

**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**

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**SENATE SPONSORSHIP**

**Gibbs,**

**HOUSE SPONSORSHIP**

**Rice,**

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**Senate Committees**

Transportation  
Finance  
Appropriations

**House Committees**

Transportation & Energy  
Appropriations

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**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.**

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**Bill Summary**

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

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.

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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;

12

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 REPAYED.

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.

24 ==  
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 SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), SHALL BE  
17               IMPOSED FOR ANY REGISTRATION PERIOD THAT COMMENCES ON OR AFTER  
18               JULY 1, 2009, UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A  
19               REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART  
20               3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN  
21               SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH (a), THE AMOUNT OF  
22               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) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE  
19 ROAD SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE  
20 REGISTRATION FEES OR SURCHARGES IMPOSED.

21 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
22 THIS PARAGRAPH (b), A DAILY VEHICLE RENTAL FEE, WHICH SHALL BE  
23 IMPOSED ON THE RENTAL OF ANY VEHICLE RENTED IN THE STATE AT THE  
24 RATE OF TWO DOLLARS PER DAY. ANY PERSON WHO OWNS VEHICLES THAT  
25 ARE BASED IN COLORADO FOR RENTAL PURPOSES OR WHO OWNS VEHICLES  
26 THAT ARE BASED IN A STATE OTHER THAN COLORADO FOR RENTAL  
27 PURPOSES BUT RENTS SUCH VEHICLES FROM A BUSINESS LOCATION IN

1 COLORADO AND WHOSE PRIMARY BUSINESS IS THE RENTAL OF SUCH  
2 VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS, INCLUDING  
3 RENEWALS, TO ANOTHER PERSON SHALL COLLECT THE DAILY VEHICLE  
4 RENTAL FEE FROM THE RENTER OF EACH VEHICLE RENTED. THE RENTAL  
5 INVOICE SHALL LIST THE DAILY VEHICLE RENTAL FEE SEPARATELY AS A  
6 COLORADO ROAD SAFETY PROGRAM FEE.

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

27 (III) BECAUSE VEHICLE SHARING IS AN ALTERNATIVE TO PERSONAL

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

9 (A) UNDER THE TERMS OF THE ARRANGEMENT, AN ORGANIZATION  
10 PROVIDES PASSENGER VEHICLES FOR THE USE OF MEMBERS OF THE  
11 ORGANIZATION WHO HAVE PAID A MEMBERSHIP FEE TO THE ORGANIZATION  
12 AND CHARGES AN ADDITIONAL FEE FOR EACH USE OF A PASSENGER  
13 VEHICLE;

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

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

20 (D) AT LEAST THREE-QUARTERS OF ALL PASSENGER VEHICLE  
21 RENTALS MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR  
22 IN EACH MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES  
23 BUSINESS WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN  
24 A RESIDENCE WITHIN THE CITY OR COUNTY;

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

27 (F) PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION ARE

1 STATIONED IN SELF-SERVE LOCATIONS THROUGHOUT THE COUNTY OR  
2 MUNICIPALITY IN WHICH THE ORGANIZATION DOES BUSINESS.

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

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

20 (d) (I) A SUPPLEMENTAL UNREGISTERED VEHICLE FINE IMPOSED IN  
21 ADDITION TO THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3),  
22 C.R.S., UPON CONVICTION OF A MISDEMEANOR FOR KNOWINGLY FAILING  
23 TO REGISTER A VEHICLE WITHIN NINETY DAYS OF BECOMING A RESIDENT OF  
24 THIS STATE AS REQUIRED BY SECTION 42-3-103 (4) (a), C.R.S.

25 (II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE  
26 COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO  
27 SECTION 42-6-139 (3), C.R.S. THE AMOUNT OF THE SUPPLEMENTAL

1 UNREGISTERED VEHICLE FINE SHALL BE TWENTY-FIVE DOLLARS FOR EACH  
2 MONTH OR PORTION OF A MONTH THAT THE VEHICLE REMAINED  
3 UNREGISTERED FOLLOWING THE NINETY-DAY PERIOD DURING WHICH  
4 INITIAL REGISTRATION WAS REQUIRED; EXCEPT THAT THE AMOUNT OF THE  
5 SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL NOT EXCEED ONE  
6 HUNDRED DOLLARS. ALL SUPPLEMENTAL UNREGISTERED VEHICLE FINES  
7 SHALL BE FORWARDED TO THE STATE TREASURER, WHO SHALL CREDIT THE  
8 FINES TO THE HIGHWAY USERS TAX FUND.

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

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12 **43-4-805. Statewide bridge enterprise - creation - board - funds**  
13 **- powers and duties - reporting requirements - legislative declaration.**

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

15 (a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS  
16 ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS,  
17 HAZARDS, INJURIES, AND FATALITIES;

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

23 (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE  
24 DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE  
25 DESIGNATED BRIDGES IN THE STATE; AND

26 (II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY  
27 CALCULATED TO DEFRAY THE COSTS OF COMPLETING DESIGNATED BRIDGE

1 PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAYING THE COSTS IN A  
2 MANNER BASED ON THE BENEFITS RECEIVED BY PERSONS PAYING THE FEES  
3 AND USING DESIGNATED BRIDGES, RECEIVE AND EXPEND REVENUES  
4 GENERATED BY THE SURCHARGE AND OTHER MONEYS, ISSUE REVENUE  
5 BONDS AND OTHER OBLIGATIONS, CONTRACT WITH THE STATE, IF REQUIRED  
6 APPROVALS ARE OBTAINED, TO RECEIVE ONE OR MORE LOANS OF MONEYS  
7 RECEIVED BY THE STATE UNDER THE TERMS OF ONE OR MORE  
8 LEASE-PURCHASE AGREEMENTS AUTHORIZED BY THIS PART 8, EXPEND  
9 REVENUES GENERATED BY THE SURCHARGE TO REPAY ANY SUCH LOAN OR  
10 LOANS RECEIVED, AND EXERCISE OTHER POWERS NECESSARY AND  
11 APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

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

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

27 (II) THE BRIDGE ENTERPRISE AND THE BRIDGE ENTERPRISE

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

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

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

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

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

24 (c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE  
25 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION  
26 SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND  
27 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS

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

17 (3) (a) THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE  
18 FUND, REFERRED TO IN THIS PART 8 AS THE "BRIDGE SPECIAL FUND", IS  
19 HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES RECEIVED BY  
20 THE BRIDGE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY REVENUES  
21 FROM A BRIDGE SAFETY SURCHARGE COLLECTED PURSUANT TO PARAGRAPH  
22 (g) OF SUBSECTION (5) OF THIS SECTION AND ANY MONEYS LOANED TO THE  
23 ENTERPRISE BY THE STATE PURSUANT TO PARAGRAPH (r) OF SUBSECTION  
24 (5) OF THIS SECTION, SHALL BE DEPOSITED INTO THE BRIDGE SPECIAL FUND.  
25 THE BRIDGE ENTERPRISE BOARD MAY ESTABLISH SEPARATE ACCOUNTS  
26 WITHIN THE BRIDGE SPECIAL FUND AS NEEDED IN CONNECTION WITH ANY  
27 SPECIFIC DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE ALSO

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

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

21 (c) THE BRIDGE ENTERPRISE MAY EXPEND MONEYS IN THE BRIDGE  
22 SPECIAL FUND TO PAY BOND OR LOAN OBLIGATIONS, TO FUND THE  
23 ADMINISTRATION, PLANNING, FINANCING, REPAIR, RECONSTRUCTION,  
24 REPLACEMENT, OR MAINTENANCE OF DESIGNATED BRIDGES, AND FOR THE  
25 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY  
26 DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE MAY ALSO EXPEND  
27 MONEYS IN THE BRIDGE SPECIAL FUND TO PAY ITS OPERATING COSTS AND

1 EXPENSES. THE BRIDGE ENTERPRISE BOARD SHALL HAVE EXCLUSIVE  
2 AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN  
3 THE BRIDGE SPECIAL FUND.

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

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

1 THIS SECTION, THE BRIDGE ENTERPRISE BOARD HAS THE FOLLOWING  
2 POWERS AND DUTIES:

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

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

6 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE  
7 SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING,  
8 REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING DESIGNATED  
9 BRIDGES;

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 BRIDGE ENTERPRISE AGREES TO FINANCE, REPAIR,  
21 RECONSTRUCT, REPLACE, AND, IF ANY GIVEN AGREEMENT SO SPECIFIES,  
22 MAINTAIN DESIGNATED BRIDGES AS SPECIFIED IN THE AGREEMENTS;

23 (g) (I) AS NECESSARY FOR THE ACHIEVEMENT OF ITS BUSINESS  
24 PURPOSE, TO IMPOSE A BRIDGE SAFETY SURCHARGE, WHICH, EXCEPT AS  
25 OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (g),  
26 SHALL BE IMPOSED, ON AND AFTER JULY 1, 2009, FOR ANY REGISTRATION  
27 PERIOD THAT COMMENCES ON OR AFTER JULY 1, 2009, OR ON AND AFTER

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

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

12 (B) EIGHTEEN DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE  
13 THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND  
14 POUNDS;

15 (C) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS  
16 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND  
17 POUNDS;

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

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

23 (II) THE BRIDGE SAFETY SURCHARGE SHALL BE IMPOSED WHEN A  
24 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.  
25 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE  
26 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME  
27 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE

1 DEPARTMENT OF REVENUE, ALL BRIDGE SAFETY SURCHARGES COLLECTED  
2 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT OF REVENUE SHALL FORWARD ALL BRIDGE SAFETY  
4 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY BRIDGE SAFETY  
5 SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO  
6 THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE  
7 BRIDGE SPECIAL FUND.

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

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

18 ==  
19 (V) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE  
20 THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH  
21 (I) OF THIS PARAGRAPH (g) FOR ANY ANNUAL VEHICLE REGISTRATION  
22 PERIOD COMMENCING DURING THE 2009-10 FISCAL YEAR SHALL BE  
23 ONE-HALF OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN  
24 SAID SUBPARAGRAPH (I).

25 (VI) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED  
26 PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT  
27 OF THE SURCHARGE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS

1 PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR  
2 THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY  
3 ONLY:

4 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW  
5 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY  
6 RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING  
7 OPERATIONS; OR

8 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY  
9 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR  
10 RANCHER'S FARMING OR RANCHING OPERATIONS.

11 (VII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE  
12 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE  
13 REGISTRATION FEES OR SURCHARGES IMPOSED.

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

17 (I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE  
18 OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,  
19 MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A  
20 DESIGNATED BRIDGE PROJECT; AND

21 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
22 DESIGNS, DEVELOPS, CONSTRUCTS, RECONSTRUCTS, REPAIRS, OPERATES,  
23 OR MAINTAINS ALL OR ANY PORTION OF A DESIGNATED BRIDGE PROJECT ON  
24 BEHALF OF THE BRIDGE ENTERPRISE;

25 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
26 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD  
27 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND

1 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,  
2 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS  
3 POWERS AND PERFORMANCE OF ITS DUTIES;

4 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING  
5 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
6 CARRY OUT ITS POWERS AND DUTIES;

7 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
8 SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT  
9 WITHIN THE STATE;

10 (l) IN CONNECTION WITH ANY DESIGNATED BRIDGE PROJECT, TO  
11 ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, AND  
12 MAINTAIN ANY DESIGNATED BRIDGE WITHIN THE STATE;

13 (m) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE  
14 BRIDGE ENTERPRISE;

15 (n) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
16 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
17 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
18 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

19 (o) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR  
20 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF  
21 TITLE 11, C.R.S.;

22 (p) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
23 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
24 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING  
25 A DESIGNATED BRIDGE PROJECT, TO ACCEPT THE ASSETS OF ANY SUCH  
26 NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY  
27 SUCH NONPROFIT ENTITY BY PAYING ITS BONDS, TO APPOINT OR APPROVE

1 THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH  
2 NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING  
3 BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

4 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
5 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO  
6 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR  
7 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

8 (r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS  
9 UNDER THE TERMS OF ONE OR MORE LOAN CONTRACTS ENTERED INTO BY  
10 THE STATE AND THE BRIDGE ENTERPRISE PURSUANT TO SUBPARAGRAPH  
11 (III) OF THIS PARAGRAPH (r), TO EXPEND ANY MONEYS BORROWED FROM  
12 THE STATE FOR THE PURPOSE OF COMPLETING DESIGNATED BRIDGE  
13 PROJECTS AND FOR ANY OTHER AUTHORIZED PURPOSE THAT CONSTITUTES  
14 THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF THE PUBLIC  
15 HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF ARTICLE X OF  
16 THE STATE CONSTITUTION, AND TO USE REVENUES GENERATED BY ANY  
17 BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF  
18 THIS SUBSECTION (5) AND ANY OTHER LEGALLY AVAILABLE MONEYS OF  
19 THE BRIDGE ENTERPRISE TO REPAY THE MONEYS BORROWED AND ANY  
20 OTHER AMOUNTS PAYABLE UNDER THE TERMS OF THE LOAN CONTRACT.

21 (II) IF THE BRIDGE ENTERPRISE BOARD SEEKS TO ENTER INTO A  
22 CONTRACT TO BORROW MONEYS FROM THE STATE AS AUTHORIZED BY  
23 SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE BOARD SHALL PROVIDE  
24 THE GOVERNOR WITH A LIST OF DESIGNATED BRIDGE PROJECTS TO BE  
25 FINANCED WITH THE BORROWED MONEYS AND A STATEMENT OF BOTH THE  
26 TOTAL AMOUNT OF THE LOAN REQUESTED AND THE ESTIMATED AMOUNT  
27 OF THE LOAN THAT WILL BE USED TO FUND EACH PROJECT ON THE LIST. IF

1 THE GOVERNOR DETERMINES, IN THE GOVERNOR'S SOLE DISCRETION, THAT  
2 LENDING MONEYS TO THE BRIDGE ENTERPRISE AS REQUESTED BY THE  
3 ENTERPRISE, OR LENDING A LESSER AMOUNT OF MONEYS TO THE  
4 ENTERPRISE, IS IN THE BEST INTEREST OF THE STATE, THE GOVERNOR,  
5 AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE  
6 DEPARTMENT OF PERSONNEL AND THE STATE TREASURER, SHALL PREPARE  
7 AND PROVIDE TO THE STATE TREASURER A LIST OF STATE BUILDINGS OR  
8 OTHER STATE CAPITAL FACILITIES THAT THE STATE, ACTING BY AND  
9 THROUGH THE STATE TREASURER, MAY SELL OR LEASE AND LEASE BACK  
10 PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS  
11 THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY  
12 ENTER INTO PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).  
13 WHEN PROVIDING THE LIST, THE GOVERNOR SHALL ALSO SPECIFY TO THE  
14 STATE TREASURER THE MAXIMUM PERMITTED PRINCIPAL AMOUNT OF ANY  
15 LOAN THAT MAY BE MADE TO THE BRIDGE ENTERPRISE UNDER THE TERMS  
16 OF ANY LOAN CONTRACT THAT THE STATE, ACTING BY AND THROUGH THE  
17 STATE TREASURER, MAY ENTER INTO PURSUANT TO SUB-SUBPARAGRAPH  
18 (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

19 (III) (A) IF THE STATE TREASURER RECEIVES A LIST FROM  
20 THE GOVERNOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r),  
21 THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER  
22 INTO A LOAN CONTRACT WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE  
23 MONEY NEEDED TO MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN  
24 CONTRACT BY SELLING OR LEASING ONE OR MORE OF THE STATE BUILDINGS  
25 OR OTHER STATE CAPITAL FACILITIES ON THE LIST. THE STATE  
26 TREASURER SHALL HAVE SOLE DISCRETION TO ENTER INTO A LOAN  
27 CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE AMOUNT OF

1 A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN SHALL NOT  
2 EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR PURSUANT  
3 TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE TREASURER  
4 SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE TIMING OF THE  
5 ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE SALE OR LEASE OF  
6 ONE OR MORE STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES. THE  
7 LOAN CONTRACT SHALL REQUIRE THE BRIDGE ENTERPRISE TO PLEDGE TO  
8 THE STATE ALL OR A PORTION OF THE REVENUES OF ANY BRIDGE  
9 SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION  
10 (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO REQUIRE THE  
11 ENTERPRISE TO PLEDGE TO THE STATE ANY OTHER LEGALLY AVAILABLE  
12 REVENUES OF THE ENTERPRISE. ANY LOAN CONTRACT ENTERED INTO BY  
13 THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE  
14 BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY  
15 PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN  
16 CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY  
17 BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT  
18 LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT  
19 OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR  
20 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS  
21 SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS  
22 TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER  
23 SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY  
24 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r),  
25 A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO  
26 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO  
27 ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO

1 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r).

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

8 (C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO  
9 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE  
10 THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT  
11 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN  
12 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

13 (D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT  
14 TO SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL ALSO  
15 PROVIDE THAT THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT  
16 SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF  
17 THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE  
18 CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE  
19 CREATION OF INDEBTEDNESS BY THE STATE, AND SHALL NOT CONSTITUTE  
20 A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL  
21 OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF  
22 ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW  
23 A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO  
24 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE SOLE SECURITY  
25 AVAILABLE TO THE LESSOR SHALL BE THE PROPERTY THAT IS THE SUBJECT  
26 OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

27 (IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED

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

19 (B) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO  
20 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)  
21 MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND SALE OF  
22 INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND OTHER  
23 PAYMENTS MADE AND TO BE MADE UNDER THE LEASE-PURCHASE  
24 AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR SOLD  
25 ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR AND  
26 NOT BY THE STATE. THE INSTRUMENTS SHALL NOT CREATE A  
27 RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE

1 STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE  
2 PURCHASERS. THE INSTRUMENTS SHALL NOT BE NOTES, BONDS, OR ANY  
3 OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING  
4 OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE STATE  
5 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE STATE  
6 AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR  
7 INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN  
8 THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE  
9 CONSTITUTION.

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

14 (V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,  
15 MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED  
16 NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE  
17 AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (B) OF  
18 SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED  
19 TO DEEDS, LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS  
20 RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED  
21 OR AN AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (VII) OF  
22 THIS PARAGRAPH (r).

23 (VI) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., SHALL  
24 NOT APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO  
25 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)  
26 OR ANY ANCILLARY AGREEMENT OR INSTRUMENT OR INTEREST RATE  
27 EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V)

1 OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH  
2 (r). ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO  
3 SECTION 24-30-202 (1) AND (13), C.R.S., THAT THE STATE CONTROLLER  
4 DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A  
5 LEASE-PURCHASE AGREEMENT, ANCILLARY AGREEMENT OR  
6 INSTRUMENT, OR INTEREST RATE EXCHANGE AGREEMENT MAY BE WAIVED  
7 BY THE CONTROLLER OR HIS OR HER DESIGNEE.

8 (VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT  
9 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS  
10 PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE  
11 INCREASES, THE LESSOR UNDER ANY LEASE-PURCHASE AGREEMENT OR THE  
12 STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE  
13 DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST  
14 RATE EXCHANGE AGREEMENT IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE  
15 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO  
16 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)  
17 SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF ARTICLE  
18 59.3 OF TITLE 11, C.R.S.

19 (B) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS  
20 SUBPARAGRAPH (VII) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE  
21 STATE SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN  
22 INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF  
23 THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR  
24 LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE AND SHALL NOT  
25 CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR  
26 OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF  
27 SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

1 (C) ANY MONEYS RECEIVED BY THE STATE UNDER AN AGREEMENT  
2 ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE USED TO  
3 MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO  
4 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS  
5 PARAGRAPH (r).

6 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
7 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
8 GRANTED IN THIS SECTION.

9 (6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN  
10 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL  
11 PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF  
12 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER  
13 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE  
14 BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF  
15 THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A  
16 STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE  
17 OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE  
18 ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY  
19 CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE  
20 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
21 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON  
22 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
23 YEAR IN WHICH THE REPORT IS PRESENTED.

24 **43-4-806. High-performance transportation enterprise -**  
25 **creation - board - funds - powers and duties - limitations - reporting**  
26 **requirements - legislative declaration. (1) ==** THE GENERAL ASSEMBLY  
27 HEREBY FINDS AND DECLARES THAT:

1           (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF  
2 THE STATE FOR THE STATE TO AGGRESSIVELY PURSUE INNOVATIVE MEANS  
3 OF MORE EFFICIENTLY FINANCING IMPORTANT SURFACE TRANSPORTATION  
4 INFRASTRUCTURE PROJECTS THAT WILL IMPROVE THE SAFETY, CAPACITY,  
5 AND ACCESSIBILITY OF THE SURFACE TRANSPORTATION SYSTEM, CAN  
6 FEASIBLY BE COMMENCED IN A REASONABLE AMOUNT OF TIME, WILL  
7 ALLOW MORE EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION  
8 THROUGHOUT THE STATE, AND WILL ACCELERATE THE ECONOMIC  
9 RECOVERY OF THE STATE;

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

14           (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
15 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS  
16 SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE  
17 PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE  
18 TRANSPORTATION INFRASTRUCTURE PROJECTS        AND THAT THIS  
19 SECTION BE BROADLY CONSTRUED TO ALLOW THE TRANSPORTATION  
20 ENTERPRISE SUFFICIENT FLEXIBILITY, CONSISTENT WITH THE  
21 REQUIREMENTS OF THE STATE CONSTITUTION, TO PURSUE ANY AVAILABLE  
22 MEANS OF FINANCING SUCH SURFACE TRANSPORTATION INFRASTRUCTURE  
23 PROJECTS THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS.

24                   
25           (2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE  
26 IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE  
27 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL

1 BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION  
2 ENTERPRISE SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

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

16 (B) THREE MEMBERS OF THE COMMISSION APPOINTED BY  
17 RESOLUTION OF THE COMMISSION.

18 (II) INITIAL APPOINTMENTS TO THE TRANSPORTATION ENTERPRISE  
19 BOARD SHALL BE MADE NO LATER THAN JULY 1, 2009. MEMBERS OF THE  
20 BOARD SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY  
21 AND WITHOUT COMPENSATION. VACANCIES IN THE MEMBERSHIP OF THE  
22 TRANSPORTATION ENTERPRISE BOARD SHALL BE FILLED IN THE SAME  
23 MANNER AS REGULAR APPOINTMENTS.

24 (III) (A) THE TRANSPORTATION ENTERPRISE AND THE  
25 TRANSPORTATION ENTERPRISE DIRECTOR SHALL EXERCISE THEIR POWERS  
26 AND PERFORM THEIR DUTIES AS IF THE SAME WERE TRANSFERRED TO THE  
27 DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,

1 C.R.S.

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

9 (b) THE TRANSPORTATION ENTERPRISE BOARD SHALL, WITH THE  
10 CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE  
11 ENTERPRISE WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE  
12 ESTABLISHED BY THE BOARD AND THE STATE PERSONNEL BOARD. THE  
13 DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF  
14 THE TRANSPORTATION ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF  
15 THE BOARD.

16 (c) THE BUSINESS PURPOSE OF THE TRANSPORTATION ENTERPRISE  
17 IS TO PURSUE PUBLIC-PRIVATE PARTNERSHIPS AND OTHER INNOVATIVE AND  
18 EFFICIENT MEANS OF COMPLETING SURFACE TRANSPORTATION  
19 INFRASTRUCTURE PROJECTS. TO ALLOW THE TRANSPORTATION ENTERPRISE  
20 TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND  
21 DUTIES THROUGH THE TRANSPORTATION ENTERPRISE BOARD, THE  
22 TRANSPORTATION ENTERPRISE MAY:

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

26 (II) ISSUE OR REISSUE REVENUE BONDS PAYABLE FROM THE  
27 REVENUES AND OTHER AVAILABLE MONEYS OF THE TRANSPORTATION

1 ENTERPRISE PLEDGED FOR THEIR PAYMENT AS AUTHORIZED IN SECTION  
2 43-4-807;

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

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

7 (d) THE TRANSPORTATION ENTERPRISE SHALL CONSTITUTE AN  
8 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
9 CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE  
10 BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN  
11 GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS  
12 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO  
13 THIS PARAGRAPH (d), THE TRANSPORTATION ENTERPRISE SHALL NOT BE  
14 SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE  
15 CONSTITUTION.

16 (3) (a) THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL  
17 REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "TRANSPORTATION  
18 SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL  
19 REVENUES RECEIVED BY THE TRANSPORTATION ENTERPRISE, INCLUDING  
20 ANY REVENUES FROM USER FEES COLLECTED PURSUANT TO SUBPARAGRAPH  
21 (I) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, SHALL BE  
22 DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. THE  
23 TRANSPORTATION ENTERPRISE BOARD MAY ESTABLISH SEPARATE  
24 ACCOUNTS WITHIN THE TRANSPORTATION SPECIAL FUND AS NEEDED IN  
25 CONNECTION WITH ANY SPECIFIC SURFACE TRANSPORTATION  
26 INFRASTRUCTURE PROJECT. THE TRANSPORTATION ENTERPRISE ALSO MAY  
27 DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE

1 TRANSPORTATION SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM  
2 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED  
3 INTO THE TRANSPORTATION SPECIAL FUND. THE STATE TREASURER, AFTER  
4 CONSULTING WITH THE TRANSPORTATION ENTERPRISE BOARD, SHALL  
5 INVEST ANY MONEYS IN THE TRANSPORTATION SPECIAL FUND, INCLUDING  
6 ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE  
7 SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT  
8 SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH  
9 MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN  
10 SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

11 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND  
12 INVESTMENT OF MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE  
13 CREDITED TO THE TRANSPORTATION SPECIAL FUND AND, IF APPLICABLE, TO  
14 THE APPROPRIATE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT  
15 ACCOUNT. MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE  
16 CONTINUOUSLY APPROPRIATED TO THE TRANSPORTATION ENTERPRISE FOR  
17 THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE  
18 TRANSPORTATION SPECIAL FUND SHALL REMAIN IN THE FUND FOR THE  
19 PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE FUND SHALL BE  
20 USED FOR ANY OTHER PURPOSE.

21 (c) THE TRANSPORTATION ENTERPRISE SHALL PREPARE A SEPARATE  
22 ANNUAL ACCOUNTING OF THE USER FEES COLLECTED FROM ANY SURFACE  
23 TRANSPORTATION INFRASTRUCTURE PROJECT UPON WHICH ANY USER FEE  
24 IS IMPOSED; EXCEPT THAT A PARTNER OF THE ENTERPRISE MAY PREPARE  
25 THE ANNUAL ACCOUNTING FOR A PROJECT UPON WHICH IT IMPOSES A USER  
26 FEE PURSUANT TO THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

27 (d) THE TRANSPORTATION ENTERPRISE MAY EXPEND MONEYS IN

1 THE TRANSPORTATION SPECIAL FUND TO PAY BOND OBLIGATIONS, TO FUND  
2 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, AND FOR THE  
3 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY  
4 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE  
5 TRANSPORTATION ENTERPRISE MAY ALSO EXPEND MONEYS IN THE  
6 TRANSPORTATION SPECIAL FUND TO PAY ITS OPERATING COSTS AND  
7 EXPENSES. THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE  
8 EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF  
9 MONEYS IN THE TRANSPORTATION SPECIAL FUND.

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

1 TRANSPORTATION ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY  
2 CREATED, AND SHALL NOT BE DEPOSITED INTO THE TRANSPORTATION  
3 SPECIAL FUND. MONEYS FROM THE TRANSPORTATION SPECIAL FUND MAY,  
4 HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE  
5 AMOUNT OF ANY LOAN OR ANY INTEREST THEREON.

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

19 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
20 THIS SECTION, THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE THE  
21 FOLLOWING POWERS AND DUTIES:

22 (a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE  
23 DIRECTOR;

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

26 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE  
27 TRANSPORTATION SPECIAL FUND, FOR THE PURPOSE OF COMPLETING

1 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS;

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

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

10 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE  
11 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER  
12 WHICH THE TRANSPORTATION ENTERPRISE AGREES TO COMPLETE SURFACE  
13 TRANSPORTATION INFRASTRUCTURE PROJECTS AS SPECIFIED IN THE  
14 AGREEMENTS;

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

18 (I) AN AGREEMENT PURSUANT TO WHICH THE TRANSPORTATION  
19 ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT  
20 OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN  
21 CONNECTION WITH A SURFACE TRANSPORTATION INFRASTRUCTURE  
22 PROJECT; OR

23 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
24 COMPLETES ALL OR ANY PORTION OF A SURFACE TRANSPORTATION  
25 INFRASTRUCTURE PROJECT ON BEHALF OF THE TRANSPORTATION  
26 ENTERPRISE;

27 (h) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR

1 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD  
2 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND  
3 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,  
4 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS  
5 POWERS AND PERFORMANCE OF ITS DUTIES;

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

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

12 (k) IN CONNECTION WITH ANY SURFACE TRANSPORTATION  
13 INFRASTRUCTURE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT,  
14 REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION  
15 INFRASTRUCTURE WITHIN THE STATE;

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

18 (m) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,  
19 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR  
20 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS  
21 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

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

25 (o) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
26 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
27 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING

1 A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, TO ACCEPT THE  
2 ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO  
3 ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING ITS  
4 BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE  
5 GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE  
6 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR  
7 CAUSE;

8 (p) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
9 TRANSPORTATION ENTERPRISE TO THE DEPARTMENT TO THE EXTENT  
10 NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE  
11 TRANSPORTATION INFRASTRUCTURE PROJECT OR FOR ANY OTHER PURPOSE  
12 AUTHORIZED IN THIS PART 8; AND

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

16 (7) (a) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN  
17 SUBSECTION (6) OF THIS SECTION, THE TRANSPORTATION ENTERPRISE  
18 BOARD HAS THE DUTY TO EVALUATE ANY TOLL HIGHWAY IN THE STATE  
19 THAT IS OWNED AND OFFERED FOR SALE OR FOR LEASE AND AN OPERATING  
20 CONCESSION BY AN ENTITY OTHER THAN THE STATE IN ORDER TO  
21 DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE STATE FOR THE  
22 TRANSPORTATION ENTERPRISE TO PURCHASE OR LEASE THE TOLL HIGHWAY  
23 OR A PARTIAL INTEREST IN THE TOLL HIGHWAY THAT IS BEING OFFERED FOR  
24 SALE, LEASE, OR CONCESSION OR ENTER INTO A PUBLIC-PRIVATE  
25 PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY. IN EVALUATING  
26 A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD SHALL  
27 CONSIDER THE FINANCIAL COSTS AND BENEFITS TO THE STATE AND USERS

1 OF THE TOLL HIGHWAY OF PURCHASING OR LEASING THE TOLL HIGHWAY OR  
2 A PARTIAL INTEREST IN THE TOLL HIGHWAY OR ENTERING INTO A  
3 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY;  
4 THE EFFECT OF SUCH A PURCHASE, LEASE, OR PUBLIC-PRIVATE  
5 PARTNERSHIP ON STATEWIDE, REGIONAL, OR LOCAL TRANSPORTATION  
6 PLANS PREVIOUSLY ADOPTED AND ON FUTURE TRANSPORTATION  
7 PLANNING; AND ANY OTHER FACTORS DEEMED SIGNIFICANT BY THE BOARD.  
8 IN CONSIDERING THE EFFECT ON REGIONAL OR LOCAL TRANSPORTATION  
9 PLANS, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSULT WITH  
10 THE APPROPRIATE REGIONAL OR LOCAL TRANSPORTATION PLANNING  
11 AGENCY. SUBJECT TO CRITERIA, PROCEDURES, PROCESSES, AND RULES  
12 ESTABLISHED BY THE ENTITY OTHER THAN THE STATE OFFERING THE TOLL  
13 HIGHWAY FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION  
14 INCLUDING, WITHOUT LIMITATION, PROVISIONS FOR REJECTING ALL BIDS OR  
15 PROPOSALS AND SHORT-LISTING BIDDERS AND PROPOSERS, AND WITHOUT  
16 ANY SPECIAL CONSIDERATION FOR EITHER PUBLIC OR PRIVATE SECTOR  
17 INTERESTS THAT MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL  
18 HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD MAY BID ON OR  
19 PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY OR A PARTIAL INTEREST  
20 IN A TOLL HIGHWAY SO OFFERED WITHOUT CHANGE OR DELAY OF SUCH  
21 CRITERIA, PROCEDURES, PROCESSES, AND RULES OR MAY ENTER INTO A  
22 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH A TOLL HIGHWAY AND  
23 MAY FINANCE ALL OR A PORTION OF THE PURCHASE OR LEASE OF A TOLL  
24 HIGHWAY OR A PUBLIC-PRIVATE PARTNERSHIP ENTERED INTO IN  
25 CONNECTION WITH A TOLL HIGHWAY BY ISSUING BONDS AS AUTHORIZED BY  
26 SECTION 43-4-807 IF THE BOARD DETERMINES THAT THE PURCHASE, LEASE,  
27 OR PUBLIC-PRIVATE PARTNERSHIP IS IN THE BEST INTERESTS OF THE STATE.

1 FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED  
2 BY THE DEPARTMENT AND MANAGED BY THE TRANSPORTATION  
3 ENTERPRISE BOARD. AN ENTITY OTHER THAN THE STATE SHALL CONSIDER  
4 AND REPRESENT THE INTERESTS OF ITS CONSTITUENCY AT ALL TIMES  
5 DURING AND AFTER THE EVALUATION PROCESS CONDUCTED BY THE  
6 TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

7 (b) FOR PURPOSES OF THIS SUBSECTION (7), "ENTITY OTHER THAN  
8 THE STATE" MEANS A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT  
9 TO SECTION 43-4-504, A REGIONAL TRANSPORTATION AUTHORITY CREATED  
10 PURSUANT TO SECTION 43-4-603, A TOLL ROAD OR TOLL HIGHWAY  
11 COMPANY FORMED PURSUANT TO SECTION 7-45-101, C.R.S., OR ANY  
12 OTHER NATURAL PERSON OR ENTITY OTHER THAN THE STATE OR A  
13 DEPARTMENT OR AGENCY OF THE STATE THAT MAY OWN A TOLL HIGHWAY.

14 (c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE  
15 THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY  
16 TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER  
17 INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL  
18 HIGHWAY.

19 (8) (a) WHEN THE TRANSPORTATION ENTERPRISE BOARD DECIDES  
20 TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE  
21 TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL  
22 TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERNS,  
23 THE BOARD SHALL INVITE EVERY METROPOLITAN PLANNING ORGANIZATION  
24 OR OTHER TRANSPORTATION PLANNING REGION WITH PLANNING  
25 RESPONSIBILITY FOR ANY AREA IN WHICH THE PROJECT WILL BE LOCATED  
26 AND EVERY AFFECTED PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN  
27 SECTION 43-1-102 (5), PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT

1 TO PART 5 OF THIS ARTICLE, AND REGIONAL TRANSPORTATION AUTHORITY  
2 CREATED PURSUANT TO PART 6 OF THIS ARTICLE TO COLLABORATE WITH  
3 THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE  
4 PROJECT. THE TRANSPORTATION ENTERPRISE BOARD AND A  
5 METROPOLITAN PLANNING ORGANIZATION, TRANSPORTATION PLANNING  
6 REGION, PUBLIC MASS TRANSIT OPERATOR, PUBLIC HIGHWAY AUTHORITY,  
7 OR REGIONAL TRANSPORTATION AUTHORITY MAY ENTER INTO AN  
8 INTERGOVERNMENTAL AGREEMENT TO DEFINE THE DEGREE OF  
9 COLLABORATION AND ANY SHARING OF COSTS AND REVENUES. THE  
10 TRANSPORTATION ENTERPRISE BOARD, IN COLLABORATION WITH THOSE  
11 METROPOLITAN PLANNING ORGANIZATIONS, TRANSPORTATION PLANNING  
12 REGIONS, PUBLIC MASS TRANSIT OPERATORS, AND AUTHORITIES THAT ARE  
13 ENTITLED TO AND WISH TO COLLABORATE WITH THE BOARD, MAY DEVELOP  
14 A PLAN FOR THE COMPLETION OF THE SURFACE TRANSPORTATION  
15 INFRASTRUCTURE PROJECT THAT ADDRESSES THE FEASIBILITY OF THE  
16 PROJECT, THE TECHNOLOGY TO BE UTILIZED, PROJECT FINANCING, AND ANY  
17 OTHER FEDERALLY REQUIRED INFORMATION.

18 (b) IN ORDER TO ENSURE THAT THE LIMITED RESOURCES AVAILABLE  
19 FOR THE COMPLETION OF MAJOR SURFACE TRANSPORTATION  
20 INFRASTRUCTURE PROJECTS ARE ALLOCATED ONLY TO PROJECTS DEEMED  
21 ESSENTIAL BY ALL IMPACTED METROPOLITAN PLANNING ORGANIZATIONS  
22 AND OTHER TRANSPORTATION PLANNING REGIONS, EVERY METROPOLITAN  
23 PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION  
24 THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF A PROPOSED  
25 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT WILL ADD  
26 SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTER  
27 TRAFFIC PATTERNS IS TO BE COMPLETED SHALL HAVE THE RIGHT TO

1 PARTICIPATE IN THE PLANNING AND DEVELOPMENT, AND APPROVE THE  
2 COMPLETION, OF THE PROJECT. THE RIGHT OF PARTICIPATION SHALL  
3 EXTEND, WITHOUT LIMITATION, TO DECISIONS REGARDING THE SCOPE OF  
4 THE PROJECT, THE TYPE OF SURFACE TRANSPORTATION INFRASTRUCTURE  
5 TO BE PROVIDED, PROJECT FINANCING, ALLOCATION OF PROJECT REVENUES,  
6 AND THE MANNER IN WHICH ANY USER FEES ARE TO BE IMPOSED. A  
7 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT SHALL NOT  
8 PROCEED PAST THE PLANNING STAGE UNTIL ALL METROPOLITAN PLANNING  
9 ORGANIZATIONS ENTITLED TO PARTICIPATE IN THE PLANNING,  
10 DEVELOPMENT, AND APPROVAL PROCESS, INCLUDING THE  
11 TRANSPORTATION ENTERPRISE AND ANY PARTNER OF THE ENTERPRISE  
12 UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP, HAVE APPROVED  
13 THE PROJECT.

14 (9)(a) THE TRANSPORTATION ENTERPRISE SHALL NOT SUPPLANT OR  
15 DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT  
16 OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC  
17 HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR  
18 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6  
19 OF THIS ARTICLE EXCEPT AS DESCRIBED IN DETAIL IN AN  
20 INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACTUAL AGREEMENT  
21 ENTERED INTO BY THE TRANSPORTATION ENTERPRISE AND THE OPERATOR,  
22 RAILROAD, OR AUTHORITY. THE CREATION OF AND UNDERTAKING OF  
23 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS BY THE  
24 TRANSPORTATION ENTERPRISE PURSUANT TO THIS PART 8 IS NOT INTENDED  
25 TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM  
26 FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL  
27 TRANSPORTATION AUTHORITY.

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

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

21           **43-4-807. Bonds - investments - bonds eligible for investment**  
22           **and exempt from taxation.** (1) (a) BOTH THE BRIDGE ENTERPRISE AND  
23           THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS  
24           FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED  
25           PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE  
26           TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT  
27           OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL

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

2 (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING  
3 ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS  
4 AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO  
5 OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR  
6 WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER  
7 FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR  
8 SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS  
9 AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE  
10 THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
11 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
12 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
13 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE  
14 OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION  
15 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO  
16 PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE;  
17 MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH  
18 OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR  
19 MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL  
20 SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER  
21 OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME;  
22 MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST  
23 COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF  
24 THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT  
25 INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF  
26 THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO  
27 BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING

1 ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING  
2 FULL TRUST POWERS.

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

16 (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
17 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE BRIDGE  
18 SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND, AS THE CASE MAY  
19 BE; MAY, RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE  
20 BRIDGE ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED  
21 BY, A BRIDGE SAFETY SURCHARGE AUTHORIZED BY SECTION 43-4-805 (5)  
22 (g) OR ALL OR A PORTION OF THE RIGHTS OF THE TRANSPORTATION  
23 ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY  
24 USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-806; MAY  
25 CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS  
26 AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING  
27 ENTERPRISE DEEMS APPROPRIATE; MAY SET FORTH THE RIGHTS AND

1 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN  
2 PROVISIONS THAT THE ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE  
3 SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED  
4 TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT  
5 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF  
6 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

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

19 (f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING  
20 ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON  
21 EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR  
22 SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE  
23 THEREOF.

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

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

15           (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN  
16 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,  
17 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST  
18 ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS  
19 PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S.,  
20 MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF THE BONDS SATISFY  
21 THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75  
22 OF TITLE 24, C.R.S.

23           (4) THE INCOME OR OTHER REVENUES OF THE BRIDGE ENTERPRISE  
24 AND THE TRANSPORTATION ENTERPRISE, ALL PROPERTIES AT ANY TIME  
25 OWNED BY EITHER ENTERPRISE, BONDS ISSUED BY EITHER ENTERPRISE, AND  
26 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY EITHER  
27 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN

1 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,  
2 THE ISSUING ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL  
3 INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY AN  
4 ISSUING ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE  
5 51 OF TITLE 11, C.R.S.

6 **43-4-808. Toll highways - special provisions - limitations.**

7 (1) THE TRANSPORTATION ENTERPRISE OR ANY PARTNER OF THE  
8 ENTERPRISE OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE  
9 THAT IS A TOLL HIGHWAY UNDER THE TERMS OF A PUBLIC-PRIVATE  
10 PARTNERSHIP SHALL, IN OPERATING THE TOLL HIGHWAY:

11 (a) ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO THE TOLL  
12 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF  
13 VEHICLES TRAVEL UPON THE TOLL HIGHWAY; EXCEPT THAT THE  
14 ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY  
15 LANES FOR HIGH-OCCUPANCY VEHICLE USE ONLY AND MAY RESTRICT  
16 ACCESS TO VEHICLES CARRYING HAZARDOUS MATERIALS OR OTHER  
17 VEHICLES TO THE EXTENT NECESSARY TO PROTECT THE HEALTH AND  
18 SAFETY OF THE PUBLIC; AND

19 (b) ALLOW ANY PUBLIC TRANSPORTATION VEHICLE TO TRAVEL ON  
20 THE TOLL HIGHWAY WITHOUT PAYING A USER FEE.

21 (2) (a) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY  
22 MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE  
23 TRANSPORTATION ENTERPRISE'S REGULATIONS REGARDING TOLL  
24 COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE  
25 OF THE TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT  
26 AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL  
27 ENFORCEMENT AGREEMENTS WITH THE TRANSPORTATION ENTERPRISE.

1 ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY  
2 PURSUANT TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO  
3 ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW  
4 ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES  
5 PURSUANT TO THE AGREEMENT.

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

18 (c) (I) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE  
19 TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY  
20 ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER  
21 AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE THE  
22 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL  
23 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL  
24 ORDINANCE, FOR TOLL EVASION.

25 (II) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE  
26 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN  
27 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR

1 A MUNICIPAL SUMMONS AND COMPLAINT.

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

19 (IV) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
20 THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON  
21 CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE  
22 TRANSPORTATION ENTERPRISE AT THE OFFICE OF THE ENTERPRISE OR THE  
23 ENTERPRISE'S COLLECTION DESIGNEE EITHER IN PERSON OR BY  
24 POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF THE NOTICE. IF THE  
25 PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL, FEE, OR CIVIL  
26 PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY  
27 ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR

1 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION, AND THE  
2 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY  
3 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE MANNER  
4 SPECIFIED IN THE NOTICE.

5 (V) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE  
6 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT  
7 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO  
8 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE  
9 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON  
10 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL  
11 EVASION EXCEED THE LIMIT ESTABLISHED IN PARAGRAPH (b) OF THIS  
12 SUBSECTION (2).

13 (d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,  
14 AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES  
15 ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE  
16 USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL  
17 PENALTY RULES ENACTED BY THE TRANSPORTATION ENTERPRISE. VENUE  
18 FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY  
19 AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL  
20 ORDINANCE, STATE LAW, OR RULE OF THE TRANSPORTATION ENTERPRISE  
21 OCCURRED.

22 (II) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE  
23 TRANSPORTATION ENTERPRISE SHALL CONSIDER ESTABLISHING AN  
24 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,  
25 ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE  
26 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE  
27 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN

1 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN  
2 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL  
3 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY  
4 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

5 (III) IF THE TRANSPORTATION ENTERPRISE ESTABLISHES AN  
6 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A  
7 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION  
8 TO HEAR TOLL EVASION CASES ARISING ON A TOLL HIGHWAY OPERATED BY  
9 THE ENTERPRISE.

10 (IV) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN  
11 IMPARTIAL HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED  
12 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE  
13 TRANSPORTATION ENTERPRISE. THE HEARING OFFICER MAY BE AN  
14 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE OR AN  
15 INDEPENDENT CONTRACTOR OF THE TRANSPORTATION ENTERPRISE. THE  
16 CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE  
17 HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN  
18 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE  
19 TRANSPORTATION ENTERPRISE MAY ENTER INTO CONTRACTS PURSUANT TO  
20 SECTION 29-1-203, C.R.S., FOR JOINT ADJUDICATION OF TOLL EVASION  
21 CASES PURSUANT TO THIS SECTION.

22 (V) THE TRANSPORTATION ENTERPRISE MAY FILE A CERTIFIED COPY  
23 OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED  
24 BY THE HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH  
25 THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE  
26 VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE  
27 CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT

1 AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER SHALL  
2 THENCEFORTH HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT,  
3 AN EXECUTION MAY ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER  
4 CASES.

5 (VI) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY  
6 THE TRANSPORTATION ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE  
7 ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF  
8 LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE  
9 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD  
10 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

11 (VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY  
12 THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY  
13 LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS  
14 OWED TO THE ENTERPRISE.

15 (e) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT  
16 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT  
17 TO RULES ADOPTED AS AUTHORIZED IN PARAGRAPH (b) OF THIS  
18 SUBSECTION (2) SHALL BE REMITTED TO THE TRANSPORTATION ENTERPRISE  
19 AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAID THE COSTS AND  
20 EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS  
21 OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED,  
22 THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE  
23 TERMS OF ANY ENFORCEMENT AGREEMENT.

24 (f) (I) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE  
25 PROVIDED FOR IN PARAGRAPH (c) OF THIS SUBSECTION (2), WHERE AN  
26 INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE  
27 IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING

1 A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED  
2 AND SENT BY FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE  
3 OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE  
4 THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT  
5 TO DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TRANSPORTATION  
6 ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE  
7 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE  
8 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF  
9 THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE DATE, TIME, AND  
10 LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED  
11 FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED  
12 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH  
13 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
14 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL  
15 EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED  
16 IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (f), THE REGISTERED  
17 OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE PRESUMED  
18 LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE  
19 TRANSPORTATION ENTERPRISE.

20 (II) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS  
21 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE  
22 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR  
23 PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT  
24 THE DISCRETION OF SUCH OWNER:

25 (A) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION  
26 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED  
27 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A

1 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE  
2 TRANSPORTATION ENTERPRISE; OR

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

26 (III) THE REGISTERED OWNER OF A VEHICLE INVOLVED IN A TOLL  
27 EVASION VIOLATION MAY REBUT THE PRESUMPTION OF LIABILITY FOR THE

1 VIOLATION BY PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

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

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

8 (IV) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY  
9 DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS  
10 BEEN GIVEN, THE TRANSPORTATION ENTERPRISE SHALL SEND A SECOND  
11 PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT  
12 REQUESTED, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY  
13 OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT  
14 TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH  
15 RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED, RELIABILITY,  
16 AND PRICE, CONTAINING THE SAME INFORMATION AS SET FORTH IN  
17 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f). THE NOTICE SHALL SPECIFY  
18 THAT THE REGISTERED OWNER OF THE VEHICLE MAY PAY THE SAME  
19 PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.  
20 IF THE REGISTERED OWNER OF THE VEHICLE DOES NOT PAY THE  
21 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE  
22 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A  
23 COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION IN COURT  
24 OR IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE  
25 REGISTERED OWNER OF THE VEHICLE SHALL, WITHIN THE TIME SPECIFIED  
26 IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THE  
27 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF THE REGISTERED

1 OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE OUTSTANDING TOLL,  
2 FEE, OR CIVIL PENALTY SET FORTH IN THE NOTICE OR TO APPEAR AND  
3 ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE REGISTERED OWNER  
4 OF THE VEHICLE SHALL BE DEEMED TO HAVE ADMITTED LIABILITY AND TO  
5 HAVE WAIVED THE RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY  
6 IN DEFAULT AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE  
7 ENTERED.

8 (g) A COURT WITH JURISDICTION IN A TOLL EVASION CASE  
9 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION  
10 (2) OR THE TRANSPORTATION ENTERPRISE, IF IT HAS JURISDICTION IN A  
11 TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d)  
12 OF THIS SUBSECTION (2), MAY REPORT TO THE DEPARTMENT OF REVENUE  
13 ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE  
14 TOLL, FEE, OR CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF  
15 A CERTIFIED REPORT FROM A COURT OR THE TRANSPORTATION ENTERPRISE  
16 STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS FAILED TO PAY  
17 A TOLL, FEE, OR CIVIL PENALTY RESULTING FROM A FINAL ORDER ENTERED  
18 BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT RENEW THE  
19 REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY  
20 ARE PAID IN FULL. THE TRANSPORTATION ENTERPRISE SHALL CONTRACT  
21 WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR  
22 THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE  
23 REGISTRATION PURSUANT TO THIS PARAGRAPH (g). THE DEPARTMENT HAS  
24 NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION  
25 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY  
26 TOLL EVASION.

27 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND

1 SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806 (8) AND ANY  
2 LIMITATIONS SET FORTH IN THE STATE CONSTITUTION OR IN FEDERAL LAW,  
3 THE TRANSPORTATION ENTERPRISE MAY:

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

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

9 ==  
10 (II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL  
11 GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION  
12 OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE  
13 IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY  
14 IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY  
15 SEGMENT OR HIGHWAY LANES;

16 (b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION  
17 PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY  
18 SYSTEM; AND

19 (c) AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE  
20 REVENUES FOR COST-EFFECTIVE MULTIMODAL TRANSPORTATION PROJECTS  
21 THAT PROMOTE MOBILITY, REDUCTIONS IN EMISSIONS OF GREENHOUSE  
22 GASES, AND ENERGY EFFICIENCY.

23 (4) BEFORE IMPOSING A USER FEE ON A HIGHWAY SEGMENT OR  
24 HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON  
25 A TOLL-FREE BASIS, THE TRANSPORTATION ENTERPRISE SHALL PREPARE OR  
26 CAUSE TO BE PREPARED A LOCAL AIR QUALITY IMPACT STATEMENT AND A  
27 LOCAL COMMUNITY TRAFFIC SAFETY ASSESSMENT THAT SPECIFICALLY

1 TAKE INTO ACCOUNT ANY DIVERSION OF VEHICULAR TRAFFIC FROM THE  
2 HIGHWAY SEGMENT OR HIGHWAY LANES ONTO OTHER HIGHWAYS, ROADS,  
3 OR STREETS THAT IS EXPECTED TO RESULT FROM THE IMPOSITION OF THE  
4 USER FEE.

5 **43-4-809. Enterprises - applicability of other laws.**

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

10 (2) (a) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION  
11 ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE  
12 COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE  
13 24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF  
14 TITLE 24, C.R.S.

15 (b) FOR PURPOSES OF PART 2 OF THE "COLORADO OPEN RECORDS  
16 ACT", ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE BRIDGE  
17 ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL BE PUBLIC  
18 RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF  
19 WHETHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE  
20 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN  
21 GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL  
22 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

23 (3) REVENUES OF THE BRIDGE ENTERPRISE AND THE  
24 TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS  
25 OF SECTION 43-1-1205.

26 (4) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION  
27 ENTERPRISE SHALL EACH CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF

1 PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

2 (5) LABOR STANDARDS SPECIFIED IN LAW THAT APPLY TO THE  
3 DEPARTMENT SHALL APPLY WITH EQUAL FORCE TO THE BRIDGE ENTERPRISE  
4 AND THE TRANSPORTATION ENTERPRISE. [REDACTED] [REDACTED]

5 ==  
6 =====

7 **43-4-810. Fees and surcharges - limitations on use.** AS  
8 REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
9 PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE  
10 PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR  
11 OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON  
12 ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE  
13 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC  
14 HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

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

18 **24-1-128.7. Department of transportation - creation.** (5) THE  
19 STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S.,  
20 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS  
21 IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN  
22 SECTION 24-1-105, C.R.S., TO THE DEPARTMENT OF TRANSPORTATION.

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

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

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

11 **42-3-103. Registration required - exemptions.** (4) (a) Within  
12 ~~thirty~~ NINETY days after becoming a resident of Colorado, an owner of a  
13 motor vehicle required to be registered by subsection (1) of this section  
14 shall register such vehicle with the department, irrespective of such  
15 vehicle being registered within another state or country. A person who  
16 violates this paragraph (a) is subject to the penalties provided in ~~section~~  
17 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

20 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject  
21 to taxation under this article is not registered when required by law, the  
22 vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as~~  
23 ~~determined by the department or authorized agent registering the vehicle,~~  
24 ~~which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A  
25 MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF  
26 APPLICABLE, THE THIRTY-DAY GRACE PERIOD DESCRIBED IN SECTION  
27 42-3-113 (2) (e) FOR WHICH THE VEHICLE IS UNREGISTERED. THE LATE FEE

1 SHALL BE due when the vehicle is registered. ~~The department or the~~  
2 ~~authorized agent registering the vehicle may waive the late fee.~~

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

15 SECTION 5. 42-4-510 (1) (b) (II) (A), (1) (b) (II) (B), and (11)  
16 (a) (VI) (B), Colorado Revised Statutes, are amended, and the said  
17 42-4-510 (11) (a) (VI) is further amended BY THE ADDITION OF THE  
18 FOLLOWING NEW SUB-SUBPARAGRAPHS, to read:

19 42-4-510. Permits for excess size and weight and for  
20 manufactured homes - rules. (1) (b) (II) An overweight permit issued  
21 pursuant to this section shall be available for overweight divisible loads  
22 if:

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

26 (B) The VEHICLE HAS A TRIPLE AXLE GROUPING ON THE TRAILER  
27 AND THE maximum gross weight OF THE VEHICLE does not exceed one

1 hundred ten NINETY-SEVEN thousand pounds; AND

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

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

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

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

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

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

17 **42-6-139. Registration - where made.** (3) A person who  
18 knowingly violates any of the provisions of subsection (2) of this section,  
19 section 42-3-103 (4) (a), section 42-6-140, or any rule of the director  
20 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon  
21 conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND  
22 dollars.

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

25 **42-6-140. Registration upon becoming resident.** Within thirty  
26 NINETY days after becoming a resident of Colorado, the owner of a motor  
27 vehicle shall apply for a Colorado certificate of title, a license, and

1 registration for the vehicle that is registered, that is licensed, or for which  
2 a certificate of title is issued in another state. Any person who violates the  
3 provisions of this section is subject to the penalties provided in ~~section~~  
4 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

7 **42-12-102. Registration of collectors' items - fees.** (1) Except  
8 for those motor vehicles that are entitled to registration under the  
9 provisions of section 42-3-219, collectors' items shall be titled, registered,  
10 and a specific ownership tax shall be paid thereon in the same manner as  
11 provided in this title for other motor vehicles, with the following  
12 exceptions:

13 (a) Such collectors' items shall be registered for periods of five  
14 years. The taxes and fees imposed for registration of a collector's item for  
15 each five-year registration period shall be equal to five times the annual  
16 taxes and fees which would otherwise be imposed for the registration of  
17 such motor vehicle under this title and under title 43, C.R.S.; EXCEPT THAT  
18 THE AMOUNT OF A SURCHARGE IMPOSED PURSUANT TO SECTION 43-4-804  
19 (1)(a) OR 43-4-805 (5)(g), C.R.S, SHALL BE THE AMOUNT SPECIFIED IN THE  
20 APPLICABLE SECTION. In addition to any other such taxes and fees, if a  
21 collector's item is registered in a county which is a member of one or more  
22 highway authorities and such authority or authorities have imposed an  
23 annual motor vehicle registration fee or fees pursuant to the provisions of  
24 section 43-4-506 (1) (k), C.R.S., then five times such annual motor vehicle  
25 registration fee or fees shall be imposed and remitted to such authority or  
26 authorities.

27 **SECTION 9.** 43-1-106, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **43-1-106. Transportation commission - powers and duties.**

3 (17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND  
4 ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO  
5 MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED  
6 INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM,  
7 AND LONG TERM. THE COMMITTEE SHALL INCLUDE:

8 (I) FROM STATE GOVERNMENT:

9 (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE  
10 COMMISSION;

11 (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR  
12 DESIGNATED BY THE EXECUTIVE DIRECTOR;

13 (C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE  
14 DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE  
15 EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH  
16 DIVISION; AND

17 (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE  
18 EXECUTIVE DIRECTOR MAY DESIGNATE;

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

20 (A) THE CONSTRUCTION INDUSTRY;

21 (B) THE ENGINEERING INDUSTRY;

22 (C) THE ENVIRONMENTAL COMMUNITY;

23 (D) TRANSPORTATION PLANNING ORGANIZATIONS;

24 (E) PUBLIC TRANSPORTATION PROVIDERS; AND

25 (F) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION  
26 DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.

27 (b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL

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

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

16 **43-1-1103. Transportation planning.** (5) The department shall  
17 integrate and consolidate the regional transportation plans for the  
18 transportation planning regions into a comprehensive statewide  
19 transportation plan. The formation of such state plan shall be  
20 accomplished through a statewide planning process set by rules and  
21 regulations promulgated by the commission. The state plan shall ~~include~~  
22 ADDRESS but shall not be limited to the following factors:

23 (d) THE TARGETING OF INFRASTRUCTURE INVESTMENTS, INCLUDING  
24 PRESERVATION OF THE EXISTING TRANSPORTATION SYSTEM COMMONLY  
25 KNOWN AS "FIXING IT FIRST" TO SUPPORT THE ECONOMIC VITALITY OF THE  
26 STATE AND REGION;

27 (e) SAFETY ENHANCEMENT;

- 1 (f) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;
- 2 (g) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;
- 3 (h) ENVIRONMENTAL STEWARDSHIP;
- 4 [REDACTED]
- 5 (i) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND
- 6 (j) REDUCTION OF GREENHOUSE GAS EMISSIONS.

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

10 **38-1-202. Governmental entities, corporations, and persons**  
11 **authorized to use eminent domain.** (1) The following governmental  
12 entities, types of governmental entities, and public corporations, in  
13 accordance with all procedural and other requirements specified in this  
14 article and articles 2 to 7 of this title and to the extent and within any time  
15 frame specified in the applicable authorizing statute may exercise the  
16 power of eminent domain:

- 17 (b) The state:
- 18 (IV) By action of the general assembly or by action of any of the  
19 following officers and agencies of the state:

20 (J) The statewide tolling BRIDGE enterprise as authorized in ~~section~~  
21 ~~43-4-806 (1) (g)~~ SECTION 43-4-805 (5) (e), C.R.S.; and

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

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

26 **43-1-1402. Definitions.** As used in this part 14:

- 27 (3) "Design-build contract" means the procurement of both the

1 design and the construction of a transportation project in a single contract  
2 with a single design-build firm or a combination of such firms that are  
3 capable of providing the necessary design and construction services. A  
4 DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE  
5 PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE  
6 PROJECT.

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

9 **43-4-205. Allocation of fund.** (6.3) REVENUES FROM THE  
10 SURCHARGES, FEES, AND FINES CREDITED TO THE HIGHWAY USERS TAX  
11 FUND PURSUANT TO SECTION 43-4-804 (1) SHALL BE ALLOCATED AND  
12 EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN PARAGRAPH  
13 (b) OF SUBSECTION (6) OF THIS SECTION.

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

16 **43-4-206. State allocation.** (3) NOTWITHSTANDING THE  
17 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED  
18 TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-205 (6.3)  
19 SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION ONLY FOR  
20 ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21); EXCEPT  
21 THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO  
22 SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE  
23 WITH SECTION 43-4-810, EXPEND TEN MILLION DOLLARS PER YEAR OF THE  
24 REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,  
25 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE,  
26 OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS,  
27 INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN

1 LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE  
2 DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL  
3 TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE  
4 HIGHWAYS FOR TRANSIT USERS.

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

7 **43-4-207. County allocation.** (1) After paying the costs of the  
8 Colorado state patrol and such other costs of the department, exclusive of  
9 highway construction, highway improvements, or highway maintenance,  
10 as are appropriated by the general assembly, twenty-six percent of the  
11 balance of the highway users tax fund shall be paid to the county  
12 treasurers of the respective counties, subject to annual appropriation by  
13 the general assembly, and shall be allocated and expended as provided in  
14 this section. The moneys thus received shall be allocated to the counties  
15 as provided by law and shall be expended by ~~said~~ THE counties only on the  
16 construction, engineering, reconstruction, maintenance, repair, equipment,  
17 improvement, and administration of the county highway systems and any  
18 other public highways, including any state highways, together with  
19 acquisition of rights-of-way and access rights for the same and for no  
20 other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION  
21 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD  
22 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to  
23 be expended for administrative purposes shall not exceed five percent of  
24 each county's share of the funds available.

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

27 **43-4-208. Municipal allocation.** (1) After paying the costs of the

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

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

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

27 **SECTION 18. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.