



**Report to the
Colorado General Assembly**

**Transportation
Legislation Review
Committee**

Prepared by

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December 2017*

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Transportation Legislation Review Committee

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December 2017

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December 2017

To Members of the Seventy-first General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee (TLRC). This committee was created pursuant to Section 43-2-145, C.R.S. The purpose of this committee is to give guidance and direction to the Colorado Department of Transportation on the development of the state transportation system, and to provide legislative oversight of and input into such development. The TLRC is granted statutory oversight responsibilities for certain activities of the state's regional transportation and public highway authorities, as well as the Regional Transportation District in the Denver metropolitan area. The TLRC also monitors the activities of the Colorado Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

At its meeting on November 15, 2017, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2018 session was approved.

Sincerely,

/s/ Senator Kevin Grantham
Chairman

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This report is also available on line at:

<https://leg.colorado.gov/committees/transportation-legislation-review-committee/2017-regular-session>

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Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 members of the House Transportation and Energy Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation (CDOT), regional transportation authorities, public highway authorities, and the Regional Transportation District (RTD). In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

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

- give guidance and direction to CDOT in the development of the state transportation system;
- provide legislative oversight of and input into such development;
- make recommendations concerning the financing of the state's transportation system;
- review any phase of CDOT's operations, including the planning and construction of highway projects;
- review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- require CDOT to conduct long-term planning efforts for the state transportation system, and may require financial and performance audits to be conducted; and
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for traffic law violations.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities (PHA) in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review PHA projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require PHAs to develop long-range plans, and may require financial or performance audits of these entities.

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

Committee Activities

The committee held two meetings during the 2017 interim and toured the Southwest, Northeast, South-Central, and Northwest regions of the state. Briefings and presentations were made by CDOT, DOR, Truckers Against Trafficking, Colorado Motor Carriers Association (CMCA), the Southwest Chief and Front Range Passenger Rail Commission, RTD, public highway authorities, Denver International Airport (DEN) and members of the public on a wide range of subjects, including:

- large transportation projects and mitigation measures;
- departmental updates; and
- other policy issues.

The following sections discuss the committee's activities during the 2017 interim.

Southwest Colorado Tour

The committee traveled to southwest Colorado and visited the following projects and sites:

- the US 24 Buena Vista Enhancement Project in Buena Vista;
- the US 50 Blue Creek Canyon/Windy Point Project outside Gunnison;
- the CO 82 Grand Avenue Bridge Project in Glenwood Springs; and
- the Eisenhower-Johnson Memorial Tunnels.

US 24 Buena Vista Enhancement Project. The committee toured the US 24 Buena Vista Enhancement Project with representatives of Chafee County and the City of Buena Vista. The representatives explained that combining a Responsible Acceleration of Maintenance and Partnerships (RAMP) project and a CDOT surface treatment project allowed for cost savings. Committee members toured the new intersection at US 24 and W Main Street in Buena Vista, and walked along new concrete improvements at curbs, gutters, and sidewalks in town. Representatives also highlighted the new pedestrian crosswalks and signals across US 24. Representatives indicated that the project will also address drainage issues around the intersections of US 24, Cedar Street, and Cottonwood Avenue.

US 50 Blue Creek Project. The committee stopped at US 50 mile marker 123.6 to meet with a CDOT Region 3 engineer. The engineer discussed the phased projects for US 50 in the Blue Creek area between Gunnison and Montrose. The first phase of the project, completed in 2014, focused on mitigating rock landslides and widening US 50 by adding shoulder space and a passing lane, and using lightweight styrofoam fill to mitigate landslides. The engineer noted that the two main concerns with the styrofoam include water and rodent damage.

The current phase of the project includes installing coupled shear piles and caps to mitigate an active landslide. The project will add an uphill passing lane, and complete drainage and embankment elements. The engineer discussed the resurfacing elements of the project, which include both cold-in-place and hot mix asphalt overlay resurfacing.

Once completed, CDOT has plans to reconstruct US 50 through Blue Creek Canyon by working with Central Federal Lands in the Federal Highway Administration. Design is slated to begin in Fall 2017, with project completion anticipated for in Fall 2021. The project will soften curves, add shoulders, and provide additional rockfall mitigation.

CO 82 Grand Avenue Bridge Project. The committee met with CDOT representatives in Glenwood Springs to discuss the Grand Avenue Bridge Project. This 30-month construction project will replace the road and pedestrian bridges that connect I-70 with downtown Glenwood Springs. To complete this project, CDOT closed the Grand Avenue Bridge on August 14, 2017, for 95 calendar days.

CDOT representatives discussed the measures the community is taking to mitigate traffic delays during the construction period. These measures include carpooling and vanpooling; increased utilization of walking, biking, and public transit; and encouraging people to shift their schedules or telecommute. The Roaring Fork Transportation Authority will provide free transit services for the duration of the 95-day bridge closure.

Eisenhower-Johnson Memorial Tunnels. Committee members received a tour of the workings of the highest vehicular tunnel in the world. 52 CDOT staff operate the tunnel 24 hours a day, 365 days a year, with 4 staff onsite at all times to address fire suppression, vehicle breakdowns, and control traffic for the 56,000 vehicles a day that pass through the tunnels on peak days. Tunnel staff provide vehicle assistance to an average of 20 to 30 vehicles per day. Staff have an average fire suppression time of five minutes. The committee toured rooms housing backup generators and batteries, the ventilation system, and the control room. The main challenges facing the tunnels involve groundwater issues around the fault zone, combining older technology with new technology that can be reliable for the next 40 years, and extreme weather events.

Northeast Colorado Tour

The committee traveled to northeast Colorado to hold meetings with local officials and transportation stakeholders and visit CDOT projects in the area. The tour included:

- a transportation stakeholder meeting at the CDOT Region 4 Headquarters in Greeley;
- a presentation from CDOT's engineers on the US 85 Eaton to Ault Resurfacing project;
- an en route tour of State Highway 392, State Highway 14, US 6, and US 138;
- a transportation stakeholder meeting at Sterling Public Library in Sterling; and
- a meeting with Fort Morgan and Morgan County officials in Fort Morgan.

Stakeholder meeting at CDOT Region 4 Headquarters. The committee visited the new Region 4 CDOT and Colorado State Patrol headquarters in Greeley to hear from transportation stakeholders in the region.

Presenters discussed the cost benefits of the new headquarters building and provided an overview of CDOT Engineering Region 4. Representatives from the Transportation Commission provided an update on commission work; discussed general transportation funding challenges in the state; discussed what other states were doing to raise revenue; and highlighted local and federal partnership successes on the I-25 North project. All presenters responded to questions from the committee on public awareness of funding gaps, project partnerships, and the implementation of new technologies. Discussion ensued on the intricacies of local funding and the challenges CDOT faces with Senate Bill 17-267 funding. Senate Bill 17-267 authorizes lease-purchase agreements on existing state buildings expected to generate \$2.0 billion for transportation and capital construction over four years. North Front Range MPO representatives also provided an overview their work, discussed transportation challenges faced by the MPO, specifically on County Road 74, and highlighted public-private partnership successes on the I-25 North project.

US 85 Eaton to Ault Resurfacing Project. The committee visited a section of US 85 in Eaton to hear from on-site engineers about the scope of the 14-mile resurfacing project. The committee heard about the challenges of working on a deadline when unforeseen obstacles delay the project. On this project, the crew discovered a house foundation when digging into the subgrade at an Eaton intersection, which it had to excavate to bring the road up to code. The crew also encountered a section of US 85 built 5 feet below grade and some pipes that had not been reported.

En route highway tour. En route to and from Sterling, the committee had the opportunity to see State Highway 392, State Highway 14, US 6, and US 138. The state highways, which connect Lucerne to Briggsdale to Sterling, experience heavy truck traffic and generally lack shoulders. The CDOT representative on board discussed how these factors led to frequent traffic delays on those highways. US 6 in Sterling is undergoing a resurfacing project that includes drainage, bridgework, and pedestrian improvements. Finally, the committee stopped to see potholes and other pavement deficiencies on US 138, which is a major arterial between Sterling and Julesburg.

Stakeholder meeting at the Sterling Public Library. Committee members met again with representatives from CDOT Region 4. The CDOT representatives answered questions about the project life cycle cost analysis and economic models used by CDOT. Discussion ensued about transportation funding solutions in terms of specific roads in Region 4. The group discussed Weld County Road 49, a controlled-access highway paid for by Weld County primarily with local severance tax funds, and the different requirements that project had to meet. Further, the committee had a discussion on how the department would utilize federal block grants if issued. The committee also discussed bicycle and pedestrian projects, road shoulders, and distracted driving.

Meeting with Fort Morgan and Morgan County officials. The committee met with Fort Morgan public officials and Morgan County commissioners. The area representatives discussed proposed and needed transportation projects in Morgan County and posed questions to the committee about how to raise transportation funding. The area representatives also brought up issues of public buy-in to the funding need and the shortage of local funding to contribute to transportation projects. They stated that Fort Morgan would be going forward with an initiative to increase taxes for local roads.

South-Central and Northwest Tour

South-Central and Northwest tour. During the committee's South-Central and Northwest tour, the committee traveled over 750 miles and traversed over six mountain passes: Hoosier, Vail, Dunckley, Ripple Creek, Rabbit Ears, and Berthoud. In addition, the committee undertook the following activities:

- transportation stakeholder meetings in Colorado Springs and Craig;
- a tour of the Transportation Technology Center, Inc., facilities in Pueblo;
- an en route tour of the Flat Tops Scenic Byway;
- a tour of a CDOT maintenance facility in Meeker; and
- en route tours of various highways.

Stakeholder meetings in Colorado Springs and Craig. The committee visited Colorado Springs and Craig to hear from transportation stakeholders in the regions. The committee heard about issues ranging from “the gap” on South I-25 from Castle Rock to Monument to rural transit, as well as Safe Routes to School and preferred transportation funding methods. In addition, the committee stopped in during the Northwest Transportation Planning Region's meeting on Thursday, October 26, in Steamboat Springs.

Transportation Technology Center, Inc. The committee stopped at the Transportation Technology Center, Inc. (TTCI), a 52-square mile research and testing facility located 21 miles north of Pueblo. TTCI is a wholly owned subsidiary of the Association of American Railroads that conducts research, testing, and safety standard specification for the international railway industry, as well as emergency response training. The committee toured the facility's rail dynamics laboratories, test tracks, security and emergency response training center, and transportation security services areas.

Flat Tops Scenic Byway. The committee toured the Flat Tops Scenic Byway, an 82-mile byway between Yampa and Meeker that crosses through the Flat Tops Wilderness and climbs over two of Colorado's least-traveled passes: Dunckley and Ripple Creek. Colorado has 26 designated scenic byways. CDOT, directed by the Scenic and Historic Byways Commission, works with various local governments, federal and state agencies, local tourism groups, and private citizens and businesses to develop byways that have scenic, ecological, cultural, and historic attributes.

CDOT maintenance facility – Meeker. Committee members received a tour of the workings of a CDOT maintenance facility in Meeker. The committee learned about snowplow operations on the Western Slope and about specific pieces of equipment used at the facility.

En route highway tour. Throughout the tour, the committee traveled on the following roads:

- Interstate 25 between Denver and Pueblo;
- US 50 between Pueblo and Canon City;
- State Highway 9 from US 50 to Interstate 70;
- Interstate 70 between Frisco and Wolcott;
- State Highway 131 between Interstate 70 and Yampa;
- the Flat Tops Scenic Byway;
- State Highway 13 from Meeker to 10 miles north of Craig;
- US 40 from Craig to Empire; and
- Interstate 70 from Empire to Denver.

By traveling the roads listed above, the committee had the opportunity to experience their conditions and learn about the specific issues faced on various sections of the roads. The committee specifically traveled on State Highway 13 north of Craig, the only road connection between Interstate 70 and Interstate 80 on the Western Slope, to hear about the issues of truck travel and safety between Craig and Baggs, Wyoming.

Large Transportation Projects and Mitigation Measures

Large transportation projects and mitigation measures. The committee heard presentations from CDOT and concerned citizens regarding large transportation projects and mitigation measures. CDOT discussed the department's National Environmental Protection Act process and updated the committee on several major corridor projects, including C-470, North I-25, South I-25, Central I-70, and the I-70 mountain corridor. In addition, the committee heard public testimony on the impact of large transportation projects.

Central I-70. The committee also heard from a panel of citizens concerned about CDOT's Central I-70 project. The panelists discussed issues including, but not limited to: the environmental and health issues associated with the project; the impact of the project on neighborhoods; and a proposed alternative reroute of I-70.

Departmental Updates

Division of Motor Vehicles. A representative from the Division of Motor Vehicles (DMV) within DOR provided an overview of the DMV organization; driver license office wait times and other performance metrics; the new driver license, implemented in April 2016; DMV office queueing; the new temporary vehicle tag; and other topics related to state's registration and titling system. The representative highlighted all the improvements to driver services in the last 5 years. The DMV representative also discussed the DMV's veterans' services, its technology project (DRIVES) that is replacing the legacy DMV computing system, and online services.

Southwest Chief and Front Range Passenger Rail Commission. The Southwest Chief and Front Range Passenger Rail Commission, formally the Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Commission, presented an update on the commission and recent legislation. The commission coordinates with state and local governments and cooperates with Kansas, New Mexico, Amtrak, and the Burlington Northern and Santa Fe railway to continue Southwest Chief rail line service in Colorado. Under Senate Bill 17-153, the commission is also charged with facilitating the future of Front Range passenger rail and with developing draft legislation for passenger rail service in and along the Interstate 25 corridor. The presentation provided an overview of the Southwest Chief rail line, including the commission's purpose and concerns for the railroad, as well as successes and next steps. Commission members also provided information regarding future proposed legislation regarding Front Range passenger rail.

Regional Transportation District (RTD). Representatives from the RTD briefed the committee on recent developments, including: the 2016 openings of the Flatiron Flyer, the University of Colorado A Line to the airport, and the B Line to Westminster; the 2017 opening of the R Line in Aurora; and the status of the G Line to Arvada and Golden. The representatives also discussed at-grade crossing issues face by RTD and gave an update on RTD's nonprofit program. In addition, representatives provided an update on the Access-a-Ride program. Finally,

representatives updated the committee on the Civic Center Station revitalization, other 16th Street Mall projects, and new technology products offered by RTD, such as Smartcards and a mobile application. Representatives responded to questions from the committee about issues related RTD's budget and grade crossing issues.

An RTD representative responded to several questions regarding the low-income reduced fare pilot program. The representative stated that RTD is currently undergoing a pass review process and formed a "pass program working group" to examine all RTD passes. The group plans to provide a formal recommendation in the first quarter of 2018.

Public highway authorities. Representatives from the E-470 and the Northwest Parkway PHAs provided overviews of their agencies.

E-470. The E-470 PHA is a 47-mile corridor that serves as a beltway for Denver's east side. The highway was completed in 2003, and rolled out all-electronic tolling in 2009. The E-470 representative discussed several capital improvement projects underway on the toll road and the authority's bond debt. It also discussed a recent level of service study and the authority's plan to accommodate growth along the corridor. The E-470 representative discussed the authority's work as the state's electronic toll provider and the increase in the usage of managed lanes (toll lanes).

Northwest Parkway. Representatives from the Northwest Parkway PHA provided an overview of their authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided a timeline, an overview of the concession agreement, expansion possibilities, traffic history, and toll revenue statistics. Representatives noted that highway's concession agreement was transferred in March 2017. Representatives responded to questions regarding the status of the Jefferson County Parkway and commercial traffic on the parkway.

Denver International Airport. Representatives from DEN updated the committee on developments at the airport. The City and County of Denver owns and operates DEN. Denver's Department of Aviation is responsible for the management, operation, and control of the airport, which is managed by a mayoral appointee and is advised by an Airport Management Advisory Committee, composed of industry, business, and government members. Representatives highlighted the current and new domestic and international service offered. Representatives discussed DEN's future plans, including gate and concourse expansions, a remodel of the great hall, and development of real estate around the airport.

Other Policy Areas

Truckers Against Trafficking. A representative from Truckers Against Trafficking provided information to the committee about the organization's work to provide education and training to truckers and the trucking industry to help prevent and combat human trafficking. The representative discussed how five states currently require human trafficking education as part of the training program to qualify for a commercial driver license, with numerous states considering similar legislation this year. The representative also discussed how the organization works with public safety officials, law enforcement, and truck stop owners and operators.

Colorado Motor Carriers Association. A representative of the Colorado Motor Carriers Association (CMCA) gave the committee an update on the trucking industry in Colorado. CMCA, founded in 1939, represents the trucking industry in Colorado. The representative highlighted the

organization's economic impact in Colorado and discussed trucking safety. The organization's key concerns for the future include: traffic congestion; a critical shortage of drivers; truck parking; local regulations and restrictions; greater access to and streamlining of the credentialing process; and truck productivity and efficiency.

Low-income reduced fare pilot program. The representative of the Colorado Fiscal Institute discussed the creation of a reduced-fare pilot program for low income residents. According to the representative, the 50/100 program would provide reduced fares to RTD riders with incomes under 150 percent of the Federal Poverty Level. The representative stated that under current law, RTD assesses a 1.0 percent sales tax on most goods and some services transacted in the district and that vendors who remit tax on time are allowed to retain 3.33 percent of tax revenue to offset the costs of collecting the tax (vendor fee). Colorado Fiscal Institute proposed limiting the vendor fee to offset the cost of reduced fares. The committee drafted, but did not recommend, a bill on this issue.

Towing and recovery. Representatives of the Towing and Recovery Professionals of Colorado provided an overview of the different types of towing. Additionally, representatives discussed the history of the Towing Task Force and the towing community's interactions with the Public Utilities Commission.

Committee recommendations. As a result of its discussions, the committee recommended Bill A and Bill B. Bill A concerns requiring commercial driver schools to include training on the recognition, prevention, and reporting of human trafficking. Bill B concerns allowing private providers to perform expedited vehicle registration for Class A commercial vehicles in Colorado.

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Summary of Recommendations

As a result of the committee's activities, the committee recommended two bills to the Legislative Council for consideration in the 2018 session. At its meeting on November 15, 2017, the Legislative Council approved two recommended bills for introduction. The approved bills are described below.

Bill A — Human Trafficking Commercial Driver's License

Bill A requires DOR to promulgate rules requiring commercial driver schools to include training on the recognition, prevention, and reporting of human trafficking. DOR must collaborate with organizations that specialize in the recognition and prevention of human trafficking and other state agencies when promulgating these rules. DOR must also publish information about human trafficking in a manner that is likely to be read by licensed commercial drivers or people training to obtain such licenses.

Bill B — Private Interstate Commercial Vehicle Registration

Bill B requires the Department of Revenue to promulgate rules in order to allow a private provider to perform expedited vehicle registration for Class A commercial vehicles. The provider may retain a service fee, but will collect and remit the registration taxes and fees to the department.

Private providers of expedited Class A vehicle registrations must:

- be approved by the department;
- utilize department-approved software that will calculate taxes and fees and be updated regularly to account for any rate changes;
- file evidence of a surety bond or an alternative to a surety bond; and
- provide for reimbursement of any damages caused to the state, local governments, or owners of Class A vehicles through its acts or omissions.

The department is required to ensure that the expedited registration program:

- operates efficiently;
- provides additional services or increases the speed or quality of services at an overall cost savings to the state; and
- complies with state law.

The department may deny, suspend, or revoke approval of a private provider who violates a contract, makes a material misstatement, fails to comply with state law or rules, or fails to provide expedited service.

The department may also accept financial assistance from a private party to implement the expedited registration program to the extent permitted, credited to the Colorado State Titling and Registration System (CSTARS) Account or the Colorado Driver License, Record, Identification and Vehicle Enterprise Solution (DRIVES) Vehicle Services Account.

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Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

Southwest Colorado Tour (July 24-25, 2017)

- ◆ Tour US 24 enhancement project in Buena Vista
- ◆ Tour US 50 landslide mitigation project near Blue Mesa Reservoir
- ◆ Meet and greet dinner with local officials in Montrose
- ◆ Tour CO 82 Grand Avenue Bridge project in Glenwood Springs
- ◆ Tour Eisenhower-Johnson Tunnels

Northeast Colorado Tour (August 14-15, 2017)

- ◆ Meet and Greet with local officials and stakeholders in Greeley
- ◆ Tour State Highway 392 Projects
- ◆ Meet and greet with local officials in Sterling
- ◆ Meet and greet with local officials in Fort Morgan

September 20, 2017

- ◆ Presentation from CDOT on large transportation projects and mitigation measures
- ◆ Panel of Concerned Citizens Groups on Central I-70 project
- ◆ Public testimony on Central I-70 and large transportation projects
- ◆ Committee discussion on large transportation projects
- ◆ Presentation on towing and recovery
- ◆ Public testimony and bill request presentations
- ◆ Discussion of and requests for legislation

South-Central and Northwest Tour (October 24-26, 2017)

- ◆ Stakeholder meeting in Colorado Springs
- ◆ Tour the Transportation Technology Center in Pueblo
- ◆ Tour the Flat Tops Scenic Byway

- ◆ Visit CDOT maintenance facility in Meeker
- ◆ Tour State Highway 13 north of Craig
- ◆ Stakeholder dinner in Craig
- ◆ Visit Northwest Transportation Planning Region meeting in Steamboat Springs

November 2, 2017

- ◆ Presentation from the Colorado Motor Carriers Association and Truckers Against Trafficking
- ◆ Presentation from the Southwest Chief and Front Range Passenger Rail Commission
- ◆ Presentation from RTD
- ◆ Presentation from DEN
- ◆ Discussion and approval of legislation

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

BILL A

LLS NO. 18-0293.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Carver and Jackson, Bridges, Esgar, Ginal, Hansen, Hooton, Lawrence, McLachlan, Nordberg

SENATE SPONSORSHIP

Zenzinger and Cooke, Court, Scott

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT EDUCATION TO PREVENT HUMAN**
102 **TRAFFICKING BE INCLUDED IN THE TRAINING TO OBTAIN A**
103 **COMMERCIAL DRIVER'S LICENSE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. The bill requires that the training to obtain a commercial driver's license contain education to prevent human trafficking. The department of revenue must collaborate with organizations that specialize in the recognition and prevention of human trafficking, and other state agencies. The department

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

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

15

must also publish information about human trafficking for commercial driver's license holders and trainees.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-403, **amend**
3 (2)(a); and **add** (6) as follows:

4 **42-2-403. Department authority - rules - federal requirements.**

5 (2) (a) The department shall promulgate such rules ~~and regulations~~ as are
6 necessary for the implementation of this part 4. ~~Such~~ THESE rules ~~and~~
7 ~~regulations shall~~ MUST govern all aspects of licensing commercial drivers,
8 including: ~~but not limited to,~~

9 (I) TRAINING AND EDUCATION;

10 (II) Testing procedures;

11 (III) License issuance procedures;

12 (IV) Out-of-service regulations;

13 (V) Denial procedures, including suspensions, revocations,
14 cancellations, and denials;

15 (VI) Records maintenance;

16 (VII) Reporting requirements; and

17 (VIII) Cooperation with the commercial driver's license
18 information system.

19 (6) (a) THE DEPARTMENT SHALL PROMULGATE RULES REQUIRING
20 SCHOOLS THAT ARE AUTHORIZED TO CONDUCT TRAINING FOR A
21 COMMERCIAL DRIVER'S LICENSE TO INCLUDE TRAINING ON THE
22 RECOGNITION, PREVENTION, AND REPORTING OF HUMAN TRAFFICKING. THE
23 DEPARTMENT SHALL REGULARLY REVIEW AND UPDATE THE TRAINING TO
24 TAKE INTO ACCOUNT CHANGES AND TRENDS IN HUMAN TRAFFICKING. IN
25 PROMULGATING THE RULES, THE DEPARTMENT SHALL, TO ESTABLISH THE

1 CONTENT OF THE EDUCATION AND TRAINING, COLLABORATE WITH:

2 (I) ORGANIZATIONS THAT SPECIALIZE IN THE RECOGNITION AND
3 PREVENTION OF HUMAN TRAFFICKING; AND

4 (II) OTHER STATE AGENCIES.

5 (b) THE DEPARTMENT SHALL PUBLISH CONTENT ON THE
6 RECOGNITION, PREVENTION, AND EFFECTIVE REPORTING OF HUMAN
7 TRAFFICKING IN A MANNER THAT IS LIKELY TO BE READ BY HOLDERS OF OR
8 PEOPLE TRAINING TO OBTAIN COMMERCIAL DRIVER'S LICENSES.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2018 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.

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Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL B

LLS NO. 18-0292.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Becker J. and Ginal, Buck, Esgar, Hooton, Lawrence, Nordberg

SENATE SPONSORSHIP

Scott and Zenzinger, Baumgardner, Cooke

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PROGRAM TO AUTHORIZE PRIVATE**
102 **PROVIDERS TO REGISTER COMMERCIAL VEHICLES AS CLASS A**
103 **PERSONAL PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. The bill creates the expedited registration program (program). The program authorizes the department of revenue to promulgate rules authorizing private providers to register interstate commercial vehicles. The provider may collect and retain a convenience fee.

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

DRAFT

Dashes through the words indicate deletions from existing statute.

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The bill requires the program to:

- Operate efficiently;
- Result in overall cost savings to the state by providing additional services or by increasing the speed or quality of service; and
- Register commercial vehicles and collect taxes and fees in compliance with state law.

To qualify, a private provider must:

- Be approved by the department;
- Use appropriate software approved by the department; and
- Submit evidence of financial responsibility.

The department may deny, suspend, or revoke the authority to be a provider if the provider violates the law, makes a material misstatement in an application, or fails to perform.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-1-233 as
3 follows:

4 **42-1-233. Expedited registration program - private vendor**
5 **providing services to register Class A commercial vehicles - rules -**
6 **repeal.** (1) THE DEPARTMENT SHALL CREATE AND IMPLEMENT AN
7 EXPEDITED REGISTRATION PROGRAM. THE EXPEDITED REGISTRATION
8 PROGRAM AUTHORIZES PRIVATE PROVIDERS TO REGISTER COMMERCIAL
9 VEHICLES THAT ARE CLASSIFIED AS CLASS A PERSONAL PROPERTY IN
10 SECTION 42-3-106. THIS INCLUDES COLLECTING AND REMITTING THE
11 TAXES AND FEES FOR THE REGISTRATION TO THE DEPARTMENT.

12 (2) (a) THE DEPARTMENT SHALL PROMULGATE RULES
13 AUTHORIZING A PRIVATE PROVIDER TO PARTICIPATE IN THE EXPEDITED
14 REGISTRATION PROGRAM IF THE PROVIDER:

15 (I) HAS BEEN APPROVED BY THE DEPARTMENT;

16 (II) USES SOFTWARE THAT IS APPROVED BY THE DEPARTMENT TO
17 CALCULATE THE AMOUNT OF TAXES AND FEES IMPOSED IN THIS TITLE 42

1 AND THAT IS UPDATED REGULARLY TO TAKE INTO ACCOUNT ANY CHANGES
2 TO THE TAXES AND FEES IMPOSED IN THIS TITLE 42; AND

3 (III) PROCURES AND FILES WITH THE DEPARTMENT EVIDENCE OF
4 ANY OF THE FOLLOWING IN AN AMOUNT DETERMINED BY RULE BY THE
5 DEPARTMENT:

6 (A) A SAVINGS ACCOUNT, DEPOSIT, OR CERTIFICATE OF DEPOSIT
7 MEETING THE REQUIREMENTS OF SECTION 11-35-101; OR

8 (B) A BOND ISSUED BY A LICENSED CORPORATE SURETY.

9 (b) THE FINANCIAL COMMITMENT REQUIRED IN SUBSECTION
10 (2)(a)(III) OF THIS SECTION MUST PROVIDE FOR THE REIMBURSEMENT OF
11 ANY DAMAGES CAUSED TO THE STATE OF COLORADO, A POLITICAL
12 SUBDIVISION OF COLORADO, OR THE OWNER OF PERSONAL PROPERTY
13 REGISTERED THROUGH THE EXPEDITED REGISTRATION PROGRAM BY AN
14 ACT OR OMISSION OF THE PRIVATE PROVIDER.

15 (c) A PRIVATE PROVIDER MAY COLLECT AND RETAIN A
16 CONVENIENCE FEE FOR THE SERVICES PROVIDED IN THE EXPEDITED
17 REGISTRATION PROGRAM.

18 (3) (a) THE DEPARTMENT MAY ACCEPT FINANCIAL ASSISTANCE
19 FROM A PRIVATE PARTY TO IMPLEMENT THE EXPEDITED REGISTRATION
20 PROGRAM IF THE FINANCIAL ASSISTANCE IS DIRECTLY RELATED TO THE
21 EXPEDITED REGISTRATION PROGRAM AND IS NOT CONDITIONAL UPON AN
22 ACT OR CIRCUMSTANCE THAT CONFLICTS WITH STATE LAW.

23 (b) (I) THE DEPARTMENT SHALL TRANSFER ANY MONEY ACCEPTED
24 UNDER THIS SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL
25 CREDIT IT TO THE COLORADO STATE TITLING AND REGISTRATION ACCOUNT
26 CREATED IN SECTION 42-1-211 (2)(a)(I).

27 (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE SEPTEMBER
28 1, 2018.

1 (c) (I) THE DEPARTMENT SHALL TRANSFER ANY MONEY ACCEPTED
2 UNDER THIS SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL
3 CREDIT IT TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT
4 CREATED IN SECTION 42-1-211 (2)(b)(I).

5 (II) (A) THIS SUBSECTION (3)(c) TAKES EFFECT SEPTEMBER 1,
6 2018.

7 (B) THIS SUBSECTION (3)(c)(II) IS REPEALED, EFFECTIVE JULY 1,
8 2019.

9 (d) THE DEPARTMENT SHALL USE ANY MONEY ACCEPTED UNDER
10 THIS SUBSECTION (3) TO IMPLEMENT THIS SECTION.

11 (4) TO IMPLEMENT THE EXPEDITED REGISTRATION PROGRAM, THE
12 DEPARTMENT SHALL ENSURE THAT THE EXPEDITED REGISTRATION
13 PROGRAM:

14 (a) OPERATES EFFICIENTLY;

15 (b) PROVIDES ADDITIONAL SERVICES OR INCREASES THE SPEED OR
16 QUALITY OF SERVICES AT AN OVERALL COST SAVINGS TO THE STATE; AND

17 (c) REGISTERS COMMERCIAL VEHICLES AND COLLECTS AND REMITS
18 TAXES AND FEES IN COMPLIANCE WITH STATE LAW.

19 (5) TO IMPLEMENT THIS SECTION, THE DEPARTMENT MAY
20 PROMULGATE RULES IN ADDITION TO THE RULES REQUIRED UNDER
21 SUBSECTION (2)(a) OF THIS SECTION AND MAY ENTER INTO CONTRACTS
22 WITH PRIVATE PROVIDERS.

23 (6) SUBJECT TO ARTICLE 4 OF TITLE 24, THE DEPARTMENT MAY
24 APPROVE, DENY APPROVAL, SUSPEND APPROVAL, OR REVOKE APPROVAL
25 OF A PRIVATE PROVIDER WHO:

26 (a) VIOLATES THE LAW IN THE PROVISION OF SERVICES APPROVED
27 UNDER THIS SECTION;

28 (b) MAKES A MATERIAL MISSTATEMENT TO THE DEPARTMENT OR

1 ANY COUNTY IN SEEKING APPROVAL TO PROVIDE EXPEDITED
2 REGISTRATION SERVICES;

3 (c) FAILS TO COMPLY WITH THIS SECTION OR ANY RULES
4 PROMULGATED UNDER THIS SECTION; OR

5 (d) FAILS TO SATISFACTORILY PROVIDE EXPEDITED REGISTRATION
6 SERVICES OR TO COLLECT OR REMIT APPROPRIATE TAXES AND FEES.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.