern beltway around Metropolitan Denver. In 1999, there were 20,000 to 25,000 average daily transactions on the toll road. In 2000, the average daily weekday transactions have increased to approximately 80,000 per day, with 60 percent cash and 40 percent electronic

transactions. The Authority may propose legislation in the 2001 session on Electronic Toll Compatibility and Inter-operability between and among toll roads around the state. This would allow electronic transponder usage across the state. One transponder could be used for any toll facility across the state, eliminating the need to stop to pay cash for a toll.

One of the developing relationships between the Authority and the private sector focuses on the issue of interchange development along the toll road. The private sector approached the Authority with an offer to pay for interchanges on the toll road so their businesses could be accessed. This collaboration between the Authority and the private sector regarding interchange development is still being explored.

Project features of the tollway include interstate standards, with a 4-lane highway initially, but expanding to eight lanes ultimately. There will be access to Denver International Airport and I-70. There are provisions for mass transit in the median area which could allow light rail, commuter rail, or High Occupancy Vehicle lanes. Once the bonds, or debts, for the road have been paid off, the Authority intends to dispense with the tolls and turn the road over to CDOT.

### **Regional Transportation District (RTD) Projects and Issues**

The General Manager for RTD provided an overview of the Fiscal Year (FY) 2000 Amended RTD Budget, cost recovery ratios, RTD operating revenue and boardings, status of contracted bus operations, rapid transit corridors, and planned vehicle purchases. There are 624 buses scheduled to arrive by year-end 2001 to replace 45 percent of the year-end 1999 fleet, with an additional 203 buses for new service.

The Southwest Corridor Project was successfully completed on time and under budget. The grand opening for this line was held on July 14, 2000, with the revenue service beginning on July 17<sup>th</sup>. Projected weekday boardings on the corridor in 2000 were expected to be 8,400, but actual ridership has exceeded this forecast. The service operates from 4:15 am to 1:45 am.

The Southeast Corridor Multimodal Project Overview was presented. It entails 19 miles of improvements, 13 rail stations, park-n-Ride and feeder bus service to stations, additional vehicles for operations and a new maintenance facility. Voters approved the light rail and highway widening in November 1999. The Southeast Corridor light rail project cost is estimated to be \$874 million in year-of-expenditure dollars. The General Manager explained that there is a limit to the right of eminent domain that can be used to develop transportation projects, since the urban areas have been closely developed to the existing transportation corridors. Therefore, transit and highways along similar corridors must be designed to complement one another.



## **Colorado Association of Transit Agencies (CASTA)**

The CASTA President emphasized the importance of transit in Colorado. Transit carries more than 90 million customers a year in Colorado and there are approximately 7,700 transit jobs in the state. Ridership continues to increase as the state experiences growth. The unavailability of transit is an issue, especially in rural areas and for seniors.

The major funding sources for transit in Colorado are local government, federal grants, contracts, fares and donations. Local government provides the bulk of the funding. CASTA identified statewide transit needs to demonstrate to the committee the benefits of transit investments, to support access and mobility for all Colorado citizens by encouraging investment in transit by the state, and to request the state to provide matching funds to leverage federal funding.

Colorado is one of only five states that does not provide continuing funding directly to transit services. The others are Alabama, Alaska, Hawaii, and New Mexico. The CASTA President believes transit is a viable transportation means, an economic benefit, an opportunity to reduce pollution, and a lifeline for the elderly and disabled.

## **Coordination of Transportation-Related Agencies Involved with the Development of Mass Transit Systems in the State**

Over the course of the last several years, members of the TLRC have expressed concern over ongoing activities of various transportation agencies, departments, and authorities (i.e., Colorado Department of Transportation, Regional Transportation District, Colorado Intermountain Fixed-Guideway Authority, and the Denver Regional Council of Governments). The focus of their concern centers around the potential for duplication of efforts by these organizations. For this reason, the committee recommended a bill which requires all agencies to share information and coordinate research, planning and development activities in the development of mass transit systems.

*Recommendation.* The committee recommends Bill C.

## **Denver Regional Council of Governments (DRCOG)**

The purpose of this entity is to coordinate transportation issues with federal, state and local agencies, and the RTD. It is a federal requirement that transportation projects are part of the Regional Transportation Plan which DRCOG adopts after coordinating with multiple agencies and governments. The plan must reflect an integrated, affordable, multi-modal transportation system that includes roadway improvements, transportation management actions, rapid transit, and bus service. Members of 49 county and city governments voluntarily participate in this organization.

The Executive Director of the Denver Regional Council of Governments summarized the "Travel in the Denver Region: Results from the 1997 Household Travel Survey and 1998 Roadside Survey." He contends that regions should be authorized to deal with transportation taxation issues, to identify regional funding sources instead of placing the entire burden of transportation funding on CDOT. Consideration should be given to the varying regional transportation needs as the metro area needs are quite different from the rest of the state. A comprehensive transportation plan is still needed, but with a regional funding focus instead of a statewide funding feature.

There have been improvements to the regional transportation infrastructure in the Denver Transportation Management Area. However, an important corridor that may not be addressed in the next 20 years is U.S. 36 from Denver to Boulder. There is significant development along this route, but the funding for this corridor is limited. The Regional Transportation District is considering projects in areas on I-70, but not the US 36 corridor.

## SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, the following five bills are recommended to the Colorado General Assembly.

**Bill A — Concerning an Expansion of the Purposes for which Property May be Acquired by the Department of Transportation by Means of its Eminent Domain Powers to Specify that Property May be Acquired for State Transportation**

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This bill expands the Department of Transportation's eminent domain authority to include the acquisition and disposition of property for state transportation purposes. Under current law, the department may only exercise this authority for state highway purposes. The bill defines "state transportation purposes," to include diverse modes of transportation. This proposal reflects the recent change in scope of transportation projects from solely widening highways to include projects which may have a more multi-modal approach, with the inclusion of rail lines, bicycle trails, and other alternative means of transportation. This bill is assessed as having a conditional fiscal impact as it relates to the acquisition of property, but is currently unquantifiable.

**Bill B — Concerning Moneys Allocated to the Capital Construction Fund for the Purpose of Funding State Highway Projects**

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Bill B transfers \$50 million from the General Fund to the Capital Construction Fund for FY 2001-02 to pay for state highway reconstruction, repair, and maintenance projects prioritized by the Transportation Commission. The bill also allows the Transportation Commission to submit a substitute project or projects to the Capital Development Committee for approval in the event that a certain project on the committee-approved list cannot be funded with capital construction moneys. It requires money transfers to the Capital Construction Fund for fiscal year 2001-2002 for the exclusive purpose of funding state highway reconstruction, repair and maintenance projects on the prioritized list of recommended 2001-2002 fiscal year projects as submitted to the Capital Development Committee by the Transportation Commission.

**Bill C — Concerning Certain Transportation-Related Agencies Involved with the Development of Mass Transit Systems in the State**

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This legislation defines the term "agency" as any state, regional, or local agency, authority, department, district, or organization that is responsible for researching, planning, developing or improving transportation systems, mass transit systems, or regional plans that

include the provision of mass transit within an agency's jurisdiction. This includes any agency which has or may have overlapping or coterminous jurisdiction with another agency. The applicable entities include the Colorado Department of Transportation, Regional Transportation District, Colorado Intermountain Fixed-Guideway Authority, and the Denver Regional Council of Governments.

The bill requires all these agencies to share information and coordinate research, planning, and development activities in the development of mass transit systems to avoid duplicate or conflicting efforts. The agencies must report annually regarding the compliance with these requirements to the Transportation Legislation Review Committee. The impact of these changes is expected to be minimal, therefore, the bill is assessed as having no fiscal impact.

**Bill D — Concerning Registration Requirements for Motor Vehicles, and, in Connection therewith, Authorizing Two- and Five- Year Registration Periods and Authorizing Discretionary Vehicle Identification Number Inspections**

Bill D allows the DOR to establish rules for certain vehicles to register for a five-year period upon payment of a five-year registration fee. The five-year option would be available for motor vehicles at least 25 years old, motorcycles, utility trailers, and mobile machinery. In addition, for vehicles less than 25 years old, the bill would allow an optional 2-year registration upon payment of a 2-year registration fee. These registration changes are expected to assist in reducing the volume of public transactions that occur annually. The result would be improved customer service by the department and less paperwork for the public, while positioning the department for future electronic transactions over the Internet.

**Bill E — Concerning a Requirement that an Applicant for Registration of a Commercial Vehicle Declare that Status of the Commercial Vehicle when a Vehicle is Registered, and, in Connection therewith, Creating a Definition for Commercial Vehicle**

Bill E requires an applicant for registration to declare whether the vehicle is a commercial vehicle and defines "commercial vehicle" in the motor vehicle registration statutes. This proposal helps consolidate commercial plates into one category, which will reduce departmental administrative burdens. The consolidation of commercial plates also allows the DOR to accurately report the number of commercial vehicles to the federal government. Some federal transportation programs rely on an accurate count of commercial vehicles to appropriate funds.

The bill would also assist in the further identification of commercial vehicles in the Motorist Insurance Identification Database. The database currently indicates that approximately 17.5 percent of vehicles are uninsured. This bill may help identify how many commercial vehicles are uninsured.

# RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the study. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver. For a limited period of time, the meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

[www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2000/00interim](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2000/00interim).

<b>Meeting Summaries</b>	<b>Topics Discussed</b>
June 13, 2000	Department of Revenue (DOR), Motor Vehicle Business Group presentation on reorganization; Legislation 2000, the State Portal System, Electronic Credentials and the Distributive Data Processing Programming; license plate re-issuance, new driver license project and renewal by mail; Motorist Insurance Identification Database and the Ignition Interlock Program; and, the automated Port of Entry Clearance Project. Additional presentations by both the Colorado State Patrol and the Colorado/Wyoming Petroleum Marketers Association.
July 6, 2000	Denver Regional Council of Governments presentation (i.e., growing travel demands and the options for addressing these demands, capital needs, and legislative issues); Northwest Parkway Authority update; and the Colorado Department of Transportation (CDOT) review of budget, transportation planning, remote weather station, and potential legislative proposals.
August 16, 2000	E-470 Public Highway Authority update on budget and toll road usage; Colorado Association of Transit Agencies; Colorado Intermountain Fixed Guideway Authority; Regional Transportation District (RTD); and the Colorado Mobility Coalition overview of transit needs. Committee discussion on legislative proposals.
August 29, 2000	Legislative proposals by the RTD, CDOT, and the DOR. Presentations by the Colorado Motor Carriers Association and the Multi-State Highway Transportation Agreement Alliance.
September 12, 2000	Final action and discussion of legislative proposals and the naming of bill sponsors.

## **Memoranda and Reports**

Colorado Department of Transportation, Transmittal of a resolution passed by the Transportation Commission and Potential Rail Line Acquisition Report, August 2000.

Colorado Department of Transportation, Transportation Legislation Review Committee Presentation, July 6, 2000.

Colorado Intermountain Fixed Guideway Authority (CIFGA), 2000 Legislative Report, August 16, 2000.

Colorado Association of Transit Agencies, *Why Coloradans Support More Transit Service*, Presentation for the Transportation Legislation Review Committee, August 16, 2000.

Regional Transportation District, Presentation to the Transportation Legislation Review Committee, August 16.

E-470 Public Highway Authority Annual Report to the Transportation Legislation Review Committee, August 16, 2000.

*Northwest Parkway 1999 Annual Report and Preliminary Corridor Investigation.*

Denver Regional Council of Governments, *Travel in the Denver Region: Results from the 1997 Household Travel Survey and 1998 Roadside Survey.*

**Bill A**

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**HOUSE SPONSORSHIP**

May

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

CONCERNING AN EXPANSION OF THE PURPOSES FOR WHICH PROPERTY MAY BE ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION BY MEANS OF ITS EMINENT DOMAIN POWERS TO SPECIFY THAT PROPERTY MAY BE ACQUIRED FOR STATE TRANSPORTATION PURPOSES.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Transportation Legislation Review Committee.** Expands the authority of the department of transportation in connection with its powers of eminent domain, which authority is currently limited to the acquisition and disposition of property for state highway purposes, to include the acquisition and disposition of property for state transportation purposes. Defines "state transportation purposes".

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

**SECTION 1.** 43-1-203, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-1-203. Definitions.** As used in this part 2, unless the context otherwise requires:

(2) "STATE TRANSPORTATION PURPOSES" MEANS THE TRANSPORT OF PERSONS OR PROPERTY BY MOTOR VEHICLE, BUS, TRUCK, RAILROAD, LIGHT

RAIL, MASS TRANSIT, AIRPLANE, BICYCLE, OR ANY OTHER FORM OF TRANSPORT, INCLUDING, WITHOUT LIMITATION, PEDESTRIAN TRANSPORTATION.

**SECTION 2.** 43-1-208 (3), Colorado Revised Statutes, is amended to read:

**43-1-208. State highway - damages - eminent domain - state transportation commission.** (3) (a) Any person owning land or having an interest in any land over which any proposed state highway extends who is of the opinion that the tender made to him by the transportation commission is inadequate, personally or by agent or attorney on or before ten days from the date of such tender, may file a written request addressed to the transportation commission for a jury to ascertain the compensation ~~which~~ THAT he OR SHE may be entitled to by reason of damages sustained by altering, widening, changing, or laying out such state highway. Thereupon the transportation commission shall proceed in the acquisition of such premises, under articles 1 to 7 of title 38, C.R.S.

(b) IN ADDITION TO ANY OTHER POWER UNDER THIS SECTION, the transportation commission also has the power and is authorized to proceed in the acquisition of the lands of private persons for state highway TRANSPORTATION purposes, according to said articles 1 to 7 of title 38, C.R.S., without tender or other proceedings under this part 2.

**SECTION 3.** 43-1-209, Colorado Revised Statutes, is amended to read:

**43-1-209. Subsurface support deemed acquired.** Whenever real property is acquired for road or highway STATE TRANSPORTATION purposes, whether such acquisition is by purchase, lease, or other means or by eminent domain, the right to subsurface support of such real property is deemed to be

acquired therewith. In the event the acquiring authority determines that public convenience, necessity, and safety do not require such subsurface support or determines that only a part of such subsurface support is required for public convenience, necessity, and safety, such acquiring authority may specifically exclude such subsurface support, either in whole or in part, in such acquisition in accordance with said determination.

**SECTION 4.** 43-1-210 (1) and (3), Colorado Revised Statutes, are amended to read:

**43-1-210. Acquisition and disposition of property.** (1) Whenever a part of a parcel of land is to be taken for state ~~highway~~ TRANSPORTATION purposes and the remainder is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, the department of transportation may acquire by purchase or condemnation the whole parcel; except that the owner of said parcel may, at his OR HER option, retain the mineral or gravel interests therein, subject to the right to subsurface support retained by the department of transportation pursuant to section 43-1-209. The owner who retains said mineral or gravel interests shall not disturb the surface of the acquired parcel. The department of transportation may sell or lease the remainder of said parcel or may exchange the same for other property needed for state ~~highway~~ TRANSPORTATION purposes.

(3) The department of transportation has the authority to acquire by purchase, exchange, or condemnation rights-of-way for future needs for which rights-of-way have been identified in the current five-year highway program of projects and to lease any lands ~~which~~ THAT are held for state ~~highway~~ TRANSPORTATION purposes and are not presently needed therefor on such terms

and conditions as the chief engineer, with the approval of the governor, may fix. When any right-of-way is to be acquired for future needs pursuant to this subsection (3), the department of transportation may obtain possession of such right-of-way pursuant to section 38-1-105 (6) (a), C.R.S., even though construction funds are not available at the time of acquisition, following the approval of an environmental assessment.

**SECTION 5. Effective date - applicability.** This act shall take effect July 1, 2001, and shall apply to eminent domain proceedings commenced on or after said date.

**SECTION 6. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



DRAFT  
DRAFT

Bill A

Colorado Legislative Council Staff

STATE

CONDITIONAL FISCAL IMPACT

No State General Fund Impact

Drafting Number: LLS 01-0085  
Prime Sponsor(s): Rep. May

Bill Date: November 7, 2000  
Transportation Legislation Review  
Committee

Fiscal Analyst: Chris Ward (303-866-5834)

**TITLE:** CONCERNING AN EXPANSION OF THE PURPOSES FOR WHICH PROPERTY MAY BE ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION BY MEANS OF ITS EMINENT DOMAIN POWERS TO SPECIFY THAT PROPERTY MAY BE ACQUIRED FOR STATE TRANSPORTATION PURPOSES.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
State Revenues General Fund		
State Expenditures General Fund Cash Fund Exempt	Potential Increase	Potential Increase
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2001		
Appropriation Summary for FY 2001-2002: None Required		
Local Government Impact: None		

**Summary of Legislation**

This bill expands the Department of Transportation's eminent domain authority to include the acquisition and disposition of property for state transportation purposes. Currently, the department may only exercise eminent domain for state highway purposes.

**State Expenditures**

By increasing the purposes for which property may be acquired through eminent domain, the bill will potentially increase the costs of the Department of Transportation. However, the impact cannot be quantified at this time. The impact of the bill will depend on whether the department chooses to exercise the revised power of eminent domain. Thus, the bill is assessed as having a conditional fiscal impact. Any additional expenditure resulting from the bill will be paid out of state highway funds.

# Bill A

For example, the provisions of the bill could be used to acquire and dispose of property along I-25 in the Southeast Corridor as CDOT works with RTD to provide transit through that portion of metro Denver.

## **State Appropriations**

No new appropriations are required to implement the bill. Moneys in the State Highway Fund are continuously appropriated to the Department of Transportation.

## **Departments Contacted**

Transportation

**Bill B**

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**HOUSE SPONSORSHIP**

**May**

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

CONCERNING MONEYS ALLOCATED TO THE CAPITAL CONSTRUCTION FUND FOR  
THE PURPOSE OF FUNDING STATE HIGHWAY PROJECTS.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Transportation Legislation Review Committee.** Allows the transportation commission to submit a substitute project or projects to the capital development committee for approval as an addition to a committee-approved prioritized list of recommended state highway reconstruction, repair, and maintenance projects in the event that a project on the list cannot be funded with capital construction moneys. Requires the transfer of moneys to the capital construction fund for the 2001-02 fiscal year for the sole purpose of funding state highway reconstruction, repair, and maintenance projects on the prioritized list of recommended projects for the 2001-02 fiscal year submitted by the transportation commission to the capital development committee.

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

**SECTION 1.** 2-3-1304 (1) (a.5), Colorado Revised Statutes, is amended to read:

**2-3-1304. Powers and duties of capital development committee.**

(1) The capital development committee shall have the following powers and duties:

(a.5) To study the capital construction request from the transportation commission for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund pursuant to section 24-75-302 (2), C.R.S., specifically for such purpose. On or before October 1 of each year, the transportation commission shall submit its capital construction request, based on the statewide transportation improvement programs, with a prioritized list of recommended state highway reconstruction, repair, and maintenance projects with the priority of projects on the list determined on the basis of greatest need without regard to location in the state; except that, for the 1998-99 AND 2001-02 fiscal year YEARS, the prioritized list of projects to be funded by the revenues appropriated for such year YEARS by House Bill 98-1202, as enacted at the second regular session of the sixty-first general assembly, AND HOUSE BILL 01-\_\_, AS ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, shall consist only of state highway reconstruction, repair, maintenance, and capacity expansion projects. The capital development committee shall determine the number of projects on the list that may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects. Only projects on the list may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects, and the projects must be funded in the priority determined by the transportation commission; EXCEPT THAT, IF A PROJECT ON THE LIST CANNOT

BE FUNDED WITH CAPITAL CONSTRUCTION FUNDS FOR ANY REASON, INCLUDING BUT NOT LIMITED TO AN ALTERNATIVE SOURCE OF FUNDING FOR THE PROJECT BECOMING AVAILABLE, A COURT ORDER ENJOINING THE PROJECT, OR AN ACT OF GOD MAKING PROJECT CONSTRUCTION UNFEASIBLE, THE TRANSPORTATION COMMISSION MAY SUBMIT A SUBSTITUTE PROJECT OR SUBSTITUTE PROJECTS TO THE CAPITAL DEVELOPMENT COMMITTEE FOR APPROVAL AS AN ADDITION TO THE LIST IN LIEU OF THE PROJECT THAT CANNOT BE FUNDED. Projects on the list submitted by the transportation commission by October 1 OR ON AN AMENDED LIST SUBMITTED AS PROVIDED IN THIS PARAGRAPH (a.5) may be funded from money transferred to the capital construction fund and available in the current fiscal year or money to be transferred to the capital construction fund for the fiscal year beginning the following July 1.

**SECTION 2.** 24-75-302 (1) (a) and (2) (n), Colorado Revised Statutes, are amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.** (1) (a) There is hereby created the capital construction fund to which shall be allocated such revenues as the general assembly may from time to time determine. Moneys in the capital construction fund may be appropriated for capital construction, as defined in section 24-75-301 (1), including the remodeling or renovation of existing buildings or other physical facilities designated as controlled maintenance projects in the general appropriation act; except that any moneys transferred to the capital construction fund for state highway reconstruction, repair, and maintenance projects may only be appropriated for such projects. The appropriation for such projects shall be set forth in a single line item as a total sum. All unappropriated

balances in said fund at the close of any fiscal year shall remain therein and not revert to the general fund. All moneys unexpended or not encumbered from the capital construction fund appropriation to each department for any fiscal year shall revert to the capital construction fund at the end of the period for which such moneys are appropriated. Except as provided in ~~section 24-30-1303.7(1)~~ SECTIONS 2-3-1304 (1) (a.5), C.R.S., AND 24-30-1303.7 (1), no portion of the unexpended balance of a department's capital construction fund appropriation may be used by such department for any additional projects which are beyond the scope or design of the original project without further approval by the general assembly of such additional project. Anticipation warrants may be issued against the revenues of the fund as provided by law. All interest earned from the investment of moneys in said fund shall remain in said fund and become a part thereof.

(2) (n) On July 1, 2001, one hundred million dollars, plus one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186; plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus nine thousand eight hundred ninety dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus three hundred forty-nine thousand fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus three hundred twenty-six thousand thirty-two dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second general assembly; plus ninety-seven thousand two hundred fifty-four dollars pursuant to H.B. 00-1111, enacted at the second regular session of the sixty-second general assembly; plus

two hundred ninety-one thousand seven hundred sixty-one dollars pursuant to H.B. 00-1158, enacted at the second regular session of the sixty-second general assembly; plus one million one hundred sixteen thousand nine hundred seventy-one dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus four hundred sixteen thousand eight hundred two dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; PLUS FIFTY MILLION DOLLARS TO BE USED ONLY FOR FUNDING STATE HIGHWAY RECONSTRUCTION, REPAIR, AND MAINTENANCE PROJECTS ON THE PRIORITIZED LIST OF RECOMMENDED PROJECTS FOR THE 2001-02 FISCAL YEAR SUBMITTED BY THE TRANSPORTATION COMMISSION TO THE CAPITAL DEVELOPMENT COMMITTEE PURSUANT TO SECTION 2-3-1304 (1) (a.5), C.R.S.;

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

DRAFT

Bill B

Colorado Legislative Council Staff

STATE  
FISCAL IMPACT

Drafting Number: LLS 01-0142  
Prime Sponsor(s): Rep. May

Date: November 7, 2000  
Bill Status: Transportation Legislation Review  
Committee  
Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING MONEYS ALLOCATED TO THE CAPITAL CONSTRUCTION FUND FOR THE PURPOSE OF FUNDING STATE HIGHWAY PROJECTS.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
<b>State Revenues</b>		
General Fund		
Cash Fund Exempt	\$50,000,000	
<b>State Expenditures</b>		
General Fund - Transfer	\$50,000,000	
Cash Fund Exempt	\$50,000,000	
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Other State Impact:</b> None		
<b>Effective Date:</b> Upon signature of the Governor		
<b>Appropriation Summary for FY 2001-2002:</b> \$50 million transfer from General Fund to Capital Construction Fund, \$50 million Capital Construction Fund appropriation to Dept of Transportation.		
<b>Local Government Impact:</b> None		

**Summary of Legislation**

This bill transfers \$50 million from the General Fund to the Capital Construction Fund for FY 2001-02 to pay for state highway reconstruction, repair, and maintenance projects prioritized by the Transportation Commission. The bill also allows the Transportation Commission to submit a substitute project or projects to the Capital Development Committee for approval in the event that one or more projects on the committee-approved list cannot be funded with capital construction moneys. Under current law, appropriated funds that cannot be spent would revert to the Capital Construction Fund.

## **State Expenditures**

The bill requires a transfer of \$50 million from the General Fund to the Capital Construction Fund in FY 2001-02 to be used for funding state highway reconstruction, repair, and maintenance projects prioritized by the Transportation Commission.

## **State Appropriations**

The bill requires a transfer of \$50 million from the General Fund to the Capital Construction Fund in FY 2001-02. The Department of Transportation would require a Cash Fund Exempt appropriation of \$50 million from the Capital Construction Fund in FY 2001-02.

## **Departments Contacted**

Transportation

**Bill C**

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**HOUSE SPONSORSHIP**

Swenson

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**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

CONCERNING CERTAIN TRANSPORTATION-RELATED AGENCIES INVOLVED WITH  
THE DEVELOPMENT OF MASS TRANSIT SYSTEMS IN THE STATE.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Transportation Legislation Review Committee.** For purposes of transportation legislation review committee oversight, defines "agency" as any state, regional, or local agency, authority, department, district, or organization that:

- Is responsible for researching, planning, developing, or improving transportation systems, mass transit systems, or regional plans that include the provision of mass transit within the agency's jurisdiction; and
- Has or may have overlapping or coterminous jurisdiction with another agency.

Includes, without limitation, the following entities in the definition of "agency":

- The Colorado department of transportation;
- The regional transportation district;
- The Colorado intermountain fixed guideway authority; and
- The Denver regional council of governments.

Requires all agencies to:

- Share information and coordinate efforts in the research, planning, and development of mass transit systems, including fixed guideway systems, to avoid the creation of duplicative or conflicting systems; and

- Report to the transportation legislation review committee annually regarding compliance with the requirement to share information and collaborate with other agencies.
- 

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

**SECTION 1.** 43-2-145, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**43-2-145. Transportation legislation review - committee.** (1.3) (a) (I) FOR PURPOSES OF THIS SUBSECTION (1.3), "AGENCY" MEANS ANY STATE, REGIONAL, OR LOCAL AGENCY, AUTHORITY, DEPARTMENT, DISTRICT, OR ORGANIZATION THAT:

(A) IS RESPONSIBLE FOR RESEARCHING, PLANNING, DEVELOPING, OR IMPROVING TRANSPORTATION SYSTEMS, MASS TRANSIT SYSTEMS, OR REGIONAL PLANS THAT INCLUDE THE PROVISION OF MASS TRANSIT WITHIN THE JURISDICTION OF THE AGENCY; AND

(B) HAS OR MAY HAVE OVERLAPPING OR COTERMINOUS JURISDICTION WITH ANOTHER AGENCY.

(II) THE TERM "AGENCY" INCLUDES, WITHOUT LIMITATION, THE DEPARTMENT OF TRANSPORTATION, THE REGIONAL TRANSPORTATION DISTRICT, THE COLORADO INTERMOUNTAIN FIXED GUIDEWAY AUTHORITY, AND THE DENVER REGIONAL COUNCIL OF GOVERNMENTS.

(b) EACH AGENCY SHALL SHARE INFORMATION AND COORDINATE EFFORTS WITH OTHER AGENCIES IN THE RESEARCH, PLANNING, AND DEVELOPMENT OF MASS TRANSIT SYSTEMS, INCLUDING, WITHOUT LIMITATION, FIXED GUIDEWAY SYSTEMS, AS DEFINED IN SECTION 32-16-103 (4), C.R.S., TO AVOID THE CREATION OF DUPLICATIVE OR CONFLICTING MASS TRANSIT



SYSTEMS IN THE STATE. THE COMMITTEE MAY REVIEW THE OPERATIONS OF ANY AGENCY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH (b). IN CONNECTION WITH THE REVIEW OF THE COMMITTEE, ANY AGENCY REQUIRED TO SHARE INFORMATION AND COORDINATE EFFORTS IN ACCORDANCE WITH THIS PARAGRAPH (b) SHALL REPORT TO THE COMMITTEE NO LATER THAN JULY 1, 2001, AND EACH JULY 1 THEREAFTER, REGARDING COMPLIANCE WITH THIS PARAGRAPH (b).

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill C

*Colorado Legislative Council Staff*  
**NO FISCAL IMPACT**

**Drafting Number:** LLS 01-0086  
**Prime Sponsor(s):** Rep. Swenson

**Date:** November 13, 2000  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Chris Ward (303-866-5834)

**TITLE:** CONCERNING THE COORDINATION OF CERTAIN AGENCIES IN CONNECTION WITH THE DEVELOPMENT OF MASS TRANSIT SYSTEMS IN THE STATE.

**Summary of Assessment**

The bill requires coordinated planning by any agency responsible for mass transit that has overlapping jurisdiction with another agency responsible for mass transit. The bill applies specifically to the Colorado Department of Transportation, the Regional Transportation District, the Denver Regional Council of Governments, and the Colorado Intermountain Fixed Guideway Authority.

The bill also requires affected agencies to report to the Transportation Legislation Review Committee (TLRC) on compliance with the requirement to share information and collaborate with other agencies. Agencies must report to the TLRC by July 1 of each year. The bill would take effect 90 days after adjournment (August 7, 2001), unless a referendum petition is filed.

The bill requires coordinated planning and additional reporting by state and local transit agencies. However, the impact of these changes is expected to be minimal. Therefore, the bill is assessed as having no fiscal impact.

**Departments Contacted**

Transportation            Regional Transportation District  
Colorado Intermountain Fixed Guideway Authority

**BILL D**

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**HOUSE SPONSORSHIP**

Swenson

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

CONCERNING REGISTRATION REQUIREMENTS FOR MOTOR VEHICLES, AND, IN CONNECTION THEREWITH, AUTHORIZING TWO- AND FIVE-YEAR REGISTRATION PERIODS AND AUTHORIZING DISCRETIONARY VEHICLE IDENTIFICATION NUMBER INSPECTIONS.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Transportation Legislation Review Committee.** Allows the department of revenue to establish by rule a periodic vehicle registration program whereby an owner of a motor vehicle that is at least 25 years old, a motorcycle, a utility trailer, or mobile machinery can elect to register such vehicle for a 5-year period upon payment of a 5-year registration fee, commencing January 1, 2002. Allows the department of revenue to establish by rule a periodic vehicle registration program whereby an owner of a motor vehicle that is less than 25 years old can elect to register such vehicle for a 2-year period upon payment of a 2-year registration fee, commencing January 1, 2002.

Authorizes the department of revenue to perform and be paid for vehicle identification number inspections whenever the department determines it is necessary or convenient in carrying out its duties.

Makes conforming amendments.

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

**SECTION 1.** 42-3-102, Colorado Revised Statutes, is amended to read:

**42-3-102. Periodic registration.** (1) The department may establish by rule a periodic vehicle registration program whereby certain vehicles shall be registered at:

(a) Twelve-month intervals commencing January 1, 1978. The registration of such vehicles shall expire on the last day of the month of each twelve-month registration period.

(b) FIVE-YEAR INTERVALS UPON PAYMENT OF A FIVE-YEAR REGISTRATION FEE, COMMENCING JANUARY 1, 2002. AN OWNER OF ANY OF THE FOLLOWING MOTOR VEHICLES MAY ELECT A FIVE-YEAR REGISTRATION PURSUANT TO THIS PARAGRAPH (b), WHICH REGISTRATION SHALL EXPIRE ON THE LAST DAY OF THE LAST MONTH OF EACH FIVE-YEAR REGISTRATION PERIOD:

- (I) A MOTOR VEHICLE THAT IS AT LEAST TWENTY-FIVE YEARS OLD;
- (II) A MOTORCYCLE;
- (III) A UTILITY TRAILER; OR
- (IV) MOBILE MACHINERY.

(c) TWO-YEAR INTERVALS UPON PAYMENT OF A TWO-YEAR REGISTRATION FEE, COMMENCING JANUARY 1, 2002. AN OWNER OF A MOTOR VEHICLE THAT IS LESS THAN TWENTY-FIVE YEARS OLD MAY ELECT A TWO-YEAR REGISTRATION PURSUANT TO THIS PARAGRAPH (c), WHICH REGISTRATION SHALL EXPIRE ON THE LAST DAY OF THE LAST MONTH OF EACH TWO-YEAR REGISTRATION PERIOD.

**SECTION 2.** 42-5-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-5-202. Vehicle identification number inspection.** (2.5) THE DEPARTMENT IS AUTHORIZED TO PERFORM A VEHICLE IDENTIFICATION NUMBER INSPECTION ON ANY MOTOR VEHICLE SUBJECT TO THIS ARTICLE THAT THE DEPARTMENT DETERMINES IS NECESSARY OR CONVENIENT IN CARRYING OUT ITS DUTIES PURSUANT TO THIS ARTICLE AND TO CHARGE AND RECEIVE AN INSPECTION FEE PURSUANT TO SECTION 42-5-204 FOR SUCH INSPECTION.

**SECTION 3.** 42-3-105 (1) (b), Colorado Revised Statutes, is amended to read:

**42-3-105. Application for registration - tax - repeal.** (1) (b) The department ~~shall by regulation~~ MAY require those vehicle-related entities specified by regulation to verify information concerning any vehicle through the physical inspection of such vehicle. The information required to be verified by such a physical inspection shall include, but shall not be limited to, the vehicle identification number or numbers, the make of vehicle, the vehicle model, the type of vehicle, the year of manufacture of such vehicle, the primary body color of such vehicle, the type of fuel used by such vehicle, the odometer reading of such vehicle, and such other information as may be required by the department. For the purposes of this paragraph (b), "vehicle-related entity" means any county clerk and recorder or designated employee of such county clerk and recorder, any Colorado law enforcement officer, any licensed Colorado dealer, any licensed inspection and readjustment station, or any licensed diesel inspection station.

**SECTION 4.** 42-6-107 (1) (b), Colorado Revised Statutes, is amended to read:

**42-6-107. Certificates of title - contents.** (1) (b) The department ~~shall by regulation~~ MAY require those vehicle-related entities specified by regulation to verify information concerning any vehicle through the physical inspection of such vehicle. The information required to be verified by such a physical inspection shall include, but shall not be limited to, the vehicle identification number or numbers, the make of vehicle, the vehicle model, the type of vehicle, the year of manufacture of such vehicle, the type of fuel used by such vehicle, the odometer reading of such vehicle, and such other information as may be required by the department. For the purposes of this paragraph (b), "vehicle-related entity" means any county clerk and recorder or designated employee of such county clerk and recorder, any Colorado law enforcement officer, any licensed Colorado dealer, any licensed inspection and readjustment station, or any licensed diesel inspection station.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill D

Colorado Legislative Council Staff

**STATE and LOCAL  
CONDITIONAL FISCAL IMPACT**

*No State General Fund Impact*

**Drafting Number:** LLS 01-0114  
**Prime Sponsor(s):** Rep. Swenson

**Date:** November 29, 2000  
**Bill Status:** Transportation Legislation Review  
Committee  
**Fiscal Analyst:** Chris Ward (303-866-5834)

**TITLE:** CONCERNING REGISTRATION REQUIREMENTS FOR MOTOR VEHICLES, AND, IN CONNECTION THEREWITH, AUTHORIZING FIVE-YEAR REGISTRATION PERIODS, VALIDATING THE TRANSFER OF CERTIFICATES OF EMISSIONS CONTROL UPON THE SALE OF VEHICLES, AND AUTHORIZING DISCRETIONARY VEHICLE IDENTIFICATION NUMBER INSPECTIONS.

Fiscal Impact Summary	FY 2001/2002	FY 2002/2003
<b>State Revenues</b>		
General Fund		
Cash Fund	\$4,100,501	\$1,885,196
<b>State Expenditures</b>		
General Fund		
Cash Fund Exempt	\$313,484	
<b>FTE Position Change</b>	1.5 FTE	0.0 FTE
<b>TABOR Liability (See Table 3)</b>		\$4,100,501
<b>Effective Date:</b> Upon signature of the Governor; affecting registrations beginning January 1, 2002		
<b>Appropriation Summary for FY 2001-2002:</b>		
Department of Revenue - \$227,809- Cash Fund Exempt		
Department of Public Health and Environment - \$85,675 and 1.5 FTE - Cash Fund Exempt		
<b>Local Government Impact:</b> Changes Specific Ownership Tax collections, HUTF distributions for counties and municipalities, and registration fee revenue retained by counties.		

**Summary of Legislation**

The bill allows the Department of Revenue to establish rules for certain vehicles to register for a five-year period upon payment of a five-year registration fee or for a two-year period upon payment of a two-year registration fee. The five-year option would be available for any motor vehicle that is at least 25 years old, as well as all motorcycles, utility trailers, and mobile machinery. The two-year option would be available for any vehicle that is less than 25 years old. The bill would affect motor vehicle registrations beginning January 1, 2002.

The bill also allows Department of Revenue personnel to inspect vehicle identification numbers and charge a fee for such inspections.

**State Revenues**

The bill allows for multi-year vehicle registrations upon payment of multiple year registration fees. Since the bill allows the Department of Revenue to establish the multi-year registrations, it is considered to have a conditional fiscal impact. The bill is expected to increase HUTF revenues in certain years and decrease HUTF revenues in other years by changing the collection of motor vehicle registration fees. Most revenue from registration fees is credited to the Highway Users Tax Fund (HUTF) for allocation to the state, counties, and municipalities for highway purposes. However, portions of each annual registration are credited to specific accounts in the HUTF for state-level programs or retained locally for other purposes. For example, \$0.50 of each annual registration is credited to the Distributive Data Processing (DDP) special purpose account in the HUTF to maintain the motor vehicle registration system used by the state and county clerks.

Table 1 provides an estimate of the total impact on state HUTF revenues, including special purpose accounts in the HUTF, between FY 2001-02 and FY 2006-07. This estimate assumes that 10 percent of those paying less than an average of \$100 annually in combined registration fees and specific ownership taxes would participate. A higher or lower level of participation will affect the fiscal impact of the bill. Note that the figure for FY 2001-02 reflects six months' worth of motor vehicle registration fees.

<b>Table 1. Estimated Impact of Bill D on State HUTF Revenues</b>	
	<b>TOTAL</b>
FY 2001-02	\$4,100,501
FY 2002-03	\$1,885,196
FY 2003-04	(\$1,256,797)
FY 2004-05	(\$1,256,797)
FY 2005-06	(\$1,256,797)
FY 2006-07	\$1,885,196

The bill also allows the department to inspect vehicle identification numbers and charge a fee for such inspections. Revenue from this fee would be credited to the HUTF. The amount raised from this fee is not expected to be significant.

**State Expenditures**

The **Department of Revenue** will be required to modify the motor vehicle registration system to allow for multiple-year registrations. One-time costs associated with this modification are estimated to be \$223,600 (2,795 hours x \$80 per hour) in FY 2001-02. In addition, the department will be required to update 113 pages of the Registration Manual and reprint 711 copies of the manual

at a cost of \$4,209. These costs, which total **\$227,809** in FY 2001-02, will be paid out of the Distributive Data Processing Special Account in the HUTF.

By changing the cycle for motor vehicle registrations, the bill effectively changes the state's enforcement mechanism for motor vehicle emission tests. Emission tests are a component of State Implementation Plans (SIP) for complying with the federal Clean Air Act, thus the bill would require that the **Department of Public Health and Environment** revise the current SIP. Revisions to the SIP of this magnitude will require scientific testing as well as public hearings. Table 2 outlines the costs of the bill to the Department of Public Health and Environment (DPHE). It should be noted that the FTE identified in this fiscal note are for FY 2001-02 only and are not required thereafter. It should also be noted that, due to hearings requirements, the work to be performed by the DPHE may not be completed by the time that multi-year registrations are implemented on January 1, 2002.

<b>Table 2. Costs to the Department of Public Health and Environment under Bill D</b>			
		<b>FY 2001/2002</b>	<b>FY 2002/2003</b>
<b>Personal Services</b>			
Physical Scientist/Research Scientist II	0.3 FTE -	\$13,010	
Physical Scientist/Research Scientist III	1.0 FTE -	\$50,196	
General Professional V	0.2 FTE -	\$9,864	
Subtotal - Salaries		\$73,070	
PERA/Medicare		\$8,659	
<b>Total</b>	<b>1.5 FTE -</b>	<b>\$81,729</b>	<b>\$0</b>
<b>Operating Expenses</b>		<b>\$500</b>	<b>\$0</b>
<b>Legal Expenses</b>		<b>\$0</b>	<b>\$0</b>
<b>Non-Recurring Expenses</b>		<b>\$3,446</b>	<b>\$0</b>
<b>Total Expenses</b>		<b>\$85,675</b>	<b>\$0</b>

**Expenditures Not Included**

Pursuant to the Joint Budget Committee's budget policies, the following expenditures have not been included in this fiscal note:

- health and life insurance costs of \$690;
- short-term disability costs of \$64;
- inflationary cost factors;
- leased space; and
- indirect costs.

**Other State Impacts**

This bill will increase HUTF revenues in certain years and decrease HUTF revenues in other years. The increased state revenues will mean an increase in the amount of future state funds required

to be refunded to taxpayers under the terms of TABOR. The decreased state revenues will mean a decrease in the amount of future state funds required to be refunded to taxpayers under the terms of TABOR. Table 3 summarizes the net impact of this bill on these state obligations. The changes in Table 3 are changes from a base that includes continuing capital construction projects.

**Table 3. Additional Impact of Bill D (millions of dollars)**

	FY2001-02	FY2002-03	FY2003-04	FY2004-05	FY2005-06
General Fund Revenue*	0.00	0.00	(0.20)	(0.10)	0.10
Cash Fund Revenue	4.10	1.90	(1.30)	(1.30)	(1.30)
SB 97-1 Diversion	0.00	0.00	0.00	0.00	(3.30)
Excess General Fund Reserve	0.00	(4.10)	(6.20)	(4.80)	0.00
Federal Income Taxes Paid by Colorado Taxpayers	0.00	0.00	0.00	0.00	0.00
TABOR Refund (from prior year's excess revenues)	0.00	4.10	1.90	(1.50)	(1.40)

*\*General Fund revenue figures in this overview table may differ from those shown in the Fiscal Impact Summary table due to possible over-refunding of excess TABOR revenue in the prior fiscal year.*

**Local Government Impact**

The bill will affect registration fee collections by counties, HUTF distributions to counties and municipalities, and Specific Ownership Tax (SOT) collections by counties, municipalities, and most special districts. Table 4 provides an estimate of the impact on local registration fee revenues and SOT collections between FY 2001-02 and FY 2006-07, assuming that 10 percent of those paying less than \$100 annually in combined registration fees and specific ownership taxes would elect to participate. The actual impact will depend on the level of participation. Note that the figure for FY 2001-02 reflects six months' worth of specific ownership tax collections.

<b>Table 4. Estimated Statewide Impact of Bill D on Local Registration Fee Revenues and Local Specific Ownership Tax Revenues</b>		
<b>YEAR</b>	<b>Local Reg. Fee Revenue</b>	<b>Specific Ownership Tax</b>
FY 2001-02	\$1,842,254	\$767,169
FY 2002-03	\$846,972	\$424,096
FY 2003-04	(\$564,648)	(\$282,531)
FY 2004-05	(\$564,648)	(\$282,531)
FY 2005-06	(\$564,648)	(\$282,531)
FY 2006-07	\$846,972	\$424,096

**State Appropriations**

The Department of Revenue will require a \$227,809 cash funds exempt appropriation for FY 2001-02 from the Distributive Data Processing Special Account of the Highway Users Tax Fund.



The Department of Public Health and Environment will require a cash funds exempt appropriation of \$85,675 and 1.5 FTE for FY 2001-02 from the AIR Account of the Highway Users Tax Fund.

**Departments Contacted**

Revenue

Public Health and Environment

Law

**Bill E**

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**SENATE SPONSORSHIP**

**Musgrave**

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**HOUSE SPONSORSHIP**

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**A BILL FOR AN ACT**

CONCERNING A REQUIREMENT THAT AN APPLICANT FOR REGISTRATION OF A COMMERCIAL VEHICLE DECLARE THE STATUS OF THE COMMERCIAL VEHICLE WHEN A VEHICLE IS REGISTERED, AND, IN CONNECTION THEREWITH, CREATING A DEFINITION FOR COMMERCIAL VEHICLE.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Transportation Legislation Review Committee.** Adds a definition of "commercial vehicle" to the motor vehicle registration statutes. Requires an applicant for registration to declare whether the vehicle is a commercial vehicle.

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

**SECTION 1.** 42-1-102 (61), Colorado Revised Statutes, is amended, and the said 42-1-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-1-102. Definitions - repeal.** As used in articles 1 to 4 of this title, unless the context otherwise requires:

(17.5) "COMMERCIAL VEHICLE" MEANS A VEHICLE USED TO TRANSPORT CARGO OR PASSENGERS FOR PROFIT, HIRE, OR OTHERWISE TO

FURTHER THE PURPOSES OF A BUSINESS OR COMMERCIAL ENTERPRISE. THIS SUBSECTION (17.5) SHALL NOT APPLY FOR PURPOSES OF SECTION 42-4-235, C.R.S.

(61) "Noncommercial or recreational vehicle" means a truck operated singly or in combination with a trailer or utility trailer ~~when the truck does not exceed six thousand five hundred pounds~~ or a motor home, which truck or motor home is used exclusively for PERSONAL pleasure, enjoyment, other recreational purposes, or PERSONAL OR family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise ~~in any~~ TO FURTHER THE PURPOSES OF A business or commercial enterprise.

**SECTION 2.** 42-3-105 (1) (a), Colorado Revised Statutes, is amended to read:

**42-3-105. Application for registration - tax - repeal.**

(1) (a) Application for the registration of a vehicle required to be registered under this article shall be made by the owner or the owner's agent and, if applicable, simultaneously with the application for certificate of title, as required by this section. The application for registration, which shall be in writing and signed by the owner of such vehicle or the owner's duly authorized agent, shall include: The name of the applicant; the name and correct address of the owner determined pursuant to section 42-6-139, designating the county, school district, and city or town within the limits of which the owner resides; a description of the motor vehicle in such form as shall be required by the department; the purpose for which the vehicle is used; WHETHER THE VEHICLE IS A COMMERCIAL VEHICLE; the notice described in subsection (2) of this section; whether the

applicant requests that the department should, if it approves the application, mail to the owner the license plate required under this article; and such other pertinent information as may be required by the department. In addition, on or after July 1, 1999, any application for new registration of a vehicle shall include the primary body color of the motor vehicle. On and after September 1, 1999, any application submitted in person to a county clerk and recorder, manager of revenue, or department office for registration of a motor vehicle that has been previously registered shall include the primary body color of the motor vehicle.

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

DRAFT

Bill E

Colorado Legislative Council Staff

STATE FISCAL IMPACT

No State General Fund Impact

Drafting Number: LLS 01-0116
Prime Sponsor(s): Sen. Musgrave

Date: November 13, 2000
Bill Status: Transportation Legislation Review Committee
Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING THE REGISTRATION OF VEHICLES USED FOR COMMERCIAL PURPOSES.

Table with 3 columns: Fiscal Impact Summary, FY 2001/2002, FY 2002/2003. Rows include State Revenues, State Expenditures (Cash Fund Exempt \$70,000), FTE Position Change (0.0 FTE), and Appropriation Summary for FY 2001-2002.

Summary of Legislation

The bill defines "commercial vehicle" in the motor vehicle registration statutes and requires an applicant for registration to declare whether the vehicle is a commercial vehicle.

State Expenditures

The Department of Revenue would be required to modify the motor vehicle registration computer database as a result of the bill. One-time costs associated with this modification are estimated to be \$70,000 (875 hours x \$77 per hour) in FY 2001-02.

State Appropriations

The Department of Revenue would require a cash fund exempt appropriation of \$67,375 for FY 2001-02 from the Distributive Data Processing Account of the Highway Users Tax Fund.

Departments Contacted
Revenue