

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0497.03 Jason Gelender

SENATE BILL 09-108

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Rice,

Senate Committees

Transportation
Finance
Appropriations

House Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE IMPROVEMENT OF THE TRANSPORTATION SYSTEM**
102 **OF THE STATE, AND, IN CONNECTION THEREWITH, PROVIDING**
103 **ADDITIONAL SOURCES OF FUNDING FOR TRANSPORTATION AND**
104 **MODIFYING THE TRANSPORTATION PLANNING PROCESS.**

Bill Summary

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

On and after a specified date, imposes a road safety surcharge, a daily vehicle rental fee, a supplemental oversize, overweight, and longer vehicle combination surcharge, and a supplemental unregistered vehicle fine, and increases the amount of the fee for late motor vehicle

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 5, 2009

SENATE
Amended 2nd Reading
February 4, 2009

registration. Requires the revenues generated by the new or increased surcharges, fees, and fines to be credited to the highway users tax fund and allocated to the department of transportation (CDOT), counties, and municipalities in accordance with an existing distribution formula. Requires CDOT, counties, and municipalities to expend their allocated revenues for road safety projects, and specifically requires CDOT to spend a specified portion of its allocated revenues for transit-related projects that enhance the safety of state highways for transit users. Increases the amount of the fine for late registration of motor vehicles by new residents of the state.

Creates the statewide bridge enterprise (bridge enterprise) as a government-owned business within CDOT with the business purpose of completing designated bridge projects that involve the financing, repair, reconstruction, and replacement of bridges designated as structurally deficient, functionally obsolete, or rated as poor by CDOT. Specifies the governance of and general powers and duties of the bridge enterprise. On and after a specified date, authorizes the bridge enterprise to fund the completion of designated bridge projects by imposing a bridge safety surcharge and using revenues generated by the surcharge to directly pay for the projects or to repay revenue bonds it issues or loans from the state it contracts for to finance the projects. Authorizes the state, subject to specified approval requirements, to loan moneys to the bridge enterprise, to finance any loan made by entering into lease-purchase agreements involving state buildings or other state capital facilities, and to have any loan repaid by the bridge enterprise from bridge safety surcharge revenues.

Creates the high-performance transportation enterprise (transportation enterprise) as a government-owned business within CDOT with the business purpose of pursuing public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects other than designated bridge projects. Abolishes the statewide tolling enterprise, specifies that the transportation enterprise is the legal successor to the powers, duties, and functions of the tolling enterprise, and further specifies the general powers and duties of the transportation enterprise.

Specifically authorizes the transportation enterprise to enter into public-private partnerships and, subject to specified limitations, to impose user fees, directly or through a partner, for the privilege of using any surface transportation infrastructure that the transportation enterprise or its partner constructs or operates. Authorizes the transportation enterprise to issue revenue bonds to finance surface transportation infrastructure projects. Subject to specified requirements regarding both collaboration with affected local governments, transportation planning entities, and transportation services providers and federal and affected local government approval, authorizes the transportation enterprise to impose

user fees on highways or highway lanes that have previously served vehicular traffic on a user-fee free basis. Specifies that both the transportation enterprise and the bridge enterprise are exempt from specified state procurement laws but are subject to open records and open meetings laws and any labor standards that apply to CDOT.

Creates a temporary mileage-based revenue commission (MBR commission), and specifies the governance and general powers and duties of the commission. Requires the MBR commission to design, develop, and implement pilot programs to evaluate alternative mileage-based revenue systems, taking into consideration, at a minimum, technical, legal, financial, environmental, and social policy issues. Requires CDOT to provide financial and staff support to the MBR commission. Requires affected local government consent for implementation of any pilot program and prohibits the MBR commission from forcing any individual to participate in a pilot program. Specifies reporting requirements and pilot program implementation timelines for the MBR commission.

Requires the transportation commission to create a standing efficiency and accountability committee, and requires the committee to seek ways to maximize the efficiency of CDOT to allow increased investment in the transportation system over the short, medium, and long term. Specifies the membership of the committee and reporting requirements related to its activities and the implementation of its recommendations.

Requires specified information regarding specified policy goals to be included in any regional transportation plan.

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

2 **SECTION 1.** Part 8 of article 4 of title 43, Colorado Revised
3 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,
4 to read:

5 PART 8

6 FUNDING ADVANCEMENT FOR SURFACE

7 TRANSPORTATION AND ECONOMIC RECOVERY

8 **43-4-801. Short title.** THIS PART 8 SHALL BE KNOWN AND MAY BE
9 CITED AS THE "FUNDING ADVANCEMENTS FOR SURFACE TRANSPORTATION
10 AND ECONOMIC RECOVERY ACT OF 2009".

11 **43-4-802. Legislative declaration.** (1) THE GENERAL ASSEMBLY

1 HEREBY FINDS AND DECLARES THAT:

2 (a) THE CONTINUED PROSPERITY OF THE STATE AND ITS CITIZENS
3 REQUIRES A SAFE, WELL-MAINTAINED, INTEGRATED, MULTIMODAL, AND
4 SUSTAINABLE SURFACE TRANSPORTATION SYSTEM THAT IS ACCESSIBLE IN
5 ALL PARTS OF THE STATE AND THAT ALLOWS EFFICIENT MOVEMENT OF
6 PEOPLE, GOODS, AND INFORMATION;

7 (b) THE PRIMARY FUNDING SOURCES DEDICATED FOR SURFACE
8 TRANSPORTATION, STATE AND FEDERAL MOTOR FUEL TAXES, ARE FLAT
9 RATE PER GALLON TAXES THAT HAVE LOST AND WILL CONTINUE TO LOSE
10 MUCH OF THEIR PURCHASING POWER BECAUSE THEY ARE NOT INDEXED TO
11 INFLATION, HAVE NOT BEEN INCREASED IN NEARLY TWO DECADES, AND
12 GENERATE LESS REVENUE PER VEHICLE MILE TRAVELED AS MOTOR
13 VEHICLES BECOME MORE FUEL EFFICIENT;

14 (c) DUE TO THE DECLINE IN THE PURCHASING POWER OF THE
15 REVENUES GENERATED BY THE STATE AND FEDERAL MOTOR FUEL TAXES,
16 THE STATE AND LOCAL GOVERNMENTS HAVE BEEN UNABLE TO MAINTAIN,
17 REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE
18 TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND
19 EFFICIENT MANNER, WHICH HAS ALREADY CAUSED MANY BRIDGES IN THE
20 STATE TO BECOME STRUCTURALLY DEFICIENT OR FUNCTIONALLY
21 OBSOLETE AND WORSENE THE CONDITION OF ROAD SURFACES, DELAYED
22 CAPACITY EXPANSION PROJECTS, AND INCREASED TRAFFIC CONGESTION
23 AND GREENHOUSE GAS EMISSIONS; AND

24 (d) BECAUSE THIS DECLINE IN PURCHASING POWER IS ONGOING
25 AND BECOMES MORE SEVERE WITH EACH PASSING YEAR, THE STATE AND
26 LOCAL GOVERNMENTS WILL CONTINUE TO BE UNABLE TO MAINTAIN,
27 REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE

1 TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND
2 EFFICIENT MANNER, AND THE SAFETY, EFFICIENCY, AND ENVIRONMENTAL
3 IMPACT OF THE STATE'S SURFACE TRANSPORTATION SYSTEM WILL WORSEN
4 MORE QUICKLY IN THE FUTURE IF SUFFICIENT AND SUSTAINABLE FUNDING
5 SOURCES FOR SURFACE TRANSPORTATION CANNOT BE FOUND.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

7 (a) THE NATIONAL AND STATE ECONOMIC RECESSION AND
8 ATTENDANT RISE IN UNEMPLOYMENT REPRESENT ADDITIONAL SHORT- TO
9 MEDIUM-TERM CHALLENGES FOR THE STATE AND ALL COLORADANS;

10 (b) THERE IS AN URGENT PRESENT NEED TO REPAIR AND REPLACE
11 STRUCTURALLY DEFICIENT AND FUNCTIONALLY OBSOLETE BRIDGES AND
12 IMPROVE HIGHWAY SAFETY IN THE STATE;

13 (c) INCREASING FUNDING FOR DESIGNATED BRIDGE PROJECTS AND
14 ROAD SAFETY PROJECTS IN THE SHORT- AND MEDIUM-TERM THROUGH THE
15 IMPOSITION OF BRIDGE AND ROAD SAFETY SURCHARGES AND OTHER NEW
16 FEES AT RATES REASONABLY CALCULATED BASED ON THE BENEFITS
17 RECEIVED BY THE PERSONS PAYING THE FEES WILL NOT ONLY PROVIDE
18 FUNDING TO COMPLETE THE PROJECTS BUT WILL ALSO ACCELERATE THE
19 STATE'S ECONOMIC RECOVERY BY INCREASING BRIDGE AND ROAD
20 CONSTRUCTION, REPAIR, RECONSTRUCTION, AND MAINTENANCE ACTIVITY,
21 AS WELL AS RELATED ECONOMIC ACTIVITY, AND BY EMPLOYING
22 SIGNIFICANT NUMBERS OF COLORADANS;

23 (d) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE
24 AUTHORIZED TO COMPLETE DESIGNATED BRIDGE PROJECTS, TO IMPOSE A
25 BRIDGE SAFETY SURCHARGE AND ISSUE REVENUE BONDS, AND, IF
26 REQUIRED APPROVALS ARE OBTAINED, TO CONTRACT WITH THE STATE TO
27 RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER

1 THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED
2 BY THIS PART 8 AND TO USE THE REVENUES GENERATED BY THE BRIDGE
3 SAFETY SURCHARGE TO REPAY ANY SUCH LOAN OR LOANS, WILL IMPROVE
4 THE SAFETY AND EFFICIENCY OF THE STATE TRANSPORTATION SYSTEM BY
5 ALLOWING THE STATE TO ACCELERATE THE REPAIR, RECONSTRUCTION,
6 AND REPLACEMENT OF STRUCTURALLY DEFICIENT, FUNCTIONALLY
7 OBSOLETE, OR RATED AS POOR BRIDGES;

8 (e) THE CREATION OF A HIGH-PERFORMANCE TRANSPORTATION
9 ENTERPRISE WITH THE AUTHORITY AND MISSION TO SEEK OUT
10 OPPORTUNITIES FOR INNOVATIVE AND EFFICIENT MEANS OF FINANCING
11 OTHER IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE
12 PROJECTS WILL ENSURE THAT SUCH PROJECTS ARE ALSO PROPERLY
13 PRIORITIZED AND ACCELERATED; AND

14 (f) GRANTING THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
15 ENTERPRISE BOTH RESPONSIBILITY FOR THE COMPLETION, RESPECTIVELY,
16 OF DESIGNATED BRIDGE PROJECTS AND OTHER IMPORTANT SURFACE
17 TRANSPORTATION PROJECTS AND THE FLEXIBILITY TO EXECUTE THEIR
18 RESPECTIVE MISSIONS IN A VARIETY OF INNOVATIVE WAYS WILL ENSURE
19 THAT AVAILABLE RESOURCES FOR SUCH PROJECTS ARE EFFICIENTLY AND
20 EFFECTIVELY LEVERAGED SO THAT BOTH THE PROJECTS AND THE STATE'S
21 ECONOMIC RECOVERY CAN BE COMPLETED AS QUICKLY AS POSSIBLE.

22 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

23 (a) WHILE IT IS NECESSARY, APPROPRIATE, AND IN THE BEST
24 INTERESTS OF THE STATE TO FUND DESIGNATED BRIDGE PROJECTS AND
25 HIGHWAY SAFETY PROJECTS AND STIMULATE ECONOMIC RECOVERY IN THE
26 SHORT- AND MEDIUM-TERM, THE STATE MUST ALSO DEVELOP A
27 LONG-TERM STRATEGY TO PROVIDE SUSTAINABLE LONG-TERM REVENUE

1 STREAMS DEDICATED FOR THE CONSTRUCTION OF IMPORTANT SURFACE
2 TRANSPORTATION INFRASTRUCTURE PROJECTS AND THE CONTINUING
3 MAINTENANCE, REPAIR, AND RECONSTRUCTION OF THE STATEWIDE
4 SURFACE TRANSPORTATION SYSTEM THAT WILL:

5 (I) ALLOW BOTH THE STATE AND LOCAL GOVERNMENTS TO
6 MAINTAIN, REPAIR, RECONSTRUCT, AND IMPROVE THEIR TRANSPORTATION
7 INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER; AND

8 (II) PROVIDE THE STATE AND LOCAL GOVERNMENTS WITH THE
9 RESOURCES AND FLEXIBILITY TO EXPLORE AND INVEST IN MODERN
10 MULTIMODAL AND DEMAND-SIDE TRANSPORTATION SOLUTIONS THAT WILL
11 HELP REDUCE TRAFFIC CONGESTION AND GREENHOUSE GAS EMISSIONS;

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13 (b) THE SPECIFICATION OF ADDITIONAL POLICIES TO BE
14 CONSIDERED AT ALL STAGES OF THE STATEWIDE TRANSPORTATION
15 PLANNING PROCESS AND THE ESTABLISHMENT OF AN EFFICIENCY AND
16 ACCOUNTABILITY COMMITTEE WITHIN THE DEPARTMENT OF
17 TRANSPORTATION WILL HELP TO ENSURE THAT TRANSPORTATION
18 PLANNING IS THOROUGH, INTEGRATED, AND STRATEGIC AND THAT ALL
19 FUNDING DEDICATED FOR SURFACE TRANSPORTATION IS EXPENDED
20 EFFECTIVELY.

21 **43-4-803. Definitions.** AS USED IN THIS PART 8, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "AUTHORIZED AGENT" SHALL HAVE THE SAME MEANING AS SET
24 FORTH IN SECTION 42-1-102 (5), C.R.S.

25 (2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,
26 COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS
27 OF EITHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE

1 AUTHORIZED BY THIS PART 8, INCLUDING, BUT NOT LIMITED TO, ANY
2 OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM
3 OR GUARANTEED BY THE UNITED STATES.

4 (3) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND
5 RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS,
6 INCLUDING, WITHOUT LIMITATION:

7 (a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST,
8 PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS, SINKING
9 FUNDS, AND COSTS OF ISSUANCE;

10 (b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY
11 SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;

12 (c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR,
13 PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR
14 CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT
15 ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION
16 PROVIDER;

17 (d) COVERAGE REQUIREMENTS; AND

18 (e) OTHER COSTS, FEES, AND EXPENSES RELATED TO THE
19 FOREGOING AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT
20 TO THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF
21 THE BONDS.

22 (4) "BRIDGE ENTERPRISE" MEANS THE STATEWIDE BRIDGE
23 ENTERPRISE CREATED IN SECTION 43-4-805 (2).

24 (5) "BRIDGE ENTERPRISE BOARD" MEANS THE BOARD OF
25 DIRECTORS OF THE BRIDGE ENTERPRISE.

26 (6) "BRIDGE ENTERPRISE DIRECTOR" MEANS THE DIRECTOR OF THE
27 BRIDGE ENTERPRISE APPOINTED PURSUANT TO SECTION 43-4-805 (2) (a)

1 (I).

2 (7) "BRIDGE SPECIAL FUND" MEANS THE STATEWIDE BRIDGE
3 ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3)

4 (a).

5 (8) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
6 CREATED IN SECTION 43-1-106 (1).

7 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
8 CREATED IN SECTION 24-1-128.7, C.R.S.

9 (10) "DESIGNATED BRIDGE" MEANS EVERY BRIDGE, INCLUDING
10 ANY ROADWAYS, SIDEWALKS, OR OTHER INFRASTRUCTURE CONNECTED OR
11 ADJACENT TO OR REQUIRED FOR THE OPTIMAL FUNCTIONING OF THE
12 BRIDGE, THAT:

13 (a) IS PART OF THE STATE HIGHWAY SYSTEM, AS DESCRIBED IN
14 SECTION 43-2-101; AND

15 (b) HAS BEEN IDENTIFIED BY THE DEPARTMENT AS STRUCTURALLY
16 DEFICIENT OR FUNCTIONALLY OBSOLETE, AND HAS BEEN RATED BY THE
17 DEPARTMENT AS POOR, AS OF JANUARY 1, 2009, OR IS SUBSEQUENTLY SO
18 IDENTIFIED AND RATED BY THE DEPARTMENT.

19 (11) "DESIGNATED BRIDGE PROJECT" MEANS A PROJECT THAT
20 INVOLVES THE REPAIR, RECONSTRUCTION, REPLACEMENT, OR ONGOING
21 OPERATION OR MAINTENANCE, OR ANY COMBINATION THEREOF, OF A
22 DESIGNATED BRIDGE BY THE BRIDGE ENTERPRISE PURSUANT TO AN
23 AGREEMENT BETWEEN THE ENTERPRISE AND THE COMMISSION OR
24 DEPARTMENT AUTHORIZED BY SECTION 43-4-805 (5) (f).

25 (12) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
26 THE DEPARTMENT.

27 (13) (a) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER

1 DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL
2 GOVERNMENT IN THE STATE TO THE BRIDGE ENTERPRISE OR THE
3 TRANSPORTATION ENTERPRISE THAT IS NOT REQUIRED TO BE REPAID.

4 (b) "GRANT" DOES NOT INCLUDE ANY OF THE FOLLOWING OR ANY
5 INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
6 THE FOLLOWING:

7 (I) ANY INDIRECT BENEFIT CONFERRED UPON THE BRIDGE
8 ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM THE STATE OR
9 ANY LOCAL GOVERNMENT IN THE STATE;

10 (II) ANY FEDERAL FUNDS RECEIVED BY THE BRIDGE ENTERPRISE OR
11 THE TRANSPORTATION ENTERPRISE, REGARDLESS OF WHETHER THE
12 FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT
13 IN THE STATE PRIOR TO RECEIPT BY THE ENTERPRISE;

14 (III) ANY REVENUES OF THE BRIDGE ENTERPRISE FROM THE BRIDGE
15 SAFETY SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION
16 43-4-805 (5) (g) OR REVENUES OF THE BRIDGE ENTERPRISE OR THE
17 TRANSPORTATION ENTERPRISE FROM ANY OTHER AUTHORIZED RATE, FEE,
18 ASSESSMENT, OR OTHER CHARGE IMPOSED BY EITHER ENTERPRISE FOR THE
19 PROVISION OF GOODS OR SERVICES BY THE ENTERPRISE;

20 (IV) ANY MONEYS PAID OR ADVANCED TO THE BRIDGE ENTERPRISE
21 OR THE TRANSPORTATION ENTERPRISE BY THE STATE, A LOCAL
22 GOVERNMENT OR GROUP OF LOCAL GOVERNMENTS, AN AUTHORITY, OR
23 ANY OTHER GOVERNMENT-OWNED BUSINESS OR GOVERNMENTAL ENTITY
24 IN EXCHANGE FOR AN AGREEMENT BY EITHER ENTERPRISE TO COMPLETE
25 A DESIGNATED BRIDGE PROJECT OR A SURFACE TRANSPORTATION
26 INFRASTRUCTURE PROJECT; OR

27 (V) ANY MONEYS LOANED BY THE COMMISSION TO THE BRIDGE

1 ENTERPRISE PURSUANT TO SECTION 43-4-805 (4) OR (5) (r) OR THE
2 TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (4).

3 (14) "HIGHWAY" MEANS A ROAD AND RELATED IMPROVEMENTS
4 AND SERVICES. A HIGHWAY MAY CONSIST OF IMPROVEMENTS AND
5 SERVICES, INCLUDING, BUT NOT LIMITED TO, PAVING, GRADING,
6 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
7 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS,
8 SHOULDERS, FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES,
9 DRAINAGE FACILITIES, TRANSIT LANES AND SERVICES, PARK-AND-RIDE
10 FACILITIES, TRAFFIC DEMAND MANAGEMENT FACILITIES AND SERVICES,
11 OTHER MULTIMODAL IMPROVEMENTS AND SERVICES, TOLL COLLECTION
12 FACILITIES, SERVICE AREAS, ADMINISTRATIVE OR MAINTENANCE
13 FACILITIES, GAS, ELECTRIC, WATER, SEWER, AND OTHER UTILITIES
14 LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF THE HIGHWAY, AND
15 OTHER REAL OR PERSONAL PROPERTY, INCLUDING EASEMENTS,
16 RIGHTS-OF-WAY, OPEN SPACE, AND OTHER INTERESTS THEREIN, RELATING
17 TO THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE
18 HIGHWAY.

19 (15) "ISSUING ENTERPRISE" MEANS, WITH RESPECT TO THE
20 ISSUANCE OF BONDS AS AUTHORIZED BY THIS PART 8, EITHER THE BRIDGE
21 ENTERPRISE OR THE TRANSPORTATION ENTERPRISE.

22 (16) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR
23 CITY AND COUNTY.

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25 ==

26 (17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
27 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT

1 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

2 (18) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT,
3 INCLUDING, BUT NOT LIMITED TO, AN OPERATING CONCESSION AGREEMENT
4 BETWEEN THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE
5 AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

6 (a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A SURFACE
7 TRANSPORTATION INFRASTRUCTURE PROJECT IN EXCHANGE FOR A PUBLIC
8 BENEFIT CONCERNING THE PROJECT OTHER THAN ONLY A MONEY
9 PAYMENT;

10 (b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING
11 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS; OR

12 (c) COOPERATION IN RESEARCHING, DEVELOPING, AND
13 IMPLEMENTING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.

14 (19) "PUBLIC TRANSPORTATION VEHICLE" MEANS A MOTOR
15 VEHICLE THAT IS PART OF VEHICULAR SERVICE THAT TRANSPORTS THE
16 GENERAL PUBLIC AND THAT IS PROVIDED BY A PUBLIC TRANSPORTATION
17 DISTRICT OR BY A LOCAL GOVERNMENT.

18 (20) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL
19 PLANNING COMMISSION FORMED UNDER THE PROVISIONS OF SECTION
20 30-28-105, C.R.S., THAT PREPARES AND SUBMITS A TRANSPORTATION
21 PLAN PURSUANT TO SECTION 43-1-1103.

22 (21) "ROAD SAFETY PROJECT" MEANS A CONSTRUCTION,
23 RECONSTRUCTION, OR MAINTENANCE PROJECT THAT THE COMMISSION
24 DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A STATE HIGHWAY,
25 A COUNTY DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A COUNTY
26 ROAD, OR A MUNICIPALITY DETERMINES IS NEEDED TO ENHANCE THE
27 SAFETY OF A CITY STREET.

1 (22) "SURFACE TRANSPORTATION INFRASTRUCTURE" MEANS A
2 HIGHWAY, A BRIDGE OTHER THAN A DESIGNATED BRIDGE, OR ANY OTHER
3 INFRASTRUCTURE, FACILITY, OR EQUIPMENT USED PRIMARILY OR IN LARGE
4 PART TO TRANSPORT PEOPLE ON SYSTEMS THAT OPERATE ON OR ARE
5 AFFIXED TO THE GROUND.

6 (23) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT"
7 MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
8 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION,
9 MAINTENANCE, OR OPERATION OF A DEFINED AMOUNT OF SURFACE
10 TRANSPORTATION INFRASTRUCTURE BY:

- 11 (a) THE TRANSPORTATION ENTERPRISE; OR
- 12 (b) A PARTNER OF THE TRANSPORTATION ENTERPRISE UNDER THE
13 TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

14 (24) "TRANSPORTATION ENTERPRISE" MEANS THE
15 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION
16 43-4-806 (2) (a).

17 (25) "TRANSPORTATION ENTERPRISE BOARD" MEANS THE BOARD
18 OF DIRECTORS OF THE TRANSPORTATION ENTERPRISE.

19 (26) "TRANSPORTATION ENTERPRISE DIRECTOR" MEANS THE
20 DIRECTOR OF THE TRANSPORTATION ENTERPRISE APPOINTED PURSUANT TO
21 SECTION 43-4-806 (2) (b).

22 (27) "USER FEE" MEANS COMPENSATION TO BE PAID TO THE
23 TRANSPORTATION ENTERPRISE OR A PARTNER OF THE TRANSPORTATION
24 ENTERPRISE FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION
25 INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE TRANSPORTATION
26 ENTERPRISE OR OPERATED BY ITS PARTNER UNDER THE TERMS OF A
27 PUBLIC-PRIVATE PARTNERSHIP.

1 (28) "VEHICLE" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION
2 42-1-102(58), C.R.S.; EXCEPT THAT, FOR PURPOSES OF THE IMPOSITION OF
3 ANY SURCHARGE, FEE, OR FINE IMPOSED PURSUANT THIS PART 8 IN
4 CONNECTION WITH A VEHICLE REQUIRED TO BE REGISTERED PURSUANT TO
5 THE PROVISIONS OF ARTICLE 3 OF TITLE 42, C.R.S., "VEHICLE" ALSO
6 INCLUDES ANY VEHICLE WITHOUT MOTIVE POWER THAT IS REQUIRED TO BE
7 REGISTERED.

8 **43-4-804. Highway safety projects - surcharges and fees -**
9 **crediting of moneys to highway users tax fund.** (1) ON AND AFTER
10 JULY 1, 2009, THE FOLLOWING SURCHARGES, FEES, AND FINES SHALL BE
11 COLLECTED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED
12 IN SECTION 43-4-201 (1) (a) AND ALLOCATED TO THE STATE HIGHWAY
13 FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205
14 (6.3):

15 (a) (I) A ROAD SAFETY SURCHARGE, WHICH, EXCEPT AS OTHERWISE
16 PROVIDED IN SUBPARAGRAPHS (III) AND (VI) OF THIS PARAGRAPH (a),
17 SHALL BE IMPOSED FOR ANY REGISTRATION PERIOD THAT COMMENCES ON
18 OR AFTER JULY 1, 2009, UPON THE REGISTRATION OF ANY VEHICLE FOR
19 WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS
20 OF PART 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE
21 PROVIDED IN SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH (a), THE
22 AMOUNT OF THE SURCHARGE SHALL BE:

23 (A) SIXTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE,
24 MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN
25 SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO
26 THOUSAND POUNDS OR LESS;

27 (B) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS

1 MORE THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE
2 THOUSAND POUNDS;

3 (C) TWENTY-EIGHT DOLLARS FOR ANY VEHICLE THAT WEIGHS
4 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND
5 POUNDS;

6 (D) THIRTY-SEVEN DOLLARS FOR ANY VEHICLE THAT IS A
7 PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT
8 NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

9 (E) THIRTY-NINE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE
10 THAN SIXTEEN THOUSAND POUNDS.

11 (II) THE ROAD SAFETY SURCHARGE SHALL BE IMPOSED WHEN A
12 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.
13 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE
14 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME
15 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
16 DEPARTMENT OF REVENUE, ALL ROAD SAFETY SURCHARGES COLLECTED
17 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF REVENUE SHALL FORWARD ALL ROAD SAFETY
19 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY ROAD SAFETY
20 SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO
21 THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE
22 HIGHWAY USERS TAX FUND.

23 (III) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
24 ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED
25 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

26 (IV) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED ON
27 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS

1 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF
2 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE
3 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND THE
4 PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION
5 APPORTIONED TO COLORADO.

6 (V) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED
7 PURSUANT TO THIS PARAGRAPH (a) SHALL BE ONE-HALF OF THE AMOUNT
8 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY VEHICLE
9 THAT IS A TRUCK OR TRUCK TRACTOR THAT IS OWNED BY A FARMER OR
10 RANCHER AND IS USED COMMERCIALY ONLY:

11 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW
12 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY
13 RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING
14 OPERATIONS; OR

15 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY
16 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR
17 RANCHER'S FARMING OR RANCHING OPERATIONS.

18 (VI) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
19 ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A
20 HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION
21 42-3-219 (1) (a), C.R.S.

22 (VII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE
23 ROAD SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE
24 REGISTRATION FEES OR SURCHARGES IMPOSED.

25 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
26 THIS PARAGRAPH (b), A DAILY VEHICLE RENTAL FEE, WHICH SHALL BE
27 IMPOSED ON THE RENTAL OF ANY VEHICLE RENTED IN THE STATE AT THE

1 RATE OF TWO DOLLARS PER DAY. ANY PERSON WHO OWNS VEHICLES THAT
2 ARE BASED IN COLORADO FOR RENTAL PURPOSES OR WHO OWNS VEHICLES
3 THAT ARE BASED IN A STATE OTHER THAN COLORADO FOR RENTAL
4 PURPOSES BUT RENTS SUCH VEHICLES FROM A BUSINESS LOCATION IN
5 COLORADO AND WHOSE PRIMARY BUSINESS IS THE RENTAL OF SUCH
6 VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS, INCLUDING
7 RENEWALS, TO ANOTHER PERSON SHALL COLLECT THE DAILY VEHICLE
8 RENTAL FEE FROM THE RENTER OF EACH VEHICLE RENTED. THE RENTAL
9 INVOICE SHALL LIST THE DAILY VEHICLE RENTAL FEE SEPARATELY AS A
10 COLORADO ROAD SAFETY PROGRAM FEE.

11 (II) A PERSON WHO COLLECTS THE DAILY VEHICLE RENTAL FEE
12 IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND WHO PAYS
13 SPECIFIC OWNERSHIP TAX ON THE VEHICLES RENTED IN THE MANNER
14 SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR BOTH,
15 SHALL, NO LATER THAN THE TWENTIETH DAY OF EACH MONTH, SUBMIT TO
16 THE DEPARTMENT OF REVENUE A REPORT, USING FORMS FURNISHED BY THE
17 DEPARTMENT OF REVENUE, OF DAILY VEHICLE RENTAL FEES COLLECTED
18 FOR THE PRECEDING MONTH AND SHALL INCLUDE WITH THE REPORT THE
19 REMITTANCE OF ALL SUCH FEES. A PERSON WHO COLLECTS THE DAILY
20 VEHICLE RENTAL FEE IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH
21 (b) BUT DOES NOT PAY SPECIFIC OWNERSHIP TAX ON THE VEHICLES IN THE
22 MANNER SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR
23 BOTH, SHALL SUBMIT THE REPORT AND THE REMITTANCE OF FEES
24 COLLECTED IN THE SAME MANNER OR IN SUCH OTHER MANNER AS THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE
26 BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
27 C.R.S. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE

1 SHALL FORWARD ALL DAILY VEHICLE RENTAL FEES COLLECTED TO THE
2 STATE TREASURER, WHO SHALL CREDIT THE DAILY VEHICLE RENTAL FEES
3 TO THE HIGHWAY USERS TAX FUND.

4 (III) BECAUSE VEHICLE SHARING IS AN ALTERNATIVE TO PERSONAL
5 VEHICLE OWNERSHIP THAT REDUCES THE NUMBER OF VEHICLE MILES
6 TRAVELED ON THE HIGHWAYS OF THE STATE BY ENCOURAGING THE USE OF
7 TRANSIT AND REDUCING THE NUMBER OF TRIPS MADE IN PRIVATELY OWNED
8 VEHICLES AND THEREBY BENEFITS THE STATE BY REDUCING TRAFFIC
9 CONGESTION, GREENHOUSE GAS EMISSIONS, AND THE AMOUNT OF WEAR
10 AND TEAR ON THE HIGHWAYS, THE DAILY VEHICLE RENTAL FEE IMPOSED
11 PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE IMPOSED ON ANY
12 VEHICLE RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT IF:

13 (A) UNDER THE TERMS OF THE ARRANGEMENT, AN ORGANIZATION
14 PROVIDES PASSENGER VEHICLES FOR THE USE OF MEMBERS OF THE
15 ORGANIZATION WHO HAVE PAID A MEMBERSHIP FEE TO THE ORGANIZATION
16 AND CHARGES AN ADDITIONAL FEE FOR EACH USE OF A PASSENGER
17 VEHICLE;

18 (B) A MEMBER OF THE ORGANIZATION IS NOT REQUIRED TO ENTER
19 INTO A SEPARATE WRITTEN AGREEMENT WITH THE ORGANIZATION EACH
20 TIME THE MEMBER RESERVES AND USES A PASSENGER VEHICLE;

21 (C) THE AVERAGE PAID USAGE PERIOD FOR ALL PASSENGER
22 VEHICLES PROVIDED BY THE ORGANIZATION DURING THE PRIOR CALENDAR
23 YEAR WAS SIX HOURS OR LESS;

24 (D) AT LEAST THREE-QUARTERS OF ALL PASSENGER VEHICLE
25 RENTALS MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR
26 IN EACH MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES
27 BUSINESS WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN

1 A RESIDENCE WITHIN THE CITY OR COUNTY;

2 (E) FUEL AND FULL INSURANCE COVERAGE ARE INCLUDED IN THE
3 MEMBER USAGE RATES; AND

4 (F) PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION ARE
5 STATIONED IN SELF-SERVE LOCATIONS THROUGHOUT THE COUNTY OR
6 MUNICIPALITY IN WHICH THE ORGANIZATION DOES BUSINESS.

7 (c) (I) A SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE
8 SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT OF THE FEE CHARGED
9 PURSUANT TO SECTION 42-4-510 (11) (a), C.R.S., BY THE DEPARTMENT,
10 THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE,
11 OR THE COLORADO STATE PATROL FOR THE ISSUANCE OF THE SINGLE TRIP
12 PERMIT; EXCEPT THAT THE SURCHARGE SHALL NOT BE IMPOSED ON A
13 VEHICLE IF THE SINGLE TRIP PERMIT FEE WAS IMPOSED PURSUANT TO
14 SECTION 42-4-510 (11) (a) (VI) (B), C.R.S.

15 (II) THE AGENCY ISSUING AN OVERSIZE OR OVERWEIGHT VEHICLE
16 SINGLE TRIP PERMIT SHALL COLLECT THE SUPPLEMENTAL OVERSIZE AND
17 OVERWEIGHT VEHICLE SURCHARGE AT THE SAME TIME AS IT COLLECTS THE
18 SINGLE TRIP PERMIT FEE. THE AGENCY SHALL FORWARD ALL
19 SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGES TO THE
20 DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
21 SHALL FORWARD THE SUPPLEMENTAL SURCHARGES TO THE STATE
22 TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE HIGHWAY USERS
23 TAX FUND.

24 (d) (I) A SUPPLEMENTAL UNREGISTERED VEHICLE FINE IMPOSED IN
25 ADDITION TO THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3),
26 C.R.S., UPON CONVICTION OF A MISDEMEANOR FOR KNOWINGLY FAILING
27 TO REGISTER A VEHICLE WITHIN NINETY DAYS OF BECOMING A RESIDENT OF

1 THIS STATE AS REQUIRED BY SECTION 42-3-103 (4) (a), C.R.S.

2 (II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE
3 COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO
4 SECTION 42-6-139 (3), C.R.S. THE AMOUNT OF THE SUPPLEMENTAL
5 UNREGISTERED VEHICLE FINE SHALL BE TWENTY-FIVE DOLLARS FOR EACH
6 MONTH OR PORTION OF A MONTH THAT THE VEHICLE REMAINED
7 UNREGISTERED FOLLOWING THE NINETY-DAY PERIOD DURING WHICH
8 INITIAL REGISTRATION WAS REQUIRED; EXCEPT THAT THE AMOUNT OF THE
9 SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL NOT EXCEED ONE
10 HUNDRED DOLLARS. ALL SUPPLEMENTAL UNREGISTERED VEHICLE FINES
11 SHALL BE FORWARDED TO THE STATE TREASURER, WHO SHALL CREDIT THE
12 FINES TO THE HIGHWAY USERS TAX FUND.

13 (e) LATE REGISTRATION FEES REQUIRED TO BE CREDITED TO THE
14 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 42-3-112 (2), C.R.S.

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16 **43-4-805. Statewide bridge enterprise - creation - board - funds**
17 **- powers and duties - reporting requirements - legislative declaration.**

18 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

19 (a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS
20 ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS,
21 HAZARDS, INJURIES, AND FATALITIES;

22 (b) DUE TO THE LIMITED AVAILABILITY OF STATE AND FEDERAL
23 FUNDING AND THE NEED TO ACCOMPLISH THE FINANCING, REPAIR,
24 RECONSTRUCTION, AND REPLACEMENT OF DESIGNATED BRIDGES AS
25 PROMPTLY AND EFFICIENTLY AS POSSIBLE, IT IS NECESSARY TO CREATE A
26 STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:

27 (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE

1 DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE
2 DESIGNATED BRIDGES IN THE STATE; AND

3 (II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY
4 CALCULATED TO DEFRAID THE COSTS OF COMPLETING DESIGNATED BRIDGE
5 PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAIDING THE COSTS IN A
6 MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE FEES
7 AND USING DESIGNATED BRIDGES, RECEIVE AND EXPEND REVENUES
8 GENERATED BY THE SURCHARGE AND OTHER MONEYS, ISSUE REVENUE
9 BONDS AND OTHER OBLIGATIONS, CONTRACT WITH THE STATE, IF REQUIRED
10 APPROVALS ARE OBTAINED, TO RECEIVE ONE OR MORE LOANS OF MONEYS
11 RECEIVED BY THE STATE UNDER THE TERMS OF ONE OR MORE
12 LEASE-PURCHASE AGREEMENTS AUTHORIZED BY THIS PART 8, EXPEND
13 REVENUES GENERATED BY THE SURCHARGE TO REPAY ANY SUCH LOAN OR
14 LOANS RECEIVED, AND EXERCISE OTHER POWERS NECESSARY AND
15 APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

16 (c) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE IS IN THE
17 PUBLIC INTEREST AND WILL PROMOTE THE HEALTH, SAFETY, AND WELFARE
18 OF ALL COLORADANS AND VISITORS TO THE STATE BY PROVIDING BRIDGES
19 THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN,
20 EXPERIENCE, AND SAFETY.

21 (2) (a) (I) THE STATEWIDE BRIDGE ENTERPRISE IS HEREBY
22 CREATED. THE BRIDGE ENTERPRISE SHALL BE AND SHALL OPERATE AS A
23 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT. THE
24 COMMISSION SHALL SERVE AS THE BRIDGE ENTERPRISE BOARD AND SHALL,
25 WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A BRIDGE
26 ENTERPRISE DIRECTOR WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY
27 BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD.

1 THE BRIDGE ENTERPRISE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL
2 RESPONSIBILITIES OF THE BRIDGE ENTERPRISE AND SHALL SERVE AT THE
3 PLEASURE OF THE BRIDGE ENTERPRISE BOARD.

4 (II) THE BRIDGE ENTERPRISE AND THE BRIDGE ENTERPRISE
5 DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AS
6 IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**
7 TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S.

8 (b) THE BUSINESS PURPOSE OF THE BRIDGE ENTERPRISE IS TO
9 FINANCE, REPAIR, RECONSTRUCT, AND REPLACE ANY DESIGNATED BRIDGE
10 IN THE STATE AND, AS AGREED UPON BY THE ENTERPRISE AND THE
11 COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE
12 COMMISSION, TO MAINTAIN THE BRIDGES IT FINANCES, REPAIRS,
13 RECONSTRUCTS, AND REPLACES. TO ALLOW THE BRIDGE ENTERPRISE TO
14 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
15 THROUGH THE BRIDGE ENTERPRISE BOARD, THE BRIDGE ENTERPRISE MAY:

16 (I) IMPOSE A BRIDGE SAFETY SURCHARGE AS AUTHORIZED IN
17 PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION;

18 (II) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND
19 OTHER AVAILABLE MONEYS OF THE BRIDGE ENTERPRISE PLEDGED FOR
20 THEIR PAYMENT AS AUTHORIZED IN SECTION 43-4-807; AND

21 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR
22 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS,
23 INCLUDING, BUT NOT LIMITED TO, ONE OR MORE LOANS FROM THE STATE
24 OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE TERMS OF ONE OR
25 MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO
26 PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, TO BE USED TO
27 SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

1 (c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE
2 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
3 SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
4 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS
5 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO
6 LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH
7 (c), THE BRIDGE ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS
8 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. CONSISTENT
9 WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL*
10 *v. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT
11 THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH "ENTERPRISE" STATUS
12 UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
13 GENERAL ASSEMBLY FINDS AND DECLARES THAT A BRIDGE SAFETY
14 SURCHARGE IMPOSED BY THE BRIDGE ENTERPRISE PURSUANT TO
15 PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION IS NOT A TAX BUT IS
16 INSTEAD A FEE IMPOSED BY THE BRIDGE ENTERPRISE TO DEFRAID THE COST
17 OF COMPLETING DESIGNATED BRIDGE PROJECTS THAT THE ENTERPRISE
18 PROVIDES AS A SPECIFIC SERVICE TO THE PERSONS UPON WHOM THE FEE IS
19 IMPOSED AND AT RATES REASONABLY CALCULATED BASED ON THE
20 BENEFITS RECEIVED BY SUCH PERSONS.

21 (3) (a) THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE
22 FUND, REFERRED TO IN THIS PART 8 AS THE "BRIDGE SPECIAL FUND", IS
23 HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES RECEIVED BY
24 THE BRIDGE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY REVENUES
25 FROM A BRIDGE SAFETY SURCHARGE COLLECTED PURSUANT TO PARAGRAPH
26 (g) OF SUBSECTION (5) OF THIS SECTION AND ANY MONEYS LOANED TO THE
27 ENTERPRISE BY THE STATE PURSUANT TO PARAGRAPH (r) OF SUBSECTION

1 (5) OF THIS SECTION, SHALL BE DEPOSITED INTO THE BRIDGE SPECIAL FUND.
2 THE BRIDGE ENTERPRISE BOARD MAY ESTABLISH SEPARATE ACCOUNTS
3 WITHIN THE BRIDGE SPECIAL FUND AS NEEDED IN CONNECTION WITH ANY
4 SPECIFIC DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE ALSO
5 MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE
6 BRIDGE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX
7 OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE
8 BRIDGE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH
9 THE BRIDGE ENTERPRISE BOARD, SHALL INVEST ANY MONEYS IN THE
10 BRIDGE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT
11 EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON
12 SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-807 (2), THAT ARE
13 NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE
14 TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112,
15 AND 24-36-113, C.R.S.

16 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
17 INVESTMENT OF MONEYS IN THE BRIDGE SPECIAL FUND SHALL BE CREDITED
18 TO THE BRIDGE SPECIAL FUND AND, IF APPLICABLE, TO THE APPROPRIATE
19 DESIGNATED BRIDGE PROJECT ACCOUNT. MONEYS IN THE BRIDGE SPECIAL
20 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE BRIDGE ENTERPRISE
21 FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN
22 THE BRIDGE SPECIAL FUND SHALL REMAIN IN THE BRIDGE SPECIAL FUND
23 FOR THE PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE BRIDGE
24 SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSE.

25 (c) THE BRIDGE ENTERPRISE MAY EXPEND MONEYS IN THE BRIDGE
26 SPECIAL FUND TO PAY BOND OR LOAN OBLIGATIONS, TO FUND THE
27 ADMINISTRATION, PLANNING, FINANCING, REPAIR, RECONSTRUCTION,

1 REPLACEMENT, OR MAINTENANCE OF DESIGNATED BRIDGES, AND FOR THE
2 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY
3 DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE MAY ALSO EXPEND
4 MONEYS IN THE BRIDGE SPECIAL FUND TO PAY ITS OPERATING COSTS AND
5 EXPENSES. THE BRIDGE ENTERPRISE BOARD SHALL HAVE EXCLUSIVE
6 AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN
7 THE BRIDGE SPECIAL FUND.

8 (4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE
9 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE BRIDGE ENTERPRISE
10 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
11 PRIOR TO THE RECEIPT OF BOND PROCEEDS OR REVENUES BY THE
12 ENTERPRISE. THE BRIDGE ENTERPRISE MAY ACCEPT AND EXPEND ANY
13 MONEYS SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL
14 RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD
15 OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH
16 A TRANSFER SHALL CONSTITUTE A LOAN FROM THE COMMISSION TO THE
17 BRIDGE ENTERPRISE AND SHALL NOT BE CONSIDERED A GRANT FOR
18 PURPOSES OF SECTION 20 (2) (d) OF ARTICLE X OF THE STATE
19 CONSTITUTION. AS THE BRIDGE ENTERPRISE RECEIVES SUFFICIENT
20 REVENUES IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE
21 THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF ANY LOAN
22 FROM THE STATE HIGHWAY FUND MADE BY THE COMMISSION PLUS
23 INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS LOANED
24 FROM THE STATE HIGHWAY FUND TO THE BRIDGE ENTERPRISE PURSUANT
25 TO THIS SECTION SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE
26 STATEWIDE BRIDGE ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY
27 CREATED, AND SHALL NOT BE DEPOSITED INTO THE BRIDGE SPECIAL FUND.

1 MONEYS FROM THE BRIDGE SPECIAL FUND MAY, HOWEVER, BE USED TO
2 REIMBURSE THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN
3 FROM THE STATE HIGHWAY FUND OR ANY INTEREST THEREON.

4 (5) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
5 THIS SECTION, THE BRIDGE ENTERPRISE BOARD HAS THE FOLLOWING
6 POWERS AND DUTIES:

7 (a) TO SUPERVISE AND ADVISE THE BRIDGE ENTERPRISE DIRECTOR;

8 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
9 THE CONDUCT OF ITS BUSINESS;

10 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE
11 SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING,
12 REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING DESIGNATED
13 BRIDGES;

14 (d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
15 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND
16 PERFORMANCE OF ITS DUTIES;

17 (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO
18 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY
19 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,
20 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED
21 PURPOSES;

22 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE
23 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER
24 WHICH THE BRIDGE ENTERPRISE AGREES TO FINANCE, REPAIR,
25 RECONSTRUCT, REPLACE, AND, IF ANY GIVEN AGREEMENT SO SPECIFIES,
26 MAINTAIN DESIGNATED BRIDGES AS SPECIFIED IN THE AGREEMENTS;

27 (g) (I) AS NECESSARY FOR THE ACHIEVEMENT OF ITS BUSINESS

1 PURPOSE, TO IMPOSE A BRIDGE SAFETY SURCHARGE, WHICH, EXCEPT AS
2 OTHERWISE PROVIDED IN SUBPARAGRAPHS (III) AND (VII) OF THIS
3 PARAGRAPH (g), SHALL BE IMPOSED, ON AND AFTER JULY 1, 2009, FOR ANY
4 REGISTRATION PERIOD THAT COMMENCES ON OR AFTER JULY 1, 2009, OR
5 ON AND AFTER SUCH LATER DATE AS MAY BE DETERMINED BY THE BRIDGE
6 ENTERPRISE, FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR
7 AFTER THE LATER DATE, UPON THE REGISTRATION OF ANY VEHICLE FOR
8 WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS
9 OF PART 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE
10 PROVIDED IN SUBPARAGRAPHS (IV), (V), AND (VI) OF THIS PARAGRAPH (G),
11 THE AMOUNT OF THE SURCHARGE SHALL NOT EXCEED:

12 (A) THIRTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE,
13 MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN
14 SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO THOUSAND
15 POUNDS OR LESS;

16 (B) EIGHTEEN DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE
17 THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND
18 POUNDS;

19 (C) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS
20 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND
21 POUNDS;

22 (D) TWENTY-NINE DOLLARS FOR ANY VEHICLE THAT IS A
23 PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT
24 NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

25 (E) THIRTY-TWO DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE
26 THAN SIXTEEN THOUSAND POUNDS.

27 (II) THE BRIDGE SAFETY SURCHARGE SHALL BE IMPOSED WHEN A

1 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.
2 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE
3 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME
4 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT OF REVENUE, ALL BRIDGE SAFETY SURCHARGES COLLECTED
6 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE
7 DEPARTMENT OF REVENUE SHALL FORWARD ALL BRIDGE SAFETY
8 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY BRIDGE SAFETY
9 SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO
10 THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE
11 BRIDGE SPECIAL FUND.

12 (III) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
13 ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED
14 PURSUANT TO SECTION 43-4-804 (1) (b).

15 (IV) THE AMOUNT OF THE BRIDGE SAFETY SURCHARGE IMPOSED ON
16 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS
17 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF
18 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE
19 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) AND THE
20 PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION
21 APPORTIONED TO COLORADO.

22

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23 (V) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE
24 THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH
25 (I) OF THIS PARAGRAPH (g) FOR ANY ANNUAL VEHICLE REGISTRATION
26 PERIOD COMMENCING DURING THE 2009-10 FISCAL YEAR SHALL BE
27 ONE-HALF OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN

1 SAID SUBPARAGRAPH (I).

2 (VI) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED
3 PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT
4 OF THE SURCHARGE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR
6 THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY
7 ONLY:

8 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW
9 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY
10 RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING
11 OPERATIONS; OR

12 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY
13 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR
14 RANCHER'S FARMING OR RANCHING OPERATIONS.

15 (VII) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
16 ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A
17 HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION
18 42-3-219 (1) (a), C.R.S.

19 (VIII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE
20 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE
21 REGISTRATION FEES OR SURCHARGES IMPOSED.

22 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH
23 A PRIVATE ENTITY, TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT
24 TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

25 (I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE
26 OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,
27 MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A

- 1 DESIGNATED BRIDGE PROJECT; AND
- 2 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY
- 3 DESIGNS, DEVELOPS, CONSTRUCTS, RECONSTRUCTS, REPAIRS, OPERATES,
- 4 OR MAINTAINS ALL OR ANY PORTION OF A DESIGNATED BRIDGE PROJECT ON
- 5 BEHALF OF THE BRIDGE ENTERPRISE;
- 6 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR
- 7 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD
- 8 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND
- 9 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,
- 10 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS
- 11 POWERS AND PERFORMANCE OF ITS DUTIES;
- 12 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING
- 13 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO
- 14 CARRY OUT ITS POWERS AND DUTIES;
- 15 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,
- 16 SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT
- 17 WITHIN THE STATE;
- 18 (l) IN CONNECTION WITH ANY DESIGNATED BRIDGE PROJECT, TO
- 19 ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, AND
- 20 MAINTAIN ANY DESIGNATED BRIDGE WITHIN THE STATE;
- 21 (m) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE
- 22 BRIDGE ENTERPRISE;
- 23 (n) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,
- 24 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR
- 25 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS
- 26 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;
- 27 (o) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR

1 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF
2 TITLE 11, C.R.S.;

3 (p) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,
4 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON
5 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING
6 A DESIGNATED BRIDGE PROJECT, TO ACCEPT THE ASSETS OF ANY SUCH
7 NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY
8 SUCH NONPROFIT ENTITY BY PAYING ITS BONDS, TO APPOINT OR APPROVE
9 THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH
10 NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING
11 BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

12 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
13 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO
14 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR
15 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

16 (r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS
17 UNDER THE TERMS OF ONE OR MORE LOAN CONTRACTS ENTERED INTO BY
18 THE STATE AND THE BRIDGE ENTERPRISE PURSUANT TO SUBPARAGRAPH
19 (III) OF THIS PARAGRAPH (r), TO EXPEND ANY MONEYS BORROWED FROM
20 THE STATE FOR THE PURPOSE OF COMPLETING DESIGNATED BRIDGE
21 PROJECTS AND FOR ANY OTHER AUTHORIZED PURPOSE THAT CONSTITUTES
22 THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF THE PUBLIC
23 HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF ARTICLE X OF
24 THE STATE CONSTITUTION, AND TO USE REVENUES GENERATED BY ANY
25 BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF
26 THIS SUBSECTION (5) AND ANY OTHER LEGALLY AVAILABLE MONEYS OF
27 THE BRIDGE ENTERPRISE TO REPAY THE MONEYS BORROWED AND ANY

1 OTHER AMOUNTS PAYABLE UNDER THE TERMS OF THE LOAN CONTRACT.

2 (II) IF THE BRIDGE ENTERPRISE BOARD SEEKS TO ENTER INTO A
3 CONTRACT TO BORROW MONEYS FROM THE STATE AS AUTHORIZED BY
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE BOARD SHALL PROVIDE
5 THE GOVERNOR WITH A LIST OF DESIGNATED BRIDGE PROJECTS TO BE
6 FINANCED WITH THE BORROWED MONEYS AND A STATEMENT OF BOTH THE
7 TOTAL AMOUNT OF THE LOAN REQUESTED AND THE ESTIMATED AMOUNT
8 OF THE LOAN THAT WILL BE USED TO FUND EACH PROJECT ON THE LIST. IF
9 THE GOVERNOR DETERMINES, IN THE GOVERNOR'S SOLE DISCRETION, THAT
10 LENDING MONEYS TO THE BRIDGE ENTERPRISE AS REQUESTED BY THE
11 ENTERPRISE, OR LENDING A LESSER AMOUNT OF MONEYS TO THE
12 ENTERPRISE, IS IN THE BEST INTEREST OF THE STATE, THE GOVERNOR,
13 AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
14 DEPARTMENT OF PERSONNEL AND THE STATE TREASURER, SHALL PREPARE
15 AND PROVIDE TO THE STATE TREASURER A LIST OF STATE BUILDINGS OR
16 OTHER STATE CAPITAL FACILITIES THAT THE STATE, ACTING BY AND
17 THROUGH THE STATE TREASURER, MAY SELL OR LEASE AND LEASE BACK
18 PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS
19 THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY
20 ENTER INTO PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).
21 WHEN PROVIDING THE LIST, THE GOVERNOR SHALL ALSO SPECIFY TO THE
22 STATE TREASURER THE MAXIMUM PERMITTED PRINCIPAL AMOUNT OF ANY
23 LOAN THAT MAY BE MADE TO THE BRIDGE ENTERPRISE UNDER THE TERMS
24 OF ANY LOAN CONTRACT THAT THE STATE, ACTING BY AND THROUGH THE
25 STATE TREASURER, MAY ENTER INTO PURSUANT TO SUB-SUBPARAGRAPH
26 (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

27 (III) (A) IF THE STATE TREASURER RECEIVES A LIST FROM

1 THE GOVERNOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r),
2 THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER
3 INTO A LOAN CONTRACT WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE
4 MONEY NEEDED TO MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN
5 CONTRACT BY SELLING OR LEASING ONE OR MORE OF THE STATE BUILDINGS
6 OR OTHER STATE CAPITAL FACILITIES ON THE [REDACTED] LIST. THE STATE
7 TREASURER SHALL HAVE SOLE DISCRETION TO ENTER INTO A LOAN
8 CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE AMOUNT OF
9 A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN SHALL NOT
10 EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR PURSUANT
11 TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE TREASURER
12 SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE TIMING OF THE
13 ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE SALE OR LEASE OF
14 ONE OR MORE STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES. THE
15 LOAN CONTRACT SHALL REQUIRE THE BRIDGE ENTERPRISE TO PLEDGE TO
16 THE STATE ALL OR A PORTION OF THE REVENUES OF ANY BRIDGE
17 SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION
18 (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO REQUIRE THE
19 ENTERPRISE TO PLEDGE TO THE STATE ANY OTHER LEGALLY AVAILABLE
20 REVENUES OF THE ENTERPRISE. ANY LOAN CONTRACT ENTERED INTO BY
21 THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE
22 BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY
23 PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN
24 CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY
25 BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT
26 LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT
27 OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR

1 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS
2 SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS
3 TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER
4 SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY
5 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r),
6 A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO
7 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO
8 ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO
9 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r).

10 (B) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,
11 MAY ENTER INTO ONE OR MORE LEASE-PURCHASE AGREEMENTS WITH
12 RESPECT TO THE STATE BUILDINGS OR OTHER CAPITAL FACILITIES SOLD OR
13 LEASED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH
14 (III) WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION, TRUST, OR
15 COMMERCIAL BANK ACTING AS A TRUSTEE, AS THE LESSOR.

16 (C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
17 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE
18 THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT
19 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN
20 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

21 (D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT
22 TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL ALSO
23 PROVIDE THAT THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT
24 SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF
25 THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE
26 CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE
27 CREATION OF INDEBTEDNESS BY THE STATE, AND SHALL NOT CONSTITUTE

1 A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL
2 OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF
3 ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW
4 A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
5 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE SOLE SECURITY
6 AVAILABLE TO THE LESSOR SHALL BE THE PROPERTY THAT IS THE SUBJECT
7 OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

8 (IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED
9 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS
10 PARAGRAPH (r) MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS
11 AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, MAY DEEM
12 APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH
13 LEASE-PURCHASE AGREEMENT SHALL SPECIFICALLY AUTHORIZE THE STATE
14 TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE
15 SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR TO THE
16 EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT UPON
17 PAYMENT OF ALL AMOUNTS PAYABLE UNDER THE TERMS OF THE
18 LEASE-PURCHASE AGREEMENT AND ANY AMOUNT REQUIRED TO BE PAID TO
19 REMOVE LIENS OR ENCUMBRANCES ON OR CLAIMS WITH RESPECT TO THE
20 PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT,
21 INCLUDING, BUT NOT LIMITED TO, LIENS, ENCUMBRANCES, OR CLAIMS
22 RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO
23 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS
24 PARAGRAPH (r). ANY TITLE TO SUCH PROPERTY RECEIVED BY THE STATE
25 ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE
26 AGREEMENT SHALL BE HELD FOR THE BENEFIT AND USE OF THE STATE.

27 (B) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO

1 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
2 MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND SALE OF
3 INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND OTHER
4 PAYMENTS MADE AND TO BE MADE UNDER THE LEASE-PURCHASE
5 AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR SOLD
6 ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR AND
7 NOT BY THE STATE. THE INSTRUMENTS SHALL NOT CREATE A
8 RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE
9 STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE
10 PURCHASERS. THE INSTRUMENTS SHALL NOT BE NOTES, BONDS, OR ANY
11 OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING
12 OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE STATE
13 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE STATE
14 AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR
15 INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN
16 THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE
17 CONSTITUTION.

18 (C) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT
19 AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH
20 (III) OF THIS PARAGRAPH (r), INCLUDING INTEREST REPRESENTED BY THE
21 INSTRUMENTS, SHALL BE EXEMPT FROM STATE INCOME TAX.

22 (V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,
23 MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED
24 NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE
25 AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF
26 SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED
27 TO DEEDS, LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS

1 RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED
2 OR AN AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (VII) OF
3 THIS PARAGRAPH (r).

4 (VI) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., SHALL
5 NOT APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
6 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
7 OR ANY ANCILLARY AGREEMENT OR INSTRUMENT OR INTEREST RATE
8 EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V)
9 OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH
10 (r). ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO
11 SECTION 24-30-202 (1) AND (13), C.R.S., THAT THE STATE CONTROLLER
12 DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A
13 LEASE-PURCHASE AGREEMENT, ANCILLARY AGREEMENT OR
14 INSTRUMENT, OR INTEREST RATE EXCHANGE AGREEMENT MAY BE WAIVED
15 BY THE CONTROLLER OR HIS OR HER DESIGNEE.

16 (VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT
17 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS
18 PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE
19 INCREASES, THE LESSOR UNDER ANY LEASE-PURCHASE AGREEMENT OR THE
20 STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE
21 DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST
22 RATE EXCHANGE AGREEMENT IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE
23 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO
24 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
25 SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF ARTICLE
26 59.3 OF TITLE 11, C.R.S.

27 (B) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS

1 SUBPARAGRAPH (VII) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE
2 STATE SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN
3 INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF
4 THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR
5 LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE AND SHALL NOT
6 CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR
7 OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF
8 SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

9 (C) ANY MONEYS RECEIVED BY THE STATE UNDER AN AGREEMENT
10 ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE USED TO
11 MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO
12 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
13 PARAGRAPH (r).

14 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
15 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
16 GRANTED IN THIS SECTION.

17 (6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN
18 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL
19 PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF
20 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER
21 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE
22 BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF
23 THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A
24 STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE
25 OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE
26 ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY
27 CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE

1 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND
2 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON
3 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE
4 YEAR IN WHICH THE REPORT IS PRESENTED.

5 **43-4-806. High-performance transportation enterprise -**
6 **creation - board - funds - powers and duties - limitations - reporting**
7 **requirements - legislative declaration.** (1) == THE GENERAL ASSEMBLY
8 HEREBY FINDS AND DECLARES THAT:

9 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF
10 THE STATE FOR THE STATE TO AGGRESSIVELY PURSUE INNOVATIVE MEANS
11 OF MORE EFFICIENTLY FINANCING IMPORTANT SURFACE TRANSPORTATION
12 INFRASTRUCTURE PROJECTS THAT WILL IMPROVE THE SAFETY, CAPACITY,
13 AND ACCESSIBILITY OF THE SURFACE TRANSPORTATION SYSTEM, CAN
14 FEASIBLY BE COMMENCED IN A REASONABLE AMOUNT OF TIME, WILL
15 ALLOW MORE EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION
16 THROUGHOUT THE STATE, AND WILL ACCELERATE THE ECONOMIC
17 RECOVERY OF THE STATE;

18 (b) SUCH INNOVATIVE MEANS OF FINANCING PROJECTS INCLUDE,
19 BUT ARE NOT LIMITED TO, PUBLIC-PRIVATE PARTNERSHIPS, OPERATING
20 CONCESSION AGREEMENTS, USER FEE-BASED PROJECT FINANCING, AND
21 AVAILABILITY PAYMENT AND DESIGN-BUILD CONTRACTING; AND

22 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
23 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS
24 SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE
25 PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE
26 TRANSPORTATION INFRASTRUCTURE PROJECTS == == == AND THAT THIS
27 SECTION BE BROADLY CONSTRUED TO ALLOW THE TRANSPORTATION

1 ENTERPRISE SUFFICIENT FLEXIBILITY, CONSISTENT WITH THE
2 REQUIREMENTS OF THE STATE CONSTITUTION, TO PURSUE ANY AVAILABLE
3 MEANS OF FINANCING SUCH SURFACE TRANSPORTATION INFRASTRUCTURE
4 PROJECTS THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS.

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6 (2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
7 IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE
8 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL
9 BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION
10 ENTERPRISE SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

11 (A) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH OF WHOM
12 SHALL HAVE PROFESSIONAL EXPERTISE IN TRANSPORTATION PLANNING OR
13 DEVELOPMENT, LOCAL GOVERNMENT, DESIGN-BUILD CONTRACTING,
14 PUBLIC OR PRIVATE FINANCE, ENGINEERING, ENVIRONMENTAL ISSUES, OR
15 ANY OTHER AREA THAT THE GOVERNOR BELIEVES WILL BENEFIT THE
16 BOARD IN THE EXECUTION OF ITS POWERS AND PERFORMANCE OF ITS
17 DUTIES. THE GOVERNOR SHALL APPOINT ONE MEMBER WHO RESIDES
18 WITHIN THE PLANNING AREA OF THE DENVER REGIONAL COUNCIL OF
19 GOVERNMENTS, ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA
20 OF THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, ONE MEMBER WHO
21 RESIDES WITHIN THE PLANNING AREA OF THE NORTH FRONT RANGE
22 METROPOLITAN PLANNING ORGANIZATION, AND ONE MEMBER WHO RESIDES
23 WITHIN THE INTERSTATE 70 MOUNTAIN CORRIDOR.

24 (B) THREE MEMBERS OF THE COMMISSION APPOINTED BY
25 RESOLUTION OF THE COMMISSION.

26 (II) INITIAL APPOINTMENTS TO THE TRANSPORTATION ENTERPRISE
27 BOARD SHALL BE MADE NO LATER THAN JULY 1, 2009. MEMBERS OF THE

1 BOARD SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY
2 AND WITHOUT COMPENSATION. VACANCIES IN THE MEMBERSHIP OF THE
3 TRANSPORTATION ENTERPRISE BOARD SHALL BE FILLED IN THE SAME
4 MANNER AS REGULAR APPOINTMENTS.

5 (III) (A) THE TRANSPORTATION ENTERPRISE AND THE
6 TRANSPORTATION ENTERPRISE DIRECTOR SHALL EXERCISE THEIR POWERS
7 AND PERFORM THEIR DUTIES AS IF THE SAME WERE TRANSFERRED TO THE
8 DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,
9 C.R.S.

10 (B) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE
11 COMMISSION PURSUANT TO SECTION 43-4-803 (1), PRIOR TO THE REPEAL
12 AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-108, ENACTED
13 IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY
14 A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., TO THE
15 TRANSPORTATION ENTERPRISE, AND THE STATEWIDE TOLLING ENTERPRISE
16 IS ABOLISHED.

17 (b) THE TRANSPORTATION ENTERPRISE BOARD SHALL, WITH THE
18 CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE
19 ENTERPRISE WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE
20 ESTABLISHED BY THE BOARD AND THE STATE PERSONNEL BOARD. THE
21 DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF
22 THE TRANSPORTATION ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF
23 THE BOARD.

24 (c) THE BUSINESS PURPOSE OF THE TRANSPORTATION ENTERPRISE
25 IS TO PURSUE PUBLIC-PRIVATE PARTNERSHIPS AND OTHER INNOVATIVE AND
26 EFFICIENT MEANS OF COMPLETING SURFACE TRANSPORTATION
27 INFRASTRUCTURE PROJECTS. TO ALLOW THE TRANSPORTATION ENTERPRISE

1 TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND
2 DUTIES THROUGH THE TRANSPORTATION ENTERPRISE BOARD, THE
3 TRANSPORTATION ENTERPRISE MAY:

4 (I) SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 43-4-808
5 (3), IMPOSE USER FEES FOR THE PRIVILEGE OF USING SURFACE
6 TRANSPORTATION INFRASTRUCTURE;

7 (II) ISSUE OR REISSUE REVENUE BONDS PAYABLE FROM THE
8 REVENUES AND OTHER AVAILABLE MONEYS OF THE TRANSPORTATION
9 ENTERPRISE PLEDGED FOR THEIR PAYMENT AS AUTHORIZED IN SECTION
10 43-4-807;

11 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR
12 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS TO BE
13 USED TO SUPPORT TRANSPORTATION ENTERPRISE FUNCTIONS; AND

14 (IV) SEEK OUT AND ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS.

15 (d) THE TRANSPORTATION ENTERPRISE SHALL CONSTITUTE AN
16 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
17 CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE
18 BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN
19 GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS
20 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO
21 THIS PARAGRAPH (d), THE TRANSPORTATION ENTERPRISE SHALL NOT BE
22 SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE
23 CONSTITUTION.

24 (3) (a) THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL
25 REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "TRANSPORTATION
26 SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL
27 REVENUES RECEIVED BY THE TRANSPORTATION ENTERPRISE, INCLUDING

1 ANY REVENUES FROM USER FEES COLLECTED PURSUANT TO SUBPARAGRAPH
2 (I) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, SHALL BE
3 DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. THE
4 TRANSPORTATION ENTERPRISE BOARD MAY ESTABLISH SEPARATE
5 ACCOUNTS WITHIN THE TRANSPORTATION SPECIAL FUND AS NEEDED IN
6 CONNECTION WITH ANY SPECIFIC SURFACE TRANSPORTATION
7 INFRASTRUCTURE PROJECT. THE TRANSPORTATION ENTERPRISE ALSO MAY
8 DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE
9 TRANSPORTATION SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM
10 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED
11 INTO THE TRANSPORTATION SPECIAL FUND. THE STATE TREASURER, AFTER
12 CONSULTING WITH THE TRANSPORTATION ENTERPRISE BOARD, SHALL
13 INVEST ANY MONEYS IN THE TRANSPORTATION SPECIAL FUND, INCLUDING
14 ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE
15 SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT
16 SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH
17 MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN
18 SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

19 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
20 INVESTMENT OF MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
21 CREDITED TO THE TRANSPORTATION SPECIAL FUND AND, IF APPLICABLE, TO
22 THE APPROPRIATE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
23 ACCOUNT. MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
24 CONTINUOUSLY APPROPRIATED TO THE TRANSPORTATION ENTERPRISE FOR
25 THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE
26 TRANSPORTATION SPECIAL FUND SHALL REMAIN IN THE FUND FOR THE
27 PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE FUND SHALL BE

1 USED FOR ANY OTHER PURPOSE.

2 (c) THE TRANSPORTATION ENTERPRISE SHALL PREPARE A SEPARATE
3 ANNUAL ACCOUNTING OF THE USER FEES COLLECTED FROM ANY SURFACE
4 TRANSPORTATION INFRASTRUCTURE PROJECT UPON WHICH ANY USER FEE
5 IS IMPOSED; EXCEPT THAT A PARTNER OF THE ENTERPRISE MAY PREPARE
6 THE ANNUAL ACCOUNTING FOR A PROJECT UPON WHICH IT IMPOSES A USER
7 FEE PURSUANT TO THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

8 (d) THE TRANSPORTATION ENTERPRISE MAY EXPEND MONEYS IN
9 THE TRANSPORTATION SPECIAL FUND TO PAY BOND OBLIGATIONS, TO FUND
10 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, AND FOR THE
11 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY
12 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE
13 TRANSPORTATION ENTERPRISE MAY ALSO EXPEND MONEYS IN THE
14 TRANSPORTATION SPECIAL FUND TO PAY ITS OPERATING COSTS AND
15 EXPENSES. THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE
16 EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF
17 MONEYS IN THE TRANSPORTATION SPECIAL FUND.

18 (4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE
19 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE TRANSPORTATION
20 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
21 TRANSPORTATION ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS
22 OR REVENUES BY THE ENTERPRISE. THE TRANSPORTATION ENTERPRISE
23 MAY ACCEPT AND EXPEND ANY MONEYS SO TRANSFERRED, AND,
24 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
25 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
26 REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER SHALL CONSTITUTE
27 A LOAN FROM THE COMMISSION TO THE TRANSPORTATION ENTERPRISE AND

1 SHALL NOT BE CONSIDERED A GRANT FOR PURPOSES OF SECTION 20 (2) (d)
2 OF ARTICLE X OF THE STATE CONSTITUTION. AS THE TRANSPORTATION
3 ENTERPRISE RECEIVES SUFFICIENT REVENUES IN EXCESS OF EXPENDITURES,
4 THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE
5 PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE COMMISSION PLUS
6 INTEREST AT A RATE SET BY THE COMMISSION. ANY MONEYS LOANED TO
7 THE TRANSPORTATION ENTERPRISE PURSUANT TO THIS SECTION SHALL BE
8 DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE
9 TRANSPORTATION ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY
10 CREATED, AND SHALL NOT BE DEPOSITED INTO THE TRANSPORTATION
11 SPECIAL FUND. MONEYS FROM THE TRANSPORTATION SPECIAL FUND MAY,
12 HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE
13 AMOUNT OF ANY LOAN OR ANY INTEREST THEREON.

14 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
15 USER FEE REVENUES SHALL BE EXPENDED ONLY FOR PURPOSES
16 AUTHORIZED BY SUBSECTION (3) OF THIS SECTION AND ONLY FOR THE
17 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH THEY
18 WERE COLLECTED, TO ADDRESS ONGOING CONGESTION MANAGEMENT
19 NEEDS RELATED TO THE PROJECT, OR AS A PORTION OF THE EXPENDITURES
20 MADE FOR ANOTHER SURFACE TRANSPORTATION INFRASTRUCTURE
21 PROJECT THAT IS INTEGRATED WITH THE PROJECT AS PART OF A SURFACE
22 TRANSPORTATION SYSTEM; EXCEPT THAT THE TRANSPORTATION
23 ENTERPRISE BOARD MAY USE USER FEE REVENUES FROM EACH SURFACE
24 TRANSPORTATION INFRASTRUCTURE PROJECT IN PROPORTION TO THE
25 TOTAL AMOUNT OF SUCH REVENUES GENERATED BY THE PROJECT TO PAY
26 OVERHEAD OF THE TRANSPORTATION ENTERPRISE.

27 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN

1 THIS SECTION, THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE THE
2 FOLLOWING POWERS AND DUTIES:

3 (a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE
4 DIRECTOR;

5 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
6 THE CONDUCT OF ITS BUSINESS;

7 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE
8 TRANSPORTATION SPECIAL FUND, FOR THE PURPOSE OF COMPLETING
9 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS;

10 (d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
11 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND
12 PERFORMANCE OF ITS DUTIES;

13 (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO
14 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY
15 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,
16 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED
17 PURPOSES;

18 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE
19 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER
20 WHICH THE TRANSPORTATION ENTERPRISE AGREES TO COMPLETE SURFACE
21 TRANSPORTATION INFRASTRUCTURE PROJECTS AS SPECIFIED IN THE
22 AGREEMENTS;

23 (g) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH
24 ANY PRIVATE OR PUBLIC ENTITY TO FACILITATE A PUBLIC-PRIVATE
25 PARTNERSHIP, INCLUDING, BUT NOT LIMITED TO:

26 (I) AN AGREEMENT PURSUANT TO WHICH THE TRANSPORTATION
27 ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT

1 OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN
2 CONNECTION WITH A SURFACE TRANSPORTATION INFRASTRUCTURE
3 PROJECT; OR

4 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY
5 COMPLETES ALL OR ANY PORTION OF A SURFACE TRANSPORTATION
6 INFRASTRUCTURE PROJECT ON BEHALF OF THE TRANSPORTATION
7 ENTERPRISE;

8 (h) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR
9 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD
10 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND
11 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,
12 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS
13 POWERS AND PERFORMANCE OF ITS DUTIES;

14 (i) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING
15 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO
16 CARRY OUT ITS POWERS AND DUTIES;

17 (j) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,
18 SPECIFICATIONS, OR ESTIMATES FOR ANY SURFACE TRANSPORTATION
19 INFRASTRUCTURE PROJECT WITHIN THE STATE;

20 (k) IN CONNECTION WITH ANY SURFACE TRANSPORTATION
21 INFRASTRUCTURE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT,
22 REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION
23 INFRASTRUCTURE WITHIN THE STATE;

24 (l) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE
25 TRANSPORTATION ENTERPRISE;

26 (m) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,
27 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR

1 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS
2 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

3 (n) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR
4 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF
5 TITLE 11, C.R.S.;

6 (o) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,
7 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON
8 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING
9 A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, TO ACCEPT THE
10 ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO
11 ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING ITS
12 BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE
13 GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE
14 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR
15 CAUSE;

16 (p) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
17 TRANSPORTATION ENTERPRISE TO THE DEPARTMENT TO THE EXTENT
18 NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE
19 TRANSPORTATION INFRASTRUCTURE PROJECT OR FOR ANY OTHER PURPOSE
20 AUTHORIZED IN THIS PART 8; AND

21 (q) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
22 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
23 GRANTED IN THIS SECTION.

24 (7) (a) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN
25 SUBSECTION (6) OF THIS SECTION, THE TRANSPORTATION ENTERPRISE
26 BOARD HAS THE DUTY TO EVALUATE ANY TOLL HIGHWAY IN THE STATE
27 THAT IS OWNED AND OFFERED FOR SALE OR FOR LEASE AND AN OPERATING

1 CONCESSION BY AN ENTITY OTHER THAN THE STATE IN ORDER TO
2 DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE STATE FOR THE
3 TRANSPORTATION ENTERPRISE TO PURCHASE OR LEASE THE TOLL HIGHWAY
4 OR A PARTIAL INTEREST IN THE TOLL HIGHWAY THAT IS BEING OFFERED FOR
5 SALE, LEASE, OR CONCESSION OR ENTER INTO A PUBLIC-PRIVATE
6 PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY. IN EVALUATING
7 A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD SHALL
8 CONSIDER THE FINANCIAL COSTS AND BENEFITS TO THE STATE AND USERS
9 OF THE TOLL HIGHWAY OF PURCHASING OR LEASING THE TOLL HIGHWAY OR
10 A PARTIAL INTEREST IN THE TOLL HIGHWAY OR ENTERING INTO A
11 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY;
12 THE EFFECT OF SUCH A PURCHASE, LEASE, OR PUBLIC-PRIVATE
13 PARTNERSHIP ON STATEWIDE, REGIONAL, OR LOCAL TRANSPORTATION
14 PLANS PREVIOUSLY ADOPTED AND ON FUTURE TRANSPORTATION
15 PLANNING; AND ANY OTHER FACTORS DEEMED SIGNIFICANT BY THE BOARD.
16 IN CONSIDERING THE EFFECT ON REGIONAL OR LOCAL TRANSPORTATION
17 PLANS, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSULT WITH
18 THE APPROPRIATE REGIONAL OR LOCAL TRANSPORTATION PLANNING
19 AGENCY. SUBJECT TO CRITERIA, PROCEDURES, PROCESSES, AND RULES
20 ESTABLISHED BY THE ENTITY OTHER THAN THE STATE OFFERING THE TOLL
21 HIGHWAY FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION
22 INCLUDING, WITHOUT LIMITATION, PROVISIONS FOR REJECTING ALL BIDS OR
23 PROPOSALS AND SHORT-LISTING BIDDERS AND PROPOSERS, AND WITHOUT
24 ANY SPECIAL CONSIDERATION FOR EITHER PUBLIC OR PRIVATE SECTOR
25 INTERESTS THAT MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL
26 HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD MAY BID ON OR
27 PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY OR A PARTIAL INTEREST

1 IN A TOLL HIGHWAY SO OFFERED WITHOUT CHANGE OR DELAY OF SUCH
2 CRITERIA, PROCEDURES, PROCESSES, AND RULES OR MAY ENTER INTO A
3 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH A TOLL HIGHWAY AND
4 MAY FINANCE ALL OR A PORTION OF THE PURCHASE OR LEASE OF A TOLL
5 HIGHWAY OR A PUBLIC-PRIVATE PARTNERSHIP ENTERED INTO IN
6 CONNECTION WITH A TOLL HIGHWAY BY ISSUING BONDS AS AUTHORIZED BY
7 SECTION 43-4-807 IF THE BOARD DETERMINES THAT THE PURCHASE, LEASE,
8 OR PUBLIC-PRIVATE PARTNERSHIP IS IN THE BEST INTERESTS OF THE STATE.
9 FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED
10 BY THE DEPARTMENT AND MANAGED BY THE TRANSPORTATION
11 ENTERPRISE BOARD. AN ENTITY OTHER THAN THE STATE SHALL CONSIDER
12 AND REPRESENT THE INTERESTS OF ITS CONSTITUENCY AT ALL TIMES
13 DURING AND AFTER THE EVALUATION PROCESS CONDUCTED BY THE
14 TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

15 (b) FOR PURPOSES OF THIS SUBSECTION (7), "ENTITY OTHER THAN
16 THE STATE" MEANS A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT
17 TO SECTION 43-4-504, A REGIONAL TRANSPORTATION AUTHORITY CREATED
18 PURSUANT TO SECTION 43-4-603, A TOLL ROAD OR TOLL HIGHWAY
19 COMPANY FORMED PURSUANT TO SECTION 7-45-101, C.R.S., OR ANY
20 OTHER NATURAL PERSON OR ENTITY OTHER THAN THE STATE OR A
21 DEPARTMENT OR AGENCY OF THE STATE THAT MAY OWN A TOLL HIGHWAY.

22 (c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE
23 THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY
24 TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER
25 INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL
26 HIGHWAY.

27 (8) (a) WHEN THE TRANSPORTATION ENTERPRISE BOARD DECIDES

1 TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE
2 TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL
3 TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERNS,
4 THE BOARD SHALL INVITE EVERY METROPOLITAN PLANNING ORGANIZATION
5 OR OTHER TRANSPORTATION PLANNING REGION WITH PLANNING
6 RESPONSIBILITY FOR ANY AREA IN WHICH THE PROJECT WILL BE LOCATED
7 AND EVERY AFFECTED PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN
8 SECTION 43-1-102 (5), PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT
9 TO PART 5 OF THIS ARTICLE, AND REGIONAL TRANSPORTATION AUTHORITY
10 CREATED PURSUANT TO PART 6 OF THIS ARTICLE TO COLLABORATE WITH
11 THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE
12 PROJECT. THE TRANSPORTATION ENTERPRISE BOARD AND A
13 METROPOLITAN PLANNING ORGANIZATION, TRANSPORTATION PLANNING
14 REGION, PUBLIC MASS TRANSIT OPERATOR, PUBLIC HIGHWAY AUTHORITY,
15 OR REGIONAL TRANSPORTATION AUTHORITY MAY ENTER INTO AN
16 INTERGOVERNMENTAL AGREEMENT TO DEFINE THE DEGREE OF
17 COLLABORATION AND ANY SHARING OF COSTS AND REVENUES. THE
18 TRANSPORTATION ENTERPRISE BOARD, IN COLLABORATION WITH THOSE
19 METROPOLITAN PLANNING ORGANIZATIONS, TRANSPORTATION PLANNING
20 REGIONS, PUBLIC MASS TRANSIT OPERATORS, AND AUTHORITIES THAT ARE
21 ENTITLED TO AND WISH TO COLLABORATE WITH THE BOARD, MAY DEVELOP
22 A PLAN FOR THE COMPLETION OF THE SURFACE TRANSPORTATION
23 INFRASTRUCTURE PROJECT THAT ADDRESSES THE FEASIBILITY OF THE
24 PROJECT, THE TECHNOLOGY TO BE UTILIZED, PROJECT FINANCING, AND ANY
25 OTHER FEDERALLY REQUIRED INFORMATION.

26 (b) IN ORDER TO ENSURE THAT THE LIMITED RESOURCES AVAILABLE
27 FOR THE COMPLETION OF MAJOR SURFACE TRANSPORTATION

1 INFRASTRUCTURE PROJECTS ARE ALLOCATED ONLY TO PROJECTS DEEMED
2 ESSENTIAL BY ALL IMPACTED METROPOLITAN PLANNING ORGANIZATIONS
3 AND OTHER TRANSPORTATION PLANNING REGIONS, EVERY METROPOLITAN
4 PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION
5 THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF A PROPOSED
6 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT WILL ADD
7 SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTER
8 TRAFFIC PATTERNS IS TO BE COMPLETED SHALL HAVE THE RIGHT TO
9 PARTICIPATE IN THE PLANNING AND DEVELOPMENT, AND APPROVE THE
10 COMPLETION, OF THE PROJECT. THE RIGHT OF PARTICIPATION SHALL
11 EXTEND, WITHOUT LIMITATION, TO DECISIONS REGARDING THE SCOPE OF
12 THE PROJECT, THE TYPE OF SURFACE TRANSPORTATION INFRASTRUCTURE
13 TO BE PROVIDED, PROJECT FINANCING, ALLOCATION OF PROJECT REVENUES,
14 AND THE MANNER IN WHICH ANY USER FEES ARE TO BE IMPOSED. A
15 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT SHALL NOT
16 PROCEED PAST THE PLANNING STAGE UNTIL ALL METROPOLITAN PLANNING
17 ORGANIZATIONS ENTITLED TO PARTICIPATE IN THE PLANNING,
18 DEVELOPMENT, AND APPROVAL PROCESS, INCLUDING THE
19 TRANSPORTATION ENTERPRISE AND ANY PARTNER OF THE ENTERPRISE
20 UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP, HAVE APPROVED
21 THE PROJECT.

22 (9)(a) THE TRANSPORTATION ENTERPRISE SHALL NOT SUPPLANT OR
23 DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT
24 OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC
25 HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR
26 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6
27 OF THIS ARTICLE EXCEPT AS DESCRIBED IN DETAIL IN AN

1 INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACTUAL AGREEMENT
2 ENTERED INTO BY THE TRANSPORTATION ENTERPRISE AND THE OPERATOR,
3 RAILROAD, OR AUTHORITY. THE CREATION OF AND UNDERTAKING OF
4 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS BY THE
5 TRANSPORTATION ENTERPRISE PURSUANT TO THIS PART 8 IS NOT INTENDED
6 TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM
7 FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL
8 TRANSPORTATION AUTHORITY.

9 (b) MONEYS MADE AVAILABLE FOR ANY SURFACE
10 TRANSPORTATION INFRASTRUCTURE PROJECT PURSUANT TO THIS PART 8
11 SHALL NOT BE USED TO SUPPLANT EXISTING OR BUDGETED DEPARTMENT
12 FUNDING FOR ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE
13 TERRITORY OF ANY TRANSPORTATION PLANNING REGION, AS DEFINED IN
14 SECTION 43-1-1102 (8), THAT INCLUDES ANY PORTION OF THE PROJECT.

15 (10) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN
16 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE TRANSPORTATION
17 ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE
18 OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER
19 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE
20 TRANSPORTATION ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A
21 SUMMARY OF THE STATUS OF ANY CURRENT SURFACE TRANSPORTATION
22 INFRASTRUCTURE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES
23 AND EXPENSES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES
24 THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE
25 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND
26 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON
27 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE

1 YEAR IN WHICH THE REPORT IS PRESENTED.

2 **43-4-807. Bonds - investments - bonds eligible for investment**

3 **and exempt from taxation.** (1) (a) BOTH THE BRIDGE ENTERPRISE AND

4 THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS

5 FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED

6 PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE

7 TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT

8 OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL

9 FUND OR THE TRANSPORTATION SPECIAL FUND AS THE CASE MAY BE.

10 (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING

11 ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS

12 AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO

13 OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR

14 WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER

15 FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR

16 SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS

17 AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE

18 THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN

19 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER

20 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,

21 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE

22 OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION

23 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO

24 PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE;

25 MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH

26 OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR

27 MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL

1 SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER
2 OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME;
3 MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST
4 COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF
5 THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT
6 INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF
7 THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO
8 BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING
9 ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING
10 FULL TRUST POWERS.

11 (c) BONDS OF THE ISSUING ENTERPRISE MAY BE SOLD AT PUBLIC OR
12 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH
13 TIMES AS DETERMINED BY THE BOARD OF THE ISSUING ENTERPRISE, AND
14 THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT
15 DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF
16 THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO
17 RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX
18 INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL
19 AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF
20 THE ISSUING ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED
21 BY THE ISSUING ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S.
22 ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE
23 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

24 (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
25 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE BRIDGE
26 SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND, AS THE CASE MAY
27 BE; MAY, RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE

1 BRIDGE ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED
2 BY, A BRIDGE SAFETY SURCHARGE AUTHORIZED BY SECTION 43-4-805 (5)
3 (g) OR ALL OR A PORTION OF THE RIGHTS OF THE TRANSPORTATION
4 ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY
5 USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-806; MAY
6 CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS
7 AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING
8 ENTERPRISE DEEMS APPROPRIATE; MAY SET FORTH THE RIGHTS AND
9 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN
10 PROVISIONS THAT THE ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE
11 SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED
12 TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT
13 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF
14 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

15 (e) ANY PLEDGE OF THE BRIDGE SPECIAL FUND, THE
16 TRANSPORTATION SPECIAL FUND, OR OTHER PROPERTY MADE BY AN
17 ISSUING ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH
18 WHICH AN ISSUING ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING
19 FROM THE TIME THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR
20 OTHER PLEDGED PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN
21 OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND
22 THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL
23 PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
24 AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING
25 PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE
26 IS CREATED NEED NOT BE RECORDED OR FILED.

27 (f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING

1 ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON
2 EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR
3 SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE
4 THEREOF.

5 (g) AN ISSUING ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY
6 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH
7 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE
8 HOLDERS THEREOF.

9 (2) AN ISSUING ENTERPRISE MAY INVEST OR DEPOSIT ANY
10 PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER
11 PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, AN
12 ISSUING ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS
13 SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS
14 AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE
15 SPECIFIED BY SAID PART 6 IF THE BOARD OF THE ISSUING ENTERPRISE
16 DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS
17 THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS
18 AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR
19 DEPOSITS SPECIFIED BY SAID PART 6, AND THE INVESTMENT WILL ASSIST
20 THE ISSUING ENTERPRISE IN THE COMPLETION OF A DESIGNATED BRIDGE
21 PROJECT OR OTHER AUTHORIZED SURFACE TRANSPORTATION
22 INFRASTRUCTURE PROJECT.

23 (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN
24 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,
25 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST
26 ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS
27 PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S.,

1 MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF THE BONDS SATISFY
2 THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75
3 OF TITLE 24, C.R.S.

4 (4) THE INCOME OR OTHER REVENUES OF THE BRIDGE ENTERPRISE
5 AND THE TRANSPORTATION ENTERPRISE, ALL PROPERTIES AT ANY TIME
6 OWNED BY EITHER ENTERPRISE, BONDS ISSUED BY EITHER ENTERPRISE, AND
7 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY EITHER
8 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN
9 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,
10 THE ISSUING ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL
11 INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY AN
12 ISSUING ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE
13 51 OF TITLE 11, C.R.S.

14 **43-4-808. Toll highways - special provisions - limitations.**

15 (1) THE TRANSPORTATION ENTERPRISE OR ANY PARTNER OF THE
16 ENTERPRISE OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE
17 THAT IS A TOLL HIGHWAY UNDER THE TERMS OF A PUBLIC-PRIVATE
18 PARTNERSHIP SHALL, IN OPERATING THE TOLL HIGHWAY:

19 (a) ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO THE TOLL
20 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF
21 VEHICLES TRAVEL UPON THE TOLL HIGHWAY; EXCEPT THAT THE
22 ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY
23 LANES FOR HIGH-OCCUPANCY VEHICLE USE ONLY AND MAY RESTRICT
24 ACCESS TO VEHICLES CARRYING HAZARDOUS MATERIALS OR OTHER
25 VEHICLES TO THE EXTENT NECESSARY TO PROTECT THE HEALTH AND
26 SAFETY OF THE PUBLIC; AND

27 (b) ALLOW ANY PUBLIC TRANSPORTATION VEHICLE TO TRAVEL ON

1 THE TOLL HIGHWAY WITHOUT PAYING A USER FEE.

2 (2) (a) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY
3 MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE
4 TRANSPORTATION ENTERPRISE'S REGULATIONS REGARDING TOLL
5 COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE
6 OF THE TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT
7 AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL
8 ENFORCEMENT AGREEMENTS WITH THE TRANSPORTATION ENTERPRISE.
9 ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY
10 PURSUANT TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO
11 ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW
12 ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES
13 PURSUANT TO THE AGREEMENT.

14 (b) THE TRANSPORTATION ENTERPRISE MAY ADOPT, BY
15 RESOLUTION OF THE TRANSPORTATION ENTERPRISE BOARD, RULES
16 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING
17 A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY
18 THE TRANSPORTATION ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT
19 LESS THAN TEN DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS
20 IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE TRANSPORTATION
21 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT
22 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO
23 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.
24 THE USE OF STATE OF THE ART TECHNOLOGY TO AID IN ENFORCEMENT OF
25 TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY THIS SECTION.

26 (c) (I) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE
27 TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY

1 ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER
2 AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE THE
3 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL
4 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL
5 ORDINANCE, FOR TOLL EVASION.

6 (II) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE
7 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN
8 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR
9 A MUNICIPAL SUMMONS AND COMPLAINT.

10 (III) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, THE
11 NOTICE SHALL BE TENDERED BY A PEACE OFFICER AS DESCRIBED IN
12 SECTION 16-2.5-101, C.R.S., AND SHALL CONTAIN THE NAME AND ADDRESS
13 OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE
14 NUMBER OF THE MOTOR VEHICLE, THE PERSON'S DRIVER'S LICENSE
15 NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY
16 PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR
17 THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE PERSON'S
18 RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR THE
19 PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE
20 CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED
21 BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR FOR
22 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION IF THE
23 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY ARE NOT PAID WITHIN TWENTY
24 DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED
25 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY
26 ASSESSMENT NOTICE.

27 (IV) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT

1 THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON
2 CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE
3 TRANSPORTATION ENTERPRISE AT THE OFFICE OF THE ENTERPRISE OR THE
4 ENTERPRISE'S COLLECTION DESIGNEE EITHER IN PERSON OR BY
5 POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE
6 PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL
7 PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY
8 ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR
9 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION, AND THE
10 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
11 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE MANNER
12 SPECIFIED IN THE NOTICE.

13 (V) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE
14 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT
15 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO
16 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE
17 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON
18 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL
19 EVASION EXCEED THE LIMIT ESTABLISHED IN PARAGRAPH (b) OF THIS
20 SUBSECTION (2).

21 (d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,
22 AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES
23 ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE
24 USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL
25 PENALTY RULES ENACTED BY THE TRANSPORTATION ENTERPRISE. VENUE
26 FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY
27 AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL

1 ORDINANCE, STATE LAW, OR RULE OF THE TRANSPORTATION ENTERPRISE
2 OCCURRED.

3 (II) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE
4 TRANSPORTATION ENTERPRISE SHALL CONSIDER ESTABLISHING AN
5 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,
6 ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
7 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
8 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN
9 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
10 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
11 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
12 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

13 (III) IF THE TRANSPORTATION ENTERPRISE ESTABLISHES AN
14 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A
15 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION
16 TO HEAR TOLL EVASION CASES ARISING ON A TOLL HIGHWAY OPERATED BY
17 THE ENTERPRISE.

18 (IV) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN
19 IMPARTIAL HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED
20 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE
21 TRANSPORTATION ENTERPRISE. THE HEARING OFFICER MAY BE AN
22 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE OR AN
23 INDEPENDENT CONTRACTOR OF THE TRANSPORTATION ENTERPRISE. THE
24 CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE
25 HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN
26 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE
27 TRANSPORTATION ENTERPRISE MAY ENTER INTO CONTRACTS PURSUANT TO

1 SECTION 29-1-203, C.R.S., FOR JOINT ADJUDICATION OF TOLL EVASION
2 CASES PURSUANT TO THIS SECTION.

3 (V) THE TRANSPORTATION ENTERPRISE MAY FILE A CERTIFIED COPY
4 OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED
5 BY THE HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH
6 THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE
7 VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE
8 CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT
9 AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER SHALL
10 THENCEFORTH HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT,
11 AND EXECUTION MAY ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER
12 CASES.

13 (VI) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY
14 THE TRANSPORTATION ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE
15 ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF
16 LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE
17 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD
18 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

19 (VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY
20 THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY
21 LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS
22 OWED TO THE ENTERPRISE.

23 (e) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT
24 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT
25 TO RULES ADOPTED AS AUTHORIZED IN PARAGRAPH (b) OF THIS
26 SUBSECTION (2) SHALL BE REMITTED TO THE TRANSPORTATION ENTERPRISE
27 AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND

1 EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS
2 OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED,
3 THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE
4 TERMS OF ANY ENFORCEMENT AGREEMENT.

5 (f) (I) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE
6 PROVIDED FOR IN PARAGRAPH (c) OF THIS SUBSECTION (2), WHERE AN
7 INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE
8 IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING
9 A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED
10 AND SENT BY FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE
11 OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE
12 THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT
13 TO DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TRANSPORTATION
14 ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE
15 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE
16 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF
17 THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE DATE, TIME, AND
18 LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED
19 FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED
20 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH
21 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE
22 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL
23 EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED
24 IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (f), THE REGISTERED
25 OWNER OF THE VEHICLE INVOLVED IN A TOLLEVASION SHALL BE PRESUMED
26 LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE
27 TRANSPORTATION ENTERPRISE.

1 (II) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS
2 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE
3 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR
4 PAYMENT OF A TOLLEVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT
5 THE DISCRETION OF SUCH OWNER:

6 (A) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION
7 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED
8 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A
9 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE
10 TRANSPORTATION ENTERPRISE; OR

11 (B) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL
12 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR
13 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE
14 TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR
15 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE
16 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER
17 RECEIPT OF THE NOTIFICATION OF THE TOLLEVASION VIOLATION, FURNISH
18 TO THE TRANSPORTATION ENTERPRISE AN AFFIDAVIT CONTAINING THE
19 NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR
20 COMPANY WHO LEASED OR RENTED THE VEHICLE. AS A CONDITION TO
21 AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL
22 PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR
23 VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR
24 RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF
25 THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE
26 FOR PAYMENT OF A TOLLEVASION VIOLATION CIVIL PENALTY INCURRED ON
27 OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE TAKES

1 POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE
2 PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME,
3 ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO
4 THE TRANSPORTATION ENTERPRISE WHEN A TOLL EVASION VIOLATION CIVIL
5 PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL
6 AGREEMENT.

7 (III) THE REGISTERED OWNER OF A VEHICLE INVOLVED IN A TOLL
8 EVASION VIOLATION MAY REBUT THE PRESUMPTION OF LIABILITY FOR THE
9 VIOLATION BY PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

10 (A) THE OWNER SOLD OR OTHERWISE TRANSFERRED OWNERSHIP OF
11 THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE VIOLATION AS
12 EVIDENCED BY A BILL OF SALE OR SIMILAR DOCUMENT; OR

13 (B) THE OWNER DID NOT HAVE CUSTODY AND CONTROL OF THE
14 VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT AS EVIDENCED BY
15 A REPORT TO A LAW ENFORCEMENT AGENCY.

16 (IV) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY
17 DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS
18 BEEN GIVEN, THE TRANSPORTATION ENTERPRISE SHALL SEND A SECOND
19 PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT
20 REQUESTED, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY
21 OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT
22 TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH
23 RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED, RELIABILITY,
24 AND PRICE, CONTAINING THE SAME INFORMATION AS SET FORTH IN
25 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f). THE NOTICE SHALL SPECIFY
26 THAT THE REGISTERED OWNER OF THE VEHICLE MAY PAY THE SAME
27 PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.

1 IF THE REGISTERED OWNER OF THE VEHICLE DOES NOT PAY THE
2 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE
3 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A
4 COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION IN COURT
5 OR IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE
6 REGISTERED OWNER OF THE VEHICLE SHALL, WITHIN THE TIME SPECIFIED
7 IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THE
8 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF THE REGISTERED
9 OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE OUTSTANDING TOLL,
10 FEE, OR CIVIL PENALTY SET FORTH IN THE NOTICE OR TO APPEAR AND
11 ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE REGISTERED OWNER
12 OF THE VEHICLE SHALL BE DEEMED TO HAVE ADMITTED LIABILITY AND TO
13 HAVE WAIVED THE RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY
14 IN DEFAULT AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE
15 ENTERED.

16 (g) A COURT WITH JURISDICTION IN A TOLL EVASION CASE
17 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION
18 (2) OR THE TRANSPORTATION ENTERPRISE, IF IT HAS JURISDICTION IN A
19 TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d)
20 OF THIS SUBSECTION (2), MAY REPORT TO THE DEPARTMENT OF REVENUE
21 ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE
22 TOLL, FEE, OR CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF
23 A CERTIFIED REPORT FROM A COURT OR THE TRANSPORTATION ENTERPRISE
24 STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS FAILED TO PAY
25 A TOLL, FEE, OR CIVIL PENALTY RESULTING FROM A FINAL ORDER ENTERED
26 BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT RENEW THE
27 REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY

1 ARE PAID IN FULL. THE TRANSPORTATION ENTERPRISE SHALL CONTRACT
2 WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR
3 THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE
4 REGISTRATION PURSUANT TO THIS PARAGRAPH (g). THE DEPARTMENT HAS
5 NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
6 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
7 TOLL EVASION.

8 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND
9 SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806 (8) AND ANY
10 LIMITATIONS SET FORTH IN THE STATE CONSTITUTION OR IN FEDERAL LAW,
11 THE TRANSPORTATION ENTERPRISE MAY:

12 (a) IMPOSE USER FEES ON A HIGHWAY SEGMENT OR HIGHWAY
13 LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON A USER
14 FEE-FREE BASIS IF:

15 (I) IT HAS OBTAINED ANY REQUIRED FEDERAL APPROVAL FOR THE
16 USER FEES; AND

17 ==
18 (II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL
19 GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION
20 OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE
21 IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY
22 IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY
23 SEGMENT OR HIGHWAY LANES;

24 (b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION
25 PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY
26 SYSTEM; AND

27 (c) AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE

1 REVENUES FOR COST-EFFECTIVE MULTIMODAL TRANSPORTATION PROJECTS
2 THAT PROMOTE MOBILITY, REDUCTIONS IN EMISSIONS OF GREENHOUSE
3 GASES, AND ENERGY EFFICIENCY.

4 (4) BEFORE IMPOSING A USER FEE ON A HIGHWAY SEGMENT OR
5 HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON
6 A TOLL-FREE BASIS, THE TRANSPORTATION ENTERPRISE SHALL PREPARE OR
7 CAUSE TO BE PREPARED A LOCAL AIR QUALITY IMPACT STATEMENT AND A
8 LOCAL COMMUNITY TRAFFIC SAFETY ASSESSMENT THAT SPECIFICALLY
9 TAKE INTO ACCOUNT ANY DIVERSION OF VEHICULAR TRAFFIC FROM THE
10 HIGHWAY SEGMENT OR HIGHWAY LANES ONTO OTHER HIGHWAYS, ROADS,
11 OR STREETS THAT IS EXPECTED TO RESULT FROM THE IMPOSITION OF THE
12 USER FEE.

13 **43-4-809. Enterprises - applicability of other laws.**

14 (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEITHER THE BRIDGE
15 ENTERPRISE NOR THE TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO
16 THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
17 TITLE 24, C.R.S.

18 (2) (a) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
19 ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE
20 COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE
21 24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF
22 TITLE 24, C.R.S.

23 (b) FOR PURPOSES OF PART 2 OF THE "COLORADO OPEN RECORDS
24 ACT", ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE BRIDGE
25 ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL BE PUBLIC
26 RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF
27 WHETHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE

1 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN
2 GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL
3 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

4 (3) REVENUES OF THE BRIDGE ENTERPRISE AND THE
5 TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS
6 OF SECTION 43-1-1205.

7 (4) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
8 ENTERPRISE SHALL EACH CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF
9 PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

10 (5) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY TO THE
11 DEPARTMENT SHALL APPLY WITH EQUAL FORCE TO THE BRIDGE ENTERPRISE
12 AND THE TRANSPORTATION ENTERPRISE.

13 ==
14 =====

15 **43-4-810. Fees and surcharges - limitations on use.** AS
16 REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE
17 PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE
18 PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR
19 OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON
20 ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE
21 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC
22 HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

23 **SECTION 2.** 24-1-128.7, Colorado Revised Statutes, is amended
24 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
25 read:

26 **24-1-128.7. Department of transportation - creation.** (5) THE
27 STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S.,

1 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS
2 IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
3 SECTION 24-1-105, C.R.S., TO THE DEPARTMENT OF TRANSPORTATION.

4 (6) (a) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
5 CREATED IN SECTION 43-4-806 (2) (a), C.R.S., SHALL EXERCISE ITS POWERS
6 AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE
7 TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,
8 TO THE DEPARTMENT OF TRANSPORTATION.

9 (b) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE
10 TRANSPORTATION COMMISSION PURSUANT TO SECTION 43-4-803 (1),
11 C.R.S., PRIOR TO THE REPEAL AND REENACTMENT OF SAID SECTION BY
12 SENATE BILL 09-108, ENACTED IN 2009, AND ITS POWERS, DUTIES, AND
13 FUNCTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER, AS DEFINED IN
14 SECTION 24-1-105, TO THE HIGH-PERFORMANCE TRANSPORTATION
15 ENTERPRISE CREATED IN SECTION 43-4-806 (2) (a), C.R.S., AND THE
16 STATEWIDE TOLLING ENTERPRISE IS ABOLISHED.

17 **SECTION 3.** 42-3-103 (4) (a), Colorado Revised Statutes, is
18 amended to read:

19 **42-3-103. Registration required - exemptions.** (4) (a) Within
20 **thirty** NINETY days after becoming a resident of Colorado, an owner of a
21 motor vehicle required to be registered by subsection (1) of this section
22 shall register such vehicle with the department, irrespective of such
23 vehicle being registered within another state or country. A person who
24 violates this paragraph (a) is subject to the penalties provided in ~~section~~
25 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

26 **SECTION 4.** 42-3-112, Colorado Revised Statutes, is amended
27 to read:

1 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject
2 to taxation under this article is not registered when required by law, the
3 vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as~~
4 ~~determined by the department or authorized agent registering the vehicle,~~
5 ~~which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A
6 MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF
7 APPLICABLE, THE EXPIRATION OF THE GRACE PERIOD DESCRIBED IN SECTION
8 42-3-114 FOR WHICH THE VEHICLE IS UNREGISTERED; EXCEPT THAT THE
9 AMOUNT OF THE LATE FEE SHALL NOT EXCEED ONE HUNDRED DOLLARS.
10 THE LATE FEE SHALL BE due when the vehicle is registered. ~~The~~
11 ~~department or the authorized agent registering the vehicle may waive the~~
12 ~~late fee.~~

13 (2) TEN DOLLARS OF the late registration fee shall be retained by
14 the department or the authorized agent who registers the motor vehicle.
15 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT NO LESS
16 FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME AND IN
17 THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT, THE REMAINDER OF THE LATE REGISTRATION FEES
19 COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR SHALL
20 FORWARD ALL LATE REGISTRATION FEES REMITTED BY AUTHORIZED
21 AGENTS PLUS THE REMAINDER OF THE LATE REGISTRATION FEES
22 COLLECTED DIRECTLY BY THE DEPARTMENT TO THE STATE TREASURER,
23 WHO SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND IN
24 ACCORDANCE WITH SECTION 43-4-804 (1) (e), C.R.S.

25 (3) THE LATE FEE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
26 SHALL NOT BE IMPOSED ON A VEHICLE SUBJECT TO TAXATION UNDER THIS
27 ARTICLE IF:

1 (a) THE PERSON WHO OWNS THE VEHICLE USES THE VEHICLE IN
2 OPERATING A COMMERCIAL BUSINESS AND, AS PART OF THE NORMAL
3 OPERATION OF THE BUSINESS, IDLES THE VEHICLE SO THAT IT IS NOT
4 OPERATED ON ANY PUBLIC HIGHWAY IN THIS STATE FOR AT LEAST ONE FULL
5 REGISTRATION PERIOD. NOTHING IN THIS PARAGRAPH (a) SHALL BE
6 CONSTRUED TO EXEMPT THE OWNER OF AN IDLED VEHICLE FROM PAYING
7 ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE
8 BEFORE AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS
9 STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

10 (b) THE PERSON WHO OWNS THE VEHICLE IS IN THE ACTIVE
11 MILITARY SERVICE OF THE UNITED STATES AND IS SERVING OUTSIDE THE
12 STATE WHEN A REGISTRATION PERIOD AND GRACE PERIOD FOR RENEWAL
13 OF REGISTRATION FOR THE VEHICLE END AND THE VEHICLE IS NOT
14 OPERATED ON ANY PUBLIC HIGHWAY OF THE STATE BETWEEN THE TIME THE
15 REGISTRATION PERIOD AND GRACE PERIOD END AND THE TIME THE VEHICLE
16 IS REREGISTERED. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED
17 TO EXEMPT THE OWNER OF SUCH A VEHICLE FROM PAYING ANY FEES
18 IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE BEFORE
19 AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE OR
20 FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

21 **SECTION 5. 42-4-510 (1) (b) (II) (A), (1) (b) (II) (B), and (11)**
22 **(a) (VI) (B), Colorado Revised Statutes, are amended, and the said**
23 **42-4-510 (11) (a) (VI) is further amended BY THE ADDITION OF THE**
24 **FOLLOWING NEW SUB-SUBPARAGRAPHS, to read:**

25 **42-4-510. Permits for excess size and weight and for**
26 **manufactured homes - rules. (1) (b) (II) An overweight permit issued**
27 **pursuant to this section shall be available for overweight divisible loads**

1 if:

2 (A) The vehicle has a quad axle grouping AND THE MAXIMUM
3 GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED ONE HUNDRED TEN
4 THOUSAND POUNDS; OR

5 (B) The VEHICLE HAS A TRIPLE AXLE GROUPING ON THE TRAILER
6 AND THE maximum gross weight OF THE VEHICLE does not exceed ~~one~~
7 ~~hundred ten~~ NINETY-SEVEN thousand pounds; AND

8 (11) (a) The department of transportation, the motor carrier
9 services division of the department of revenue, or the Colorado state
10 patrol may charge permit applicants permit fees as follows:

11 (VI) For overweight permits for divisible vehicles or loads
12 exceeding legal weight limits issued pursuant to subparagraph (II) of
13 paragraph (b) of subsection (1) of this section:

14 (B) Single trip permit FOR A VEHICLE THAT HAS A QUAD AXLE
15 GROUPING, thirty dollars plus ten dollars per axle; and

16 (D) SIX-MONTH PERMIT FOR A VEHICLE THAT HAS A TRIPLE AXLE
17 GROUPING ON THE TRAILER, TWO HUNDRED FIFTY DOLLARS; AND

18 (E) SINGLE TRIP PERMIT FOR A VEHICLE THAT HAS A TRIPLE AXLE
19 GROUPING ON THE TRAILER, FIFTEEN DOLLARS PLUS TEN DOLLARS PER
20 AXLE.

21 **SECTION 6.** 42-6-139 (3), Colorado Revised Statutes, is
22 amended to read:

23 **42-6-139. Registration - where made.** (3) A person who
24 knowingly violates any of the provisions of subsection (2) of this section,
25 section 42-3-103 (4) (a), section 42-6-140, or any rule of the director
26 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon
27 conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND

1 dollars.

2 **SECTION 7.** 42-6-140, Colorado Revised Statutes, is amended
3 to read:

4 **42-6-140. Registration upon becoming resident.** Within thirty
5 NINETY days after becoming a resident of Colorado, the owner of a motor
6 vehicle shall apply for a Colorado certificate of title, a license, and
7 registration for the vehicle that is registered, that is licensed, or for which
8 a certificate of title is issued in another state. Any person who violates the
9 provisions of this section is subject to the penalties provided in ~~section~~
10 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

11 **SECTION 8.** 42-12-102 (1) (a), Colorado Revised Statutes, is
12 amended to read:

13 **42-12-102. Registration of collectors' items - fees.** (1) Except
14 for those motor vehicles that are entitled to registration under the
15 provisions of section 42-3-219, collectors' items shall be titled, registered,
16 and a specific ownership tax shall be paid thereon in the same manner as
17 provided in this title for other motor vehicles, with the following
18 exceptions:

19 (a) Such collectors' items shall be registered for periods of five
20 years. The taxes and fees imposed for registration of a collector's item for
21 each five-year registration period shall be equal to five times the annual
22 taxes and fees which would otherwise be imposed for the registration of
23 such motor vehicle under this title and under title 43, C.R.S.; EXCEPT THAT
24 THE AMOUNT OF A SURCHARGE IMPOSED PURSUANT TO SECTION 43-4-804
25 (1)(a) OR 43-4-805 (5)(g), C.R.S, SHALL BE THE AMOUNT SPECIFIED IN THE
26 APPLICABLE SECTION. In addition to any other such taxes and fees, if a
27 collector's item is registered in a county which is a member of one or more

1 highway authorities and such authority or authorities have imposed an
2 annual motor vehicle registration fee or fees pursuant to the provisions of
3 section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle
4 registration fee or fees shall be imposed and remitted to such authority or
5 authorities.

6 **SECTION 9.** 43-1-106, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8 **43-1-106. Transportation commission - powers and duties.**

9 (17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND
10 ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO
11 MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED
12 INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM,
13 AND LONG TERM. THE COMMITTEE SHALL INCLUDE:

14 (I) FROM STATE GOVERNMENT:

15 (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE
16 COMMISSION;

17 (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR
18 DESIGNATED BY THE EXECUTIVE DIRECTOR;

19 (C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE
20 DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE
21 EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH
22 DIVISION; AND

23 (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE
24 EXECUTIVE DIRECTOR MAY DESIGNATE;

25 (II) FROM OUTSIDE STATE GOVERNMENT, REPRESENTATIVES OF:

26 (A) THE CONSTRUCTION INDUSTRY;

27 (B) THE ENGINEERING INDUSTRY;

1 (C) THE ENVIRONMENTAL COMMUNITY;
2 (D) TRANSPORTATION PLANNING ORGANIZATIONS;
3 (E) PUBLIC TRANSPORTATION PROVIDERS; AND
4 (F) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION
5 DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.

6 (b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL
7 PERIODICALLY REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR
8 REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT
9 MAY EXECUTE THEIR DUTIES MORE EFFICIENTLY. THE EXECUTIVE
10 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT AT
11 LEAST ONCE PER CALENDAR YEAR TO EITHER THE COMMITTEES OF THE
12 HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION
13 OVER TRANSPORTATION OR THE TRANSPORTATION LEGISLATION REVIEW
14 COMMITTEE CREATED IN SECTION 43-2-145 (1) REGARDING THE ACTIVITIES
15 AND RECOMMENDATIONS OF THE EFFICIENCY AND ACCOUNTABILITY
16 COMMITTEE AND ANY ACTIONS TAKEN BY THE COMMISSION OR THE
17 DEPARTMENT TO IMPLEMENT RECOMMENDATIONS OF THE COMMITTEE.

18 **SECTION 10.** The introductory portion to 43-1-1103 (5),
19 Colorado Revised Statutes, is amended, and the said 43-1-1103 (5) is
20 further amended BY THE ADDITION OF THE FOLLOWING NEW
21 PARAGRAPHS, to read:

22 **43-1-1103. Transportation planning.** (5) The department shall
23 integrate and consolidate the regional transportation plans for the
24 transportation planning regions into a comprehensive statewide
25 transportation plan. The formation of such state plan shall be
26 accomplished through a statewide planning process set by rules and
27 regulations promulgated by the commission. The state plan shall include

1 ADDRESS but shall not be limited to the following factors:

2 (d) THE TARGETING OF INFRASTRUCTURE INVESTMENTS, INCLUDING
3 PRESERVATION OF THE EXISTING TRANSPORTATION SYSTEM COMMONLY
4 KNOWN AS "FIXING IT FIRST" TO SUPPORT THE ECONOMIC VITALITY OF THE
5 STATE AND REGION;

6 (e) SAFETY ENHANCEMENT;

7 (f) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;

8 (g) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;

9 (h) ENVIRONMENTAL STEWARDSHIP;

10

11 (i) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND

12 (j) REDUCTION OF GREENHOUSE GAS EMISSIONS.

13 **SECTION 11.** 38-1-202 (1) (b) (IV) (J), Colorado Revised
14 Statutes, is amended, and the said 38-1-202 (1) (b) (IV) is further amended
15 BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

16 **38-1-202. Governmental entities, corporations, and persons**
17 **authorized to use eminent domain.** (1) The following governmental
18 entities, types of governmental entities, and public corporations, in
19 accordance with all procedural and other requirements specified in this
20 article and articles 2 to 7 of this title and to the extent and within any time
21 frame specified in the applicable authorizing statute may exercise the
22 power of eminent domain:

23 (b) The state:

24 (IV) By action of the general assembly or by action of any of the
25 following officers and agencies of the state:

26 (J) The statewide tolling BRIDGE enterprise as authorized in section
27 ~~43-4-806 (1) (g)~~ SECTION 43-4-805 (5) (e), C.R.S.; and

1 (J.5) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE AS
2 AUTHORIZED IN SECTION 43-4-806 (6) (e), C.R.S.; AND

3 **SECTION 12.** 43-1-1402 (3), Colorado Revised Statutes, is
4 amended to read:

5 **43-1-1402. Definitions.** As used in this part 14:

6 (3) "Design-build contract" means the procurement of both the
7 design and the construction of a transportation project in a single contract
8 with a single design-build firm or a combination of such firms that are
9 capable of providing the necessary design and construction services. A
10 DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE
11 PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE
12 PROJECT.

13 **SECTION 13.** 43-4-205, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **43-4-205. Allocation of fund.** (6.3) REVENUES FROM THE
16 SURCHARGES, FEES, AND FINES CREDITED TO THE HIGHWAY USERS TAX
17 FUND PURSUANT TO SECTION 43-4-804 (1) SHALL BE ALLOCATED AND
18 EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN PARAGRAPH
19 (b) OF SUBSECTION (6) OF THIS SECTION.

20 **SECTION 14.** 43-4-206, Colorado Revised Statutes, is amended
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22 **43-4-206. State allocation.** (3) NOTWITHSTANDING THE
23 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED
24 TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-205 (6.3)
25 SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION ONLY FOR
26 ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21); EXCEPT
27 THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO

1 SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE
2 WITH SECTION 43-4-810, EXPEND TEN MILLION DOLLARS PER YEAR OF THE
3 REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
4 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE,
5 OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS,
6 INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN
7 LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE
8 DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
9 TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE
10 HIGHWAYS FOR TRANSIT USERS.

11 **SECTION 15.** 43-4-207 (1), Colorado Revised Statutes, is
12 amended to read:

13 **43-4-207. County allocation.** (1) After paying the costs of the
14 Colorado state patrol and such other costs of the department, exclusive of
15 highway construction, highway improvements, or highway maintenance,
16 as are appropriated by the general assembly, twenty-six percent of the
17 balance of the highway users tax fund shall be paid to the county
18 treasurers of the respective counties, subject to annual appropriation by
19 the general assembly, and shall be allocated and expended as provided in
20 this section. The moneys thus received shall be allocated to the counties
21 as provided by law and shall be expended by ~~said~~ THE counties only on the
22 construction, engineering, reconstruction, maintenance, repair, equipment,
23 improvement, and administration of the county highway systems and any
24 other public highways, including any state highways, together with
25 acquisition of rights-of-way and access rights for the same and for no
26 other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION
27 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD

1 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to
2 be expended for administrative purposes shall not exceed five percent of
3 each county's share of the funds available.

4 **SECTION 16.** 43-4-208 (1), Colorado Revised Statutes, is
5 amended to read:

6 **43-4-208. Municipal allocation.** (1) After paying the costs of the
7 Colorado state patrol and such other costs of the department, exclusive of
8 highway construction, highway improvements, or highway maintenance,
9 as are appropriated by the general assembly, and making allocation as
10 provided by sections 43-4-206 and 43-4-207, the remaining nine percent
11 of the highway users tax fund shall be paid to the cities and incorporated
12 towns within the limits of the respective counties, subject to annual
13 appropriation by the general assembly, and shall be allocated and
14 expended as provided in this section. Each city treasurer shall account for
15 the moneys thus received as provided in this part 2. ~~Such~~ Moneys so
16 allocated shall be expended by ~~said~~ THE cities and incorporated towns for
17 the construction, engineering, reconstruction, maintenance, repair,
18 equipment, improvement, and administration of the system of streets of
19 such city or incorporated town or of any public highways located within
20 such city or incorporated town, including any state highways, together
21 with the acquisition of rights-of-way and access rights for the same, and
22 for no other purpose; EXCEPT THAT MONEYS PAID TO THE CITIES AND
23 INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE
24 EXPENDED BY THE CITIES AND INCORPORATED TOWNS ONLY FOR ROAD
25 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to
26 be expended for administrative purposes shall not exceed five percent of
27 each city's share of the funds available.

1 **SECTION 17. Effective date - applicability.** (1) Except as
2 otherwise provided in subsection (2) of this section, this act shall take
3 effect upon passage.

4 (2) Section 5 of this act shall take effect January 1, 2010, and shall
5 apply to overweight permits issued on or after said date.

6 **SECTION 18. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.