

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

**INTRODUCED**

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

**House Committees**

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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.*

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

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

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

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

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

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

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

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



1 *Be it enacted by the General Assembly of the State of Colorado:*  
2           **SECTION 1.** Part 8 of article 4 of title 43, Colorado Revised  
3 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,  
4 to read:  
5   PART 8  
6   FUNDING ADVANCEMENT FOR SURFACE  
7   TRANSPORTATION AND ECONOMIC RECOVERY  
8           **43-4-801. Short title.** THIS PART 8 SHALL BE KNOWN AND MAY BE  
9 CITED AS THE "FUNDING ADVANCEMENTS FOR SURFACE TRANSPORTATION  
10 AND ECONOMIC RECOVERY ACT OF 2009".  
11           **43-4-802. Legislative declaration.** (1) THE GENERAL ASSEMBLY

1       HEREBY FINDS AND DECLARES THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 TRANSPORTATION INFRASTRUCTURE PROJECTS AND THE CONTINUING  
2 MAINTENANCE, REPAIR, AND RECONSTRUCTION OF THE STATEWIDE  
3 SURFACE TRANSPORTATION SYSTEM THAT WILL:

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

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

11 (b) THE ESTABLISHMENT OF THE MILEAGE-BASED REVENUE  
12 COMMISSION TO DESIGN, DEVELOP, AND IMPLEMENT MILEAGE-BASED  
13 REVENUE PILOT PROGRAMS REPRESENTS AN IMPORTANT STEP IN  
14 DEVELOPING THE MODERN, INNOVATIVE, AND SUSTAINABLE FUNDING  
15 SOLUTIONS NEEDED TO FUND THE STATEWIDE SURFACE TRANSPORTATION  
16 SYSTEM REQUIRED FOR THE CONTINUED ECONOMIC PROSPERITY OF THE  
17 STATE; AND

18 (c) THE SPECIFICATION OF ADDITIONAL POLICIES TO BE  
19 CONSIDERED AT ALL STAGES OF THE STATEWIDE TRANSPORTATION  
20 PLANNING PROCESS AND THE ESTABLISHMENT OF AN EFFICIENCY AND  
21 ACCOUNTABILITY COMMITTEE WITHIN THE DEPARTMENT OF  
22 TRANSPORTATION WILL HELP TO ENSURE THAT TRANSPORTATION  
23 PLANNING IS THOROUGH, INTEGRATED, AND STRATEGIC AND THAT ALL  
24 FUNDING DEDICATED FOR SURFACE TRANSPORTATION IS EXPENDED  
25 EFFECTIVELY.

26 **43-4-803. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

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

3 (2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,  
4 COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS  
5 OF EITHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE  
6 AUTHORIZED BY THIS PART 8, INCLUDING, BUT NOT LIMITED TO, ANY  
7 OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM  
8 OR GUARANTEED BY THE UNITED STATES.

9 (3) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND  
10 RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS,  
11 INCLUDING, WITHOUT LIMITATION:

12 (a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST,  
13 PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS SINKING  
14 FUNDS, AND COSTS OF ISSUANCE;

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

17 (c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR,  
18 PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR  
19 CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT  
20 ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION  
21 PROVIDER;

22 (d) COVERAGE REQUIREMENTS; AND

23 (e) OTHER COSTS, FEES, AND EXPENSES RELATED TO THE  
24 FOREGOING AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT  
25 TO THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF  
26 THE BONDS.

27 (4) "BRIDGE ENTERPRISE" MEANS THE STATEWIDE BRIDGE



1 ENTERPRISE CREATED IN SECTION 43-4-805 (2).

2 (5) "BRIDGE ENTERPRISE BOARD" MEANS THE BOARD OF  
3 DIRECTORS OF THE BRIDGE ENTERPRISE.

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

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

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

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

14 (10) "DESIGNATED BRIDGE" MEANS A BRIDGE, INCLUDING ANY  
15 ROADWAYS, SIDEWALKS, OR OTHER INFRASTRUCTURE CONNECTED OR  
16 ADJACENT TO OR REQUIRED FOR THE OPTIMAL FUNCTIONING OF THE  
17 BRIDGE, THAT:

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

20 (b) HAS BEEN IDENTIFIED BY THE DEPARTMENT AS STRUCTURALLY  
21 DEFICIENT, FUNCTIONALLY OBSOLETE, OR HAS BEEN RATED BY THE  
22 DEPARTMENT AS POOR.

23 (11) "DESIGNATED BRIDGE PROJECT" MEANS A PROJECT THAT  
24 INVOLVES THE REPAIR, RECONSTRUCTION, REPLACEMENT, OR ONGOING  
25 OPERATION OR MAINTENANCE, OR ANY COMBINATION THEREOF, OF A  
26 DESIGNATED BRIDGE BY THE BRIDGE ENTERPRISE PURSUANT TO AN  
27 AGREEMENT BETWEEN THE ENTERPRISE AND THE COMMISSION OR

1 DEPARTMENT AUTHORIZED BY SECTION 43-4-805 (5) (f).

2 (12) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
3 THE DEPARTMENT.

4 (13) (a) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER  
5 DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL  
6 GOVERNMENT IN THE STATE TO THE BRIDGE ENTERPRISE OR THE  
7 TRANSPORTATION ENTERPRISE THAT IS NOT REQUIRED TO BE REPAID.

8 (b) "GRANT" DOES NOT INCLUDE ANY OF THE FOLLOWING OR ANY  
9 INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
10 THE FOLLOWING:

11 (I) ANY INDIRECT BENEFIT CONFERRED UPON THE BRIDGE  
12 ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM THE STATE OR  
13 ANY LOCAL GOVERNMENT IN THE STATE;

14 (II) ANY FEDERAL FUNDS RECEIVED BY THE BRIDGE ENTERPRISE OR  
15 THE TRANSPORTATION ENTERPRISE, REGARDLESS OF WHETHER THE  
16 FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT  
17 IN THE STATE PRIOR TO RECEIPT BY THE ENTERPRISE;

18 (III) ANY REVENUES OF THE BRIDGE ENTERPRISE FROM THE BRIDGE  
19 SAFETY SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION  
20 43-4-805 (5) (g) OR REVENUES OF THE BRIDGE ENTERPRISE OR THE  
21 TRANSPORTATION ENTERPRISE FROM ANY OTHER AUTHORIZED RATE, FEE,  
22 ASSESSMENT, OR OTHER CHARGE IMPOSED BY EITHER ENTERPRISE FOR THE  
23 PROVISION OF GOODS OR SERVICES BY THE ENTERPRISE;

24 (IV) ANY MONEYS PAID OR ADVANCED TO THE BRIDGE ENTERPRISE  
25 OR THE TRANSPORTATION ENTERPRISE BY THE STATE, A LOCAL  
26 GOVERNMENT OR GROUP OF LOCAL GOVERNMENTS, AN AUTHORITY, OR  
27 ANY OTHER GOVERNMENT-OWNED BUSINESS OR GOVERNMENTAL ENTITY

1 IN EXCHANGE FOR AN AGREEMENT BY EITHER ENTERPRISE TO COMPLETE  
2 A DESIGNATED BRIDGE PROJECT OR A SURFACE TRANSPORTATION  
3 INFRASTRUCTURE PROJECT; OR

4 (V) ANY MONEYS LOANED BY THE COMMISSION TO THE BRIDGE  
5 ENTERPRISE PURSUANT TO SECTION 43-4-805 (4) OR 43-4-805 (5) (r) OR  
6 THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (4).

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

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

25 (16) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR  
26 CITY AND COUNTY.

27 (17) "MBR" MEANS MILEAGE-BASED REVENUE.

1 (18) "MBR COMMISSION" MEANS THE MILEAGE-BASED REVENUE  
2 COMMISSION CREATED IN SECTION 43-4-810 (2) (a).

3 (19) "METROPOLITAN PLANNING ORGANIZATION" MEANS A  
4 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT  
5 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

6 (20) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT,  
7 INCLUDING, BUT NOT LIMITED TO, AN OPERATING CONCESSION AGREEMENT  
8 BETWEEN THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE  
9 AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

10 (a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A SURFACE  
11 TRANSPORTATION INFRASTRUCTURE PROJECT IN EXCHANGE FOR A PUBLIC  
12 BENEFIT CONCERNING THE PROJECT OTHER THAN ONLY A MONEY  
13 PAYMENT;

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

16 (c) COOPERATION IN RESEARCHING, DEVELOPING, AND  
17 IMPLEMENTING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.

18 (21) "PUBLIC TRANSPORTATION VEHICLE" MEANS A MOTOR  
19 VEHICLE THAT IS PART OF VEHICULAR SERVICE THAT TRANSPORTS THE  
20 GENERAL PUBLIC AND THAT IS PROVIDED BY A PUBLIC TRANSPORTATION  
21 DISTRICT OR BY A LOCAL GOVERNMENT.

22 (22) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL  
23 PLANNING COMMISSION FORMED UNDER THE PROVISIONS OF SECTION  
24 30-28-105, C.R.S., THAT PREPARES AND SUBMITS A TRANSPORTATION  
25 PLAN PURSUANT TO SECTION 43-1-1103.

26 (23) "ROAD SAFETY PROJECT" MEANS A CONSTRUCTION,  
27 RECONSTRUCTION, OR MAINTENANCE PROJECT THAT THE COMMISSION

1 DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A STATE HIGHWAY,  
2 A COUNTY DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A COUNTY  
3 ROAD, OR A MUNICIPALITY DETERMINES IS NEEDED TO ENHANCE THE  
4 SAFETY OF A CITY STREET.

5 (24) "SURFACE TRANSPORTATION INFRASTRUCTURE" MEANS A  
6 HIGHWAY, A BRIDGE OTHER THAN A DESIGNATED BRIDGE, OR ANY OTHER  
7 INFRASTRUCTURE, FACILITY, OR EQUIPMENT USED PRIMARILY OR IN LARGE  
8 PART TO TRANSPORT PEOPLE ON SYSTEMS THAT OPERATE ON OR ARE  
9 AFFIXED TO THE GROUND.

10 (25) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT"  
11 MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,  
12 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION,  
13 MAINTENANCE, OR OPERATION OF A DEFINED AMOUNT OF SURFACE  
14 TRANSPORTATION INFRASTRUCTURE BY:

15 (a) THE TRANSPORTATION ENTERPRISE; OR

16 (b) A PARTNER OF THE TRANSPORTATION ENTERPRISE UNDER THE  
17 TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

18 (26) "TRANSPORTATION ENTERPRISE" MEANS THE  
19 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION  
20 43-4-806 (2) (a).

21 (27) "TRANSPORTATION ENTERPRISE BOARD" MEANS THE BOARD  
22 OF DIRECTORS OF THE TRANSPORTATION ENTERPRISE.

23 (28) "TRANSPORTATION ENTERPRISE DIRECTOR" MEANS THE  
24 DIRECTOR OF THE TRANSPORTATION ENTERPRISE APPOINTED PURSUANT TO  
25 SECTION 43-4-806 (2) (b).

26 (29) "USER FEE" MEANS COMPENSATION TO BE PAID TO THE  
27 TRANSPORTATION ENTERPRISE OR A PARTNER OF THE TRANSPORTATION

1 ENTERPRISE FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION  
2 INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE TRANSPORTATION  
3 ENTERPRISE OR OPERATED BY ITS PARTNER UNDER THE TERMS OF A  
4 PUBLIC-PRIVATE PARTNERSHIP.

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

12 **43-4-804. Highway safety projects - surcharges and fees -**  
13 **crediting of moneys to highway users tax fund.** (1) ON AND AFTER  
14 JULY 1, 2009, THE FOLLOWING SURCHARGES, FEES, AND FINES SHALL BE  
15 COLLECTED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED  
16 IN SECTION 43-4-201 (1) (a) AND ALLOCATED TO THE STATE HIGHWAY  
17 FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205  
18 (6.3):

19 (a) (I) A ROAD SAFETY SURCHARGE, WHICH, EXCEPT AS OTHERWISE  
20 PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), SHALL BE  
21 IMPOSED UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A  
22 REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART  
23 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN  
24 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (a) AND SUBSECTION (2) OF THIS  
25 SECTION, THE AMOUNT OF THE SURCHARGE SHALL BE:

26 (A) SIXTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE,  
27 MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN

1 SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO  
2 THOUSAND POUNDS OR LESS;

3 (B) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS  
4 MORE THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE  
5 THOUSAND POUNDS;

6 (C) TWENTY-EIGHT DOLLARS FOR ANY VEHICLE THAT WEIGHS  
7 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND  
8 POUNDS;

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

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

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

26 (III) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON  
27 ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED

1 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

2 (IV) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED ON  
3 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS  
4 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF  
5 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE  
6 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND THE  
7 PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION  
8 APPORTIONED TO COLORADO.

9 (V) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE  
10 ROAD SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE  
11 REGISTRATION FEES OR SURCHARGES IMPOSED.

12 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
13 THIS PARAGRAPH (b), A DAILY VEHICLE RENTAL FEE, WHICH SHALL BE  
14 IMPOSED ON THE RENTAL OF ANY VEHICLE RENTED IN THE STATE AT THE  
15 RATE OF TWO DOLLARS PER DAY. ANY PERSON WHO OWNS VEHICLES THAT  
16 ARE BASED IN COLORADO FOR RENTAL PURPOSES OR WHO OWNS VEHICLES  
17 THAT ARE BASED IN A STATE OTHER THAN COLORADO FOR RENTAL  
18 PURPOSES BUT RENTS SUCH VEHICLES FROM A BUSINESS LOCATION IN  
19 COLORADO AND WHOSE PRIMARY BUSINESS IS THE RENTAL OF SUCH  
20 VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS, INCLUDING  
21 RENEWALS, TO ANOTHER PERSON SHALL COLLECT THE DAILY VEHICLE  
22 RENTAL FEE FROM THE RENTER OF EACH VEHICLE RENTED. THE RENTAL  
23 INVOICE SHALL LIST THE DAILY VEHICLE RENTAL FEE SEPARATELY AS A  
24 COLORADO ROAD SAFETY PROGRAM FEE.

25 (II) A PERSON WHO COLLECTS THE DAILY VEHICLE RENTAL FEE  
26 IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND WHO PAYS  
27 SPECIFIC OWNERSHIP TAX ON THE VEHICLES RENTED IN THE MANNER



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

18 (III) BECAUSE VEHICLE SHARING IS AN ALTERNATIVE TO PERSONAL  
19 VEHICLE OWNERSHIP THAT REDUCES THE NUMBER OF VEHICLE MILES  
20 TRAVELED ON THE HIGHWAYS OF THE STATE BY ENCOURAGING THE USE OF  
21 TRANSIT AND REDUCING THE NUMBER OF TRIPS MADE IN PRIVATELY OWNED  
22 VEHICLES AND THEREBY BENEFITS THE STATE BY REDUCING TRAFFIC  
23 CONGESTION, GREENHOUSE GAS EMISSIONS, AND THE AMOUNT OF WEAR  
24 AND TEAR ON THE HIGHWAYS, THE DAILY VEHICLE RENTAL FEE IMPOSED  
25 PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE IMPOSED ON ANY  
26 VEHICLE RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT IF:

27 (A) UNDER THE TERMS OF THE ARRANGEMENTS, AN ORGANIZATION

1 PROVIDES PASSENGER VEHICLES FOR THE USE OF MEMBERS OF THE  
2 ORGANIZATION WHO HAVE PAID A MEMBERSHIP FEE TO THE ORGANIZATION  
3 AND CHARGES AN ADDITIONAL FEE FOR EACH USE OF A PASSENGER  
4 VEHICLE;

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

8 (C) THE AVERAGE PAID USAGE PERIOD FOR ALL PASSENGER  
9 VEHICLES PROVIDED BY THE ORGANIZATION DURING THE PRIOR CALENDAR  
10 YEAR WAS TWELVE HOURS OR LESS; AND

11 (D) AT LEAST ONE-HALF OF ALL PASSENGER VEHICLE RENTALS  
12 MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR IN EACH  
13 MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES BUSINESS  
14 WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN A  
15 RESIDENCE WITHIN THE CITY OR COUNTY.

16 (c) (I) A SUPPLEMENTAL OVERSIZE, OVERWEIGHT, AND LONGER  
17 VEHICLE COMBINATION SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT  
18 OF THE FEE CHARGED BY THE DEPARTMENT FOR A LONGER VEHICLE  
19 COMBINATION PERMIT ISSUED PURSUANT TO SECTION 42-4-505 (1), C.R.S.,  
20 OR CHARGED BY THE DEPARTMENT, THE MOTOR CARRIER SERVICES  
21 DIVISION OF THE DEPARTMENT OF REVENUE, OR THE COLORADO STATE  
22 PATROL FOR AN OVERSIZE OR OVERWEIGHT VEHICLE PERMIT ISSUED  
23 PURSUANT TO SECTION 42-4-510 (11), C.R.S.; EXCEPT THAT THE  
24 SURCHARGE SHALL NOT BE IMPOSED ON A VEHICLE IF THE PERMIT FEE WAS  
25 IMPOSED PURSUANT TO SECTION 42-4-510 (11) (a) (VI), C.R.S.

26 (II) THE AGENCY ISSUING A LONGER VEHICLE COMBINATION OR  
27 OVERSIZE OR OVERWEIGHT VEHICLE PERMIT SHALL COLLECT THE

1 SUPPLEMENTAL OVERSIZE, OVERWEIGHT, AND LONGER VEHICLE  
2 COMBINATION SURCHARGE AT THE SAME TIME AS IT COLLECTS THE PERMIT  
3 FEES. THE AGENCY SHALL FORWARD ALL SUPPLEMENTAL OVERSIZE,  
4 OVERWEIGHT, AND LONGER VEHICLE COMBINATION SURCHARGES TO THE  
5 DEPARTMENT OF REVENUE, AND THE EXECUTIVE DIRECTOR OF THE  
6 DEPARTMENT OF REVENUE SHALL FORWARD THE SUPPLEMENTAL  
7 SURCHARGES TO THE STATE TREASURER, WHO SHALL CREDIT THE  
8 SURCHARGES TO THE HIGHWAY USERS TAX FUND.

9 (d) (I) A SUPPLEMENTAL UNREGISTERED VEHICLE FINE IMPOSED IN  
10 ADDITION TO THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3),  
11 C.R.S., UPON CONVICTION OF A MISDEMEANOR FOR KNOWINGLY FAILING  
12 TO REGISTER A VEHICLE WITHIN THIRTY DAYS OF BECOMING A RESIDENT OF  
13 THIS STATE AS REQUIRED BY SECTION 42-3-103 (4) (a), C.R.S.

14 (II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE  
15 COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO  
16 SECTION 42-6-139 (3), C.R.S. THE AMOUNT OF THE SUPPLEMENTAL  
17 UNREGISTERED VEHICLE FINE SHALL BE TWENTY-FIVE DOLLARS FOR EACH  
18 MONTH OR PORTION OF A MONTH THAT THE VEHICLE REMAINED  
19 UNREGISTERED FOLLOWING THE THIRTY-DAY PERIOD DURING WHICH  
20 INITIAL REGISTRATION WAS REQUIRED; EXCEPT THAT THE AMOUNT OF THE  
21 SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL NOT EXCEED ONE  
22 HUNDRED DOLLARS. ALL SUPPLEMENTAL UNREGISTERED VEHICLE FINES  
23 SHALL BE FORWARDED TO THE STATE TREASURER, WHO SHALL CREDIT THE  
24 FINES TO THE HIGHWAY USERS TAX FUND.

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

27 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE

1 SHALL ADJUST THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED  
2 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION ON  
3 JANUARY 1, 2011, AND ON EACH JANUARY 1 THEREAFTER TO REFLECT  
4 CHANGES IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER  
5 PRICE INDEX FOR THE DENVER-BOULDER-GREELEY CONSOLIDATED  
6 METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS AND ALL  
7 GOODS, OR ITS SUCCESSOR INDEX, FOR THE FISCAL YEAR ENDING DURING  
8 THE PRIOR CALENDAR YEAR; EXCEPT THAT, IF THE REVENUE ESTIMATE  
9 PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN DECEMBER 2010,  
10 OR IN DECEMBER OF ANY SUCCEEDING FISCAL YEAR, INDICATES THAT THE  
11 AMOUNT OF STATE REVENUES SUBJECT TO THE LIMITATION ON STATE  
12 FISCAL YEAR SPENDING FOR THE FISCAL YEAR WILL EXCEED THE EXCESS  
13 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6(6)(b), C.R.S.,  
14 FOR THE FISCAL YEAR AND THE STATE WILL BE REQUIRED TO REFUND ALL  
15 OR A PORTION OF THE EXCESS STATE REVENUES, THE MAXIMUM AMOUNT  
16 OF THE SURCHARGE THAT MAY BE IMPOSED SHALL NOT BE ADJUSTED  
17 UPWARD ON JANUARY 1 OF THE FISCAL YEAR.

18 **43-4-805. Statewide bridge enterprise - creation - board - funds**  
19 **- powers and duties - reporting requirements - legislative declaration.**

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

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

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

1 STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:

2 (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE  
3 DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE  
4 DESIGNATED BRIDGES IN THE STATE; AND

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

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

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

1 BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD.  
2 THE BRIDGE ENTERPRISE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL  
3 RESPONSIBILITIES OF THE BRIDGE ENTERPRISE AND SHALL SERVE AT THE  
4 PLEASURE OF THE BRIDGE ENTERPRISE BOARD.

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

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

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

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

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

1 SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (II) THE BRIDGE SAFETY SURCHARGE SHALL BE IMPOSED WHEN A  
26 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.  
27 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE

1 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME  
2 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT OF REVENUE, ALL BRIDGE SAFETY SURCHARGES COLLECTED  
4 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE  
5 DEPARTMENT OF REVENUE SHALL FORWARD ALL BRIDGE SAFETY  
6 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY BRIDGE SAFETY  
7 SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO  
8 THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE  
9 BRIDGE SPECIAL FUND.

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

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

20 (V) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE  
21 THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH  
22 (I) OF THIS PARAGRAPH (g) SHALL INCREASE ON JANUARY 1, 2011, AND ON  
23 EACH JANUARY 1 THEREAFTER TO REFLECT INCREASES IN THE UNITED  
24 STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR THE  
25 DENVER-BOULDER-GREELEY CONSOLIDATED METROPOLITAN STATISTICAL  
26 AREA FOR ALL URBAN CONSUMERS AND ALL GOODS, OR ITS SUCCESSOR  
27 INDEX, FOR THE FISCAL YEAR ENDING DURING THE PRIOR CALENDAR YEAR.

1 (VI) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE  
2 THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH  
3 (I) OF THIS PARAGRAPH (g) FOR ANY ANNUAL VEHICLE REGISTRATION  
4 PERIOD COMMENCING DURING THE 2009-10 FISCAL YEAR SHALL BE  
5 ONE-HALF OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN  
6 SAID SUBPARAGRAPH (I).

7 (VII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE  
8 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE  
9 REGISTRATION FEES OR SURCHARGES IMPOSED.

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

13 (I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE  
14 OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,  
15 MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A  
16 DESIGNATED BRIDGE PROJECT; AND

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

21 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR  
22 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD  
23 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND  
24 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,  
25 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS  
26 POWERS AND PERFORMANCE OF ITS DUTIES;

27 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING

1 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO  
2 CARRY OUT ITS POWERS AND DUTIES;

3 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,  
4 SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT  
5 WITHIN THE STATE;

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

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

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

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

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

27 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE

1 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO  
2 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR  
3 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

4 (r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS  
5 RECEIVED BY THE STATE FROM UNDER THE TERMS OF ONE OR MORE  
6 LEASE-PURCHASE AGREEMENTS ENTERED INTO BY THE STATE PURSUANT  
7 TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), TO EXPEND ANY MONEYS  
8 BORROWED FROM THE STATE FOR THE PURPOSE OF COMPLETING  
9 DESIGNATED BRIDGE PROJECTS AND FOR ANY OTHER AUTHORIZED PURPOSE  
10 THAT CONSTITUTES THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE  
11 OF THE PUBLIC HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF  
12 ARTICLE X OF THE STATE CONSTITUTION, AND TO USE REVENUES  
13 GENERATED BY ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO  
14 PARAGRAPH (g) OF THIS SUBSECTION (5) TO REPAY THE MONEYS  
15 BORROWED.

16 (II) IF THE BRIDGE ENTERPRISE BOARD SEEKS TO ENTER INTO A  
17 CONTRACT TO BORROW MONEYS FROM THE STATE AS AUTHORIZED BY  
18 SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE BOARD SHALL PROVIDE  
19 THE GOVERNOR WITH A LIST OF DESIGNATED BRIDGE PROJECTS TO BE  
20 FINANCED WITH THE BORROWED MONEYS AND A STATEMENT OF BOTH THE  
21 TOTAL AMOUNT OF THE LOAN REQUESTED AND THE ESTIMATED AMOUNT  
22 OF THE LOAN THAT WILL BE USED TO FUND EACH PROJECT ON THE LIST. IF  
23 THE GOVERNOR DETERMINES, IN THE GOVERNOR'S SOLE DISCRETION, THAT  
24 LENDING MONEYS TO THE BRIDGE ENTERPRISE AS REQUESTED BY THE  
25 ENTERPRISE IS IN THE BEST INTEREST OF THE STATE, THE GOVERNOR, AFTER  
26 CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
27 PERSONNEL, SHALL PREPARE AND PROVIDE TO THE STATE TREASURER A

1 LIST OF STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES THAT THE  
2 STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY SELL AND  
3 LEASE BACK PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE  
4 AGREEMENTS THAT THE STATE, ACTING BY AND THROUGH THE STATE  
5 TREASURER, MAY ENTER INTO PURSUANT TO SUBPARAGRAPH (III) OF THIS  
6 PARAGRAPH (r).

7 (III) (A) IF THE STATE TREASURER, IN THE STATE TREASURER'S  
8 SOLE DISCRETION, DETERMINES THAT LENDING STATE MONEYS TO THE  
9 BRIDGE ENTERPRISE AS REQUESTED BY THE ENTERPRISE IS IN THE BEST  
10 INTEREST OF THE STATE, THE STATE TREASURER, ACTING BY AND THROUGH  
11 THE STATE TREASURER, MAY ENTER INTO A LOAN CONTRACT WITH THE  
12 BRIDGE ENTERPRISE AND MAY RAISE THE MONEY NEEDED TO MAKE A LOAN  
13 PURSUANT TO THE TERMS OF THE LOAN CONTRACT BY ENTERING INTO ONE  
14 OR MORE LEASE-PURCHASE AGREEMENTS INVOLVING ONE OR MORE OF THE  
15 STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES ON THE LIST  
16 PROVIDED TO THE STATE TREASURER BY THE GOVERNOR PURSUANT TO  
17 SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE LOAN CONTRACT SHALL  
18 REQUIRE THE ENTERPRISE TO PLEDGE ALL OR A PORTION OF THE REVENUES  
19 OF ANY BRIDGE SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF  
20 THIS SUBSECTION (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO  
21 REQUIRE THE ENTERPRISE TO PLEDGE ANY OTHER LEGALLY AVAILABLE  
22 REVENUES OF THE ENTERPRISE.

23 (B) THE STATE MAY ENTER INTO ONE OR MORE LEASE-PURCHASE  
24 AGREEMENTS AUTHORIZED BY SUB-SUBPARAGRAPH (A) OF THIS  
25 SUBPARAGRAPH (III) WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION,  
26 TRUST, OR COMMERCIAL BANK ACTING AS A TRUSTEE, AS THE LESSOR,  
27 INCLUDING BUT NOT LIMITED TO THE NONPROFIT CORPORATION CREATED



1 PURSUANT TO SECTION 24-82-703, C.R.S.

2 (C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO  
3 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE  
4 THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT  
5 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN  
6 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

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

21 (IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED  
22 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS  
23 PARAGRAPH (r) MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS  
24 AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, MAY DEEM  
25 APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH  
26 LEASE-PURCHASE AGREEMENT SHALL SPECIFICALLY AUTHORIZE THE STATE  
27 TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE

1 SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR TO THE  
2 EXPIRATION OF THE TERMS OF THE AGREEMENT. ANY TITLE TO SUCH  
3 PROPERTY RECEIVED BY THE STATE ON OR PRIOR TO THE EXPIRATION OF  
4 THE TERMS OF THE LEASE-PURCHASE AGREEMENT SHALL BE HELD FOR THE  
5 BENEFIT AND USE OF THE STATE.

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

24 (C) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT  
25 AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH  
26 (III) OF THIS PARAGRAPH (r), INCLUDING INTEREST REPRESENTED BY THE  
27 INSTRUMENTS, SHALL BE EXEMPT FROM STATE INCOME TAX.

1           (V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,  
2 MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED  
3 NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE  
4 AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF  
5 SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED  
6 TO DEEDS, GROUND LEASES, SUB-LEASES, EASEMENTS, OR OTHER  
7 INSTRUMENTS RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES  
8 ARE LOCATED OR AN AGREEMENT ENTERED INTO PURSUANT TO  
9 SUBPARAGRAPH (VII) OF THIS SECTION.

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

20           (VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT  
21 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS  
22 PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE  
23 INCREASES, THE STATE, ACTING BY AND THROUGH THE STATE TREASURER  
24 AND AT THE DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN  
25 INTEREST RATE EXCHANGE AGREEMENT PURSUANT TO ARTICLE 59.3 OF  
26 TITLE 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO  
27 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS

1 PARAGRAPH (r) SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES  
2 OF ARTICLE 59.3 OF TITLE 11, C.R.S.

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

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

17 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
18 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
19 GRANTED IN THIS SECTION.

20 (6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN  
21 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL  
22 PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF  
23 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER  
24 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE  
25 BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF  
26 THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A  
27 STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE

1 OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE  
2 ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY  
3 CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE  
4 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
5 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON  
6 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
7 YEAR IN WHICH THE REPORT IS PRESENTED.

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

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

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

25 (III) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
26 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS  
27 SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE

1 PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE  
2 TRANSPORTATION INFRASTRUCTURE PROJECTS INCLUDED IN THE  
3 STATEWIDE TRANSPORTATION PLAN PREPARED PURSUANT TO SECTION  
4 43-1-1103 (5), AND THAT THIS SECTION BE BROADLY CONSTRUED TO  
5 ALLOW THE TRANSPORTATION ENTERPRISE SUFFICIENT FLEXIBILITY,  
6 CONSISTENT WITH THE REQUIREMENTS OF THE STATE CONSTITUTION, TO  
7 PURSUE ANY AVAILABLE MEANS OF FINANCING SUCH SURFACE  
8 TRANSPORTATION INFRASTRUCTURE PROJECTS THAT WILL ALLOW THE  
9 EFFICIENT COMPLETION OF THE PROJECTS.

10 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

11 (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE IS NOT  
12 INTENDED TO SUPPLANT OR DUPLICATE THE SERVICES PROVIDED BY ANY  
13 PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN SECTION 43-1-102 (5),  
14 RAILROAD, PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5  
15 OF THIS ARTICLE, OR REGIONAL TRANSPORTATION AUTHORITY CREATED  
16 PURSUANT TO PART 6 OF THIS ARTICLE OR TO DISCOURAGE ANY  
17 COMBINATION OF LOCAL GOVERNMENTS FROM FORMING A PUBLIC  
18 HIGHWAY AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY; AND

19 (II) THE UNDERTAKING OR COMPLETION OF A SURFACE  
20 TRANSPORTATION INFRASTRUCTURE PROJECT BY THE HIGH-PERFORMANCE  
21 TRANSPORTATION ENTERPRISE IS INTENDED TO SUPPLEMENT AND NOT  
22 SUPPLANT OTHER STATE, REGIONAL, AND LOCAL EFFORTS TO PLAN, DESIGN,  
23 ENGINEER, ACQUIRE, INSTALL, CONSTRUCT, REPAIR, RECONSTRUCT,  
24 MAINTAIN, OR OPERATE SURFACE TRANSPORTATION INFRASTRUCTURE AND  
25 IS NOT INTENDED TO BE A BASIS FOR ANY REDUCTION IN THE AMOUNT OF  
26 TRANSPORTATION FUNDING ALLOCATED TO ANY TRANSPORTATION  
27 PLANNING REGION OF THE STATE.

1           (2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE  
2 IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE  
3 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL  
4 BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION  
5 ENTERPRISE SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

6           (A) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH OF WHOM  
7 SHALL HAVE PROFESSIONAL EXPERTISE IN TRANSPORTATION PLANNING OR  
8 DEVELOPMENT, LOCAL GOVERNMENT, DESIGN-BUILD CONTRACTING,  
9 PUBLIC OR PRIVATE FINANCE, ENGINEERING, ENVIRONMENTAL ISSUES, OR  
10 ANY OTHER AREA THAT THE GOVERNOR BELIEVES WILL BENEFIT THE  
11 BOARD IN THE EXECUTION OF ITS POWERS AND PERFORMANCE OF ITS  
12 DUTIES; AND

13           (B) THREE MEMBERS OF THE COMMISSION APPOINTED BY  
14 RESOLUTION OF THE COMMISSION.

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

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

26           (B) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE  
27 COMMISSION PURSUANT TO SECTION 43-4-803 (1), PRIOR TO THE REPEAL

1 AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-\_\_\_\_\_, ENACTED  
2 IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY  
3 A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., TO THE  
4 TRANSPORTATION ENTERPRISE, AND THE STATEWIDE TOLLING ENTERPRISE  
5 IS ABOLISHED.

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

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

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

23 (II) ISSUE OR REISSUE REVENUE BONDS PAYABLE FROM THE  
24 REVENUES AND OTHER AVAILABLE MONEYS OF THE TRANSPORTATION  
25 ENTERPRISE PLEDGED FOR THEIR PAYMENT AS AUTHORIZED IN SECTION  
26 43-4-807;

27 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR



1 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS TO BE  
2 USED TO SUPPORT TRANSPORTATION ENTERPRISE FUNCTIONS; AND

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

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

13 (3) (a) THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL  
14 REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "TRANSPORTATION  
15 SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL  
16 REVENUES RECEIVED BY THE TRANSPORTATION ENTERPRISE, INCLUDING  
17 ANY REVENUES FROM USER FEES COLLECTED PURSUANT TO SUBPARAGRAPH  
18 (I) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, SHALL BE  
19 DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. THE  
20 TRANSPORTATION ENTERPRISE BOARD MAY ESTABLISH SEPARATE  
21 ACCOUNTS WITHIN THE TRANSPORTATION SPECIAL FUND AS NEEDED IN  
22 CONNECTION WITH ANY SPECIFIC SURFACE TRANSPORTATION  
23 INFRASTRUCTURE PROJECT. THE TRANSPORTATION ENTERPRISE ALSO MAY  
24 DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE  
25 TRANSPORTATION SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM  
26 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED  
27 INTO THE TRANSPORTATION SPECIAL FUND. THE STATE TREASURER, AFTER

1 CONSULTING WITH THE TRANSPORTATION ENTERPRISE BOARD, SHALL  
2 INVEST ANY MONEYS IN THE TRANSPORTATION SPECIAL FUND, INCLUDING  
3 ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE  
4 SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT  
5 SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH  
6 MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN  
7 SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

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

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

24 (d) THE TRANSPORTATION ENTERPRISE MAY EXPEND MONEYS IN  
25 THE TRANSPORTATION SPECIAL FUND TO PAY BOND OBLIGATIONS, TO FUND  
26 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, AND FOR THE  
27 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY

1 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE  
2 TRANSPORTATION ENTERPRISE MAY ALSO EXPEND MONEYS IN THE  
3 TRANSPORTATION SPECIAL FUND TO PAY ITS OPERATING COSTS AND  
4 EXPENSES. THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE  
5 EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF  
6 MONEYS IN THE TRANSPORTATION SPECIAL FUND.

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

1       HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE  
2       AMOUNT OF ANY LOAN OR ANY INTEREST THEREON.

3           (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
4       USER FEE REVENUES SHALL BE EXPENDED ONLY FOR PURPOSES  
5       AUTHORIZED BY SUBSECTION (3) OF THIS SECTION AND ONLY FOR THE  
6       SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH THEY  
7       WERE COLLECTED, TO ADDRESS ONGOING CONGESTION MANAGEMENT  
8       NEEDS RELATED TO THE PROJECT, OR AS A PORTION OF THE EXPENDITURES  
9       MADE FOR ANOTHER SURFACE TRANSPORTATION INFRASTRUCTURE  
10      PROJECT THAT IS INTEGRATED WITH THE PROJECT AS PART OF A SURFACE  
11      TRANSPORTATION SYSTEM; EXCEPT THAT THE TRANSPORTATION  
12      ENTERPRISE BOARD MAY USE USER FEE REVENUES TO PAY A PROPORTIONAL  
13      SHARE OF THE COSTS AND EXPENSES OF OPERATING THE ENTERPRISE.

14           (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN  
15      THIS SECTION, THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE THE  
16      FOLLOWING POWERS AND DUTIES:

17           (a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE  
18      DIRECTOR;

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

21           (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE  
22      TRANSPORTATION SPECIAL FUND, FOR THE PURPOSE OF COMPLETING  
23      SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS;

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

27           (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO

1 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY  
2 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,  
3 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED  
4 PURPOSES;

5 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE  
6 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER  
7 WHICH THE TRANSPORTATION ENTERPRISE AGREES TO COMPLETE SURFACE  
8 TRANSPORTATION INFRASTRUCTURE PROJECTS AS SPECIFIED IN THE  
9 AGREEMENTS;

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

13 (I) AN AGREEMENT PURSUANT TO WHICH THE TRANSPORTATION  
14 ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT  
15 OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN  
16 CONNECTION WITH A SURFACE TRANSPORTATION INFRASTRUCTURE  
17 PROJECT; OR

18 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY  
19 COMPLETES ALL OR ANY PORTION OF A SURFACE TRANSPORTATION  
20 INFRASTRUCTURE PROJECT ON BEHALF OF THE TRANSPORTATION  
21 ENTERPRISE;

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

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

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

7 (k) IN CONNECTION WITH ANY SURFACE TRANSPORTATION  
8 INFRASTRUCTURE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT,  
9 REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION  
10 INFRASTRUCTURE WITHIN THE STATE;

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

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

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

20 (o) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,  
21 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON  
22 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING  
23 A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, TO ACCEPT THE  
24 ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO  
25 ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING ITS  
26 BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE  
27 GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE

1 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR  
2 CAUSE;

3 (p) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE  
4 TRANSPORTATION ENTERPRISE TO THE DEPARTMENT TO THE EXTENT  
5 NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE  
6 TRANSPORTATION INFRASTRUCTURE PROJECT OR FOR ANY OTHER PURPOSE  
7 AUTHORIZED IN THIS PART 8; AND

8 (q) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
9 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
10 GRANTED IN THIS SECTION.

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

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



1 TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

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

9 (c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE  
10 THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY  
11 TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER  
12 INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL  
13 HIGHWAY.

14 (8) (a) WHEN THE TRANSPORTATION ENTERPRISE BOARD DECIDES  
15 TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE  
16 TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL  
17 TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERNS,  
18 THE BOARD SHALL INVITE EVERY METROPOLITAN PLANNING ORGANIZATION  
19 OR OTHER TRANSPORTATION PLANNING REGION WITH PLANNING  
20 RESPONSIBILITY FOR ANY AREA IN WHICH THE PROJECT WILL BE LOCATED  
21 AND EVERY AFFECTED PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN  
22 SECTION 43-1-102 (5), PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT  
23 TO PART 5 OF THIS ARTICLE, AND REGIONAL TRANSPORTATION AUTHORITY  
24 CREATED PURSUANT TO PART 6 OF THIS ARTICLE TO COLLABORATE WITH  
25 THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE  
26 PROJECT. THE TRANSPORTATION ENTERPRISE BOARD AND A  
27 METROPOLITAN PLANNING ORGANIZATION, TRANSPORTATION PLANNING

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

13 (b) UPON THE REQUEST OF A LOCAL GOVERNMENT WITH  
14 JURISDICTION OVER AN AREA IN WHICH THE TRANSPORTATION ENTERPRISE  
15 BOARD IS STUDYING THE FEASIBILITY OR DESIRABILITY OF A SURFACE  
16 TRANSPORTATION INFRASTRUCTURE PROJECT, THE BOARD SHALL CONSULT  
17 WITH REPRESENTATIVES FROM THE LOCAL GOVERNMENT AND SHALL  
18 CONSIDER MITIGATION OF DEMONSTRABLE NEGATIVE IMPACTS ON THE  
19 LOCAL GOVERNMENT THAT WOULD RESULT FROM THE COMPLETION OF THE  
20 PROJECT. NOTHING IN THIS SUBSECTION (8) IS INTENDED OR SHALL BE  
21 CONSTRUED TO AFFECT OR DIMINISH THE AUTHORITY OF ANY LOCAL  
22 GOVERNMENT GRANTED BY ANY OTHER LAW OF THIS STATE.

23 (9) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN  
24 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE TRANSPORTATION  
25 ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE  
26 OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER  
27 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE

1 TRANSPORTATION ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A  
2 SUMMARY OF THE STATUS OF ANY CURRENT SURFACE TRANSPORTATION  
3 INFRASTRUCTURE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES  
4 AND EXPENSES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES  
5 THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE  
6 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND  
7 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON  
8 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE  
9 YEAR IN WHICH THE REPORT IS PRESENTED.

10 **43-4-807. Bonds - investments - bonds eligible for investment**  
11 **and exempt from taxation.** (1) (a) BOTH THE BRIDGE ENTERPRISE AND  
12 THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS  
13 FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED  
14 PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE  
15 TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT  
16 OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL  
17 FUND OR THE TRANSPORTATION SPECIAL FUND AS THE CASE MAY BE.

18 (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING  
19 ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS  
20 AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO  
21 OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR  
22 WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER  
23 FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR  
24 SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS  
25 AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE  
26 THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN  
27 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER

1 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
2 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE  
3 OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION  
4 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO  
5 PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE;  
6 MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH  
7 OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR  
8 MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL  
9 SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER  
10 OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME;  
11 MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST  
12 COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF  
13 THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT  
14 INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF  
15 THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO  
16 BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING  
17 ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING  
18 FULL TRUST POWERS.

19 (c) BONDS OF THE ISSUING ENTERPRISE MAY BE SOLD AT PUBLIC OR  
20 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH  
21 TIMES AS DETERMINED BY THE BOARD OF THE ISSUING ENTERPRISE, AND  
22 THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT  
23 DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF  
24 THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO  
25 RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX  
26 INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL  
27 AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF

1 THE ISSUING ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED  
2 BY THE ISSUING ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S.  
3 ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE  
4 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

5 (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE  
6 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE BRIDGE  
7 SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND, AS THE CASE MAY  
8 BE; MAY, RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE  
9 BRIDGE ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED  
10 BY, A BRIDGE SAFETY SURCHARGE AUTHORIZED BY SECTION 43-4-805 (5)  
11 (g) OR ALL OR A PORTION OF THE RIGHTS OF THE TRANSPORTATION  
12 ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY  
13 USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-806; MAY  
14 CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS  
15 AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING  
16 ENTERPRISE DEEMS APPROPRIATE; MAY SET FORTH THE RIGHTS AND  
17 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN  
18 PROVISIONS THAT THE ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE  
19 SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED  
20 TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT  
21 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF  
22 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

23 (e) ANY PLEDGE OF THE BRIDGE SPECIAL FUND, THE  
24 TRANSPORTATION SPECIAL FUND, OR OTHER PROPERTY MADE BY AN  
25 ISSUING ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH  
26 WHICH AN ISSUING ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING  
27 FROM THE TIME THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR

1 OTHER PLEDGED PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN  
2 OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND  
3 THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL  
4 PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE  
5 AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING  
6 PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE  
7 IS CREATED NEED NOT BE RECORDED OR FILED.

8 (f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING  
9 ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON  
10 EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR  
11 SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE  
12 THEREOF.

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

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

1 THE ISSUING ENTERPRISE IN THE COMPLETION OF A DESIGNATED BRIDGE  
2 PROJECT OR OTHER AUTHORIZED SURFACE TRANSPORTATION  
3 INFRASTRUCTURE PROJECT.

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

12 (4) THE INCOME OR OTHER REVENUES OF THE BRIDGE ENTERPRISE  
13 AND THE TRANSPORTATION ENTERPRISE, ALL PROPERTIES AT ANY TIME  
14 OWNED BY EITHER ENTERPRISE, BONDS ISSUED BY EITHER ENTERPRISE, AND  
15 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY EITHER  
16 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN  
17 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,  
18 THE ISSUING ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL  
19 INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY AN  
20 ISSUING ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE  
21 51 OF TITLE 11, C.R.S.

22 **43-4-808. Toll highways - special provisions - limitations.**

23 (1) THE TRANSPORTATION ENTERPRISE OR ANY PARTNER OF THE  
24 ENTERPRISE OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE  
25 THAT IS A TOLL HIGHWAY UNDER THE TERMS OF A PUBLIC-PRIVATE  
26 PARTNERSHIP SHALL, IN OPERATING THE TOLL HIGHWAY:

27 (a) ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO THE TOLL

1 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF  
2 VEHICLES TRAVEL UPON THE TOLL HIGHWAY; EXCEPT THAT THE  
3 ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY  
4 LANES FOR HIGH-OCCUPANCY VEHICLE USE ONLY AND MAY RESTRICT  
5 ACCESS TO VEHICLES CARRYING HAZARDOUS MATERIALS OR OTHER  
6 VEHICLES TO THE EXTENT NECESSARY TO PROTECT THE HEALTH AND  
7 SAFETY OF THE PUBLIC; AND

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

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

22 (b) THE TRANSPORTATION ENTERPRISE MAY ADOPT, BY  
23 RESOLUTION OF THE TRANSPORTATION ENTERPRISE BOARD, RULES  
24 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING  
25 A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY  
26 THE TRANSPORTATION ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT  
27 LESS THAN TEN DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS



1 IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE TRANSPORTATION  
2 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT  
3 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO  
4 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.  
5 THE USE OF STATE OF THE ART TECHNOLOGY TO AID IN ENFORCEMENT OF  
6 TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY THIS SECTION.

7 (c) (I) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE  
8 TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY  
9 ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER  
10 AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE THE  
11 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL  
12 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL  
13 ORDINANCE, FOR TOLL EVASION.

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

18 (III) IF A CIVIL PENALTY ASSESSMENT NOTICE IS ISSUED, THE  
19 NOTICE SHALL BE TENDERED BY A PEACE OFFICER AS DESCRIBED IN  
20 SECTION 16-2.5-101, C.R.S., AND SHALL CONTAIN THE NAME AND ADDRESS  
21 OF THE PERSON OPERATING THE MOTOR VEHICLE INVOLVED, THE LICENSE  
22 NUMBER OF THE MOTOR VEHICLE, THE PERSON'S DRIVER'S LICENSE  
23 NUMBER, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE PENALTY  
24 PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A PLACE FOR  
25 THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE PERSON'S  
26 RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE FOR THE  
27 PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE

1 CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED  
2 BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO APPEAR FOR  
3 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION IF THE  
4 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY ARE NOT PAID WITHIN TWENTY  
5 DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED  
6 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY  
7 ASSESSMENT NOTICE.

8 (IV) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
9 THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON  
10 CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE  
11 TRANSPORTATION ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER  
12 IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF  
13 THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL,  
14 FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL  
15 PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO  
16 APPEAR FOR ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS  
17 SECTION, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN  
18 THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS  
19 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE.

20 (V) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE  
21 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT  
22 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO  
23 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE  
24 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON  
25 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL  
26 EVASION EXCEED THE LIMIT ESTABLISHED IN PARAGRAPH (b) OF THIS  
27 SUBSECTION (2).

1           (d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,  
2           AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES  
3           ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE  
4           USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL  
5           PENALTY RULES ENACTED BY THE TRANSPORTATION ENTERPRISE. VENUE  
6           FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY  
7           AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL  
8           ORDINANCE, STATE LAW, OR RULE OF THE TRANSPORTATION ENTERPRISE  
9           OCCURRED.

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

20           (III) IF THE TRANSPORTATION ENTERPRISE ESTABLISHES AN  
21           ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A  
22           MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION  
23           TO HEAR TOLL EVASION CASES ARISING ON A TOLL HIGHWAY OPERATED BY  
24           THE ENTERPRISE.

25           (IV) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN  
26           IMPARTIAL HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED  
27           PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE

1 TRANSPORTATION ENTERPRISE. THE HEARING OFFICER MAY BE AN  
2 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE OR AN  
3 INDEPENDENT CONTRACTOR OF THE TRANSPORTATION ENTERPRISE. THE  
4 CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE  
5 HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN  
6 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE  
7 TRANSPORTATION ENTERPRISE MAY ENTER INTO CONTRACTS PURSUANT TO  
8 SECTION 29-1-203, C.R.S., FOR JOINT ADJUDICATION OF TOLL EVASION  
9 CASES PURSUANT TO THIS SECTION.

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

20 (VI) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY  
21 THE TRANSPORTATION ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE  
22 ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF  
23 LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE  
24 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD  
25 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

26 (VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY  
27 THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY

1 LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS  
2 OWED TO THE ENTERPRISE.

3 (e) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT  
4 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT  
5 TO RULES ADOPTED AS AUTHORIZED IN PARAGRAPH (b) OF THIS  
6 SUBSECTION (2) SHALL BE REMITTED TO THE TRANSPORTATION ENTERPRISE  
7 AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAY THE COSTS AND  
8 EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS  
9 OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED,  
10 THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE  
11 TERMS OF ANY ENFORCEMENT AGREEMENT.

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

1 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
2 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL  
3 EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED  
4 IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (f), THE REGISTERED  
5 OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE PRESUMED  
6 LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE  
7 TRANSPORTATION ENTERPRISE.

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

13 (A) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION  
14 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED  
15 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A  
16 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE  
17 TRANSPORTATION ENTERPRISE; OR

18 (B) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL  
19 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR  
20 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE  
21 TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR  
22 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE  
23 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER  
24 RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH  
25 TO THE TRANSPORTATION ENTERPRISE AN AFFIDAVIT CONTAINING THE  
26 NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR  
27 COMPANY WHO LEASED OR RENTED THE VEHICLE. AS A CONDITION TO

1 AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL  
2 PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR  
3 VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR  
4 RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF  
5 THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE  
6 FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY INCURRED ON  
7 OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE TAKES  
8 POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE  
9 PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME,  
10 ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO  
11 THE TRANSPORTATION ENTERPRISE WHEN A TOLL EVASION VIOLATION CIVIL  
12 PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL  
13 AGREEMENT.

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

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

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

23 (IV) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY  
24 DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS  
25 BEEN GIVEN, THE TRANSPORTATION ENTERPRISE SHALL SEND A SECOND  
26 PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT  
27 REQUESTED, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY

1 OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT  
2 TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH  
3 RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED, RELIABILITY,  
4 AND PRICE, CONTAINING THE SAME INFORMATION AS SET FORTH IN  
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f). THE NOTICE SHALL SPECIFY  
6 THAT THE REGISTERED OWNER OF THE VEHICLE MAY PAY THE SAME  
7 PENALTY ASSESSMENT AT ANY TIME PRIOR TO THE SCHEDULED HEARING.  
8 IF THE REGISTERED OWNER OF THE VEHICLE DOES NOT PAY THE  
9 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE  
10 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A  
11 COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION IN COURT  
12 OR IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE  
13 REGISTERED OWNER OF THE VEHICLE SHALL, WITHIN THE TIME SPECIFIED  
14 IN THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THE  
15 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF THE REGISTERED  
16 OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE OUTSTANDING TOLL,  
17 FEE, OR CIVIL PENALTY SET FORTH IN THE NOTICE OR TO APPEAR AND  
18 ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE REGISTERED OWNER  
19 OF THE VEHICLE SHALL BE DEEMED TO HAVE ADMITTED LIABILITY AND TO  
20 HAVE WAIVED THE RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY  
21 IN DEFAULT AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE  
22 ENTERED.

23 (g) A COURT WITH JURISDICTION IN A TOLL EVASION CASE  
24 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION  
25 (2) OR THE TRANSPORTATION ENTERPRISE, IF IT HAS JURISDICTION IN A  
26 TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d)  
27 OF THIS SUBSECTION (2), MAY REPORT TO THE DEPARTMENT OF REVENUE



1 ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE  
2 TOLL, FEE, OR CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF  
3 A CERTIFIED REPORT FROM A COURT OR THE TRANSPORTATION ENTERPRISE  
4 STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS FAILED TO PAY  
5 A TOLL, FEE, OR CIVIL PENALTY RESULTING FROM A FINAL ORDER ENTERED  
6 BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT RENEW THE  
7 REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY  
8 ARE PAID IN FULL. THE TRANSPORTATION ENTERPRISE SHALL CONTRACT  
9 WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR  
10 THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE  
11 REGISTRATION PURSUANT TO THIS PARAGRAPH (g). THE DEPARTMENT HAS  
12 NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION  
13 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY  
14 TOLL EVASION.

15 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
16 TRANSPORTATION ENTERPRISE MAY, AFTER COLLABORATING WITH  
17 AFFECTED LOCAL GOVERNMENTS, TRANSPORTATION PLANNING ENTITIES,  
18 AND TRANSPORTATION SERVICES PROVIDERS AS REQUIRED BY SECTION  
19 43-4-806 (8) AND SUBJECT TO ANY LIMITATIONS SET FORTH IN THE STATE  
20 CONSTITUTION OR IN FEDERAL LAW:

21 (a) IMPOSE USER FEES ON A HIGHWAY OR HIGHWAY LANES THAT  
22 HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON A USER FEE-FREE BASIS  
23 IF:

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

26 (II) (A) IT HAS OBTAINED THE APPROVAL OF ALL LOCAL  
27 GOVERNMENTS THROUGH WHICH THE HIGHWAY OR HIGHWAY LANES PASS;

1 OR

2 (B) IT HAS OBTAINED THE APPROVAL OF A MAJORITY OF THE LOCAL  
3 GOVERNMENTS THROUGH WHICH THE HIGHWAY OR HIGHWAY LANES PASS,  
4 AND THE GENERAL ASSEMBLY, ACTING BY BILL, HAS APPROVED THE USER  
5 FEES AS PART OF A MULTI-CORRIDOR TRANSPORTATION PLAN;

6 (b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION  
7 PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY  
8 SYSTEM; AND

9 (c) AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE  
10 REVENUES FOR MULTIMODAL TRANSPORTATION PROJECTS.

11 **43-4-809. Enterprises - applicability of other laws.**

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

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

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

1 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

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

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

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

11 **43-4-810. Mileage-based revenue commission - creation -**  
12 **powers and duties - funding - legislative declaration - repeal.** (1) THE  
13 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

14 (a) IN ORDER TO PROVIDE FOR THE LONG-TERM VIABILITY OF THE  
15 SAFE, WELL MAINTAINED, EFFICIENT, ACCESSIBLE, INTEGRATED, AND  
16 MULTIMODAL SURFACE TRANSPORTATION SYSTEM NEEDED TO SUPPORT  
17 THE CONTINUED ECONOMIC PROSPERITY OF THE STATE, IT IS NECESSARY TO  
18 BEGIN TO DEVELOP A FLEXIBLE, EQUITABLE, SUFFICIENT, AND SUSTAINABLE  
19 USER-BASED ALTERNATIVE TO THE EXISTING AND INADEQUATE MOTOR  
20 FUEL TAX-BASED TRANSPORTATION FUNDING SYSTEM;

21 (b) THE GOVERNOR'S TRANSPORTATION FINANCE AND  
22 IMPLEMENTATION PANEL HAS EXPRESSED ITS SUPPORT FOR A  
23 MILEAGE-BASED REVENUE PILOT PROGRAM ON THE GROUNDS THAT:

24 (I) A MILEAGE-BASED REVENUE SYSTEM COULD EVENTUALLY  
25 PROVIDE A MORE SUSTAINABLE REVENUE SOURCE FOR TRANSPORTATION  
26 AND ALSO COULD BE USED TO ADDRESS CONGESTION AND THE  
27 ENVIRONMENTAL IMPACTS OF TRANSPORTATION; AND

1 (II) RESEARCH AND DISCUSSION REGARDING THE IMPLEMENTATION  
2 AND FINANCIAL VIABILITY OF A MILEAGE-BASED REVENUE SYSTEM AND  
3 THE PRECISE FORM THAT SUCH A SYSTEM WOULD TAKE HAS BEEN LIMITED,  
4 AND A PILOT PROGRAM WOULD HELP THE STATE TO BETTER UNDERSTAND  
5 THE TECHNICAL, LEGAL, FINANCIAL, ENVIRONMENTAL, AND SOCIAL POLICY  
6 IMPLICATIONS OF DIFFERENT MILEAGE-BASED REVENUE SYSTEM  
7 ALTERNATIVES AND DETERMINE WHAT TYPE OF MILEAGE-BASED FEE  
8 SYSTEM, IF ANY, CAN PROVIDE A FEASIBLE AND APPROPRIATE LONG-TERM  
9 FUNDING SOURCE FOR TRANSPORTATION; AND

10 (c) IT IS THEREFORE APPROPRIATE TO CREATE THE MILEAGE-BASED  
11 REVENUE COMMISSION AND TO REQUIRE IT, WITH THE SUPPORT OF THE  
12 DEPARTMENT, TO DEVELOP AND IMPLEMENT ONE OR MORE PILOT  
13 PROGRAMS TO EVALUATE THE TECHNICAL, LEGAL, FINANCIAL,  
14 ENVIRONMENTAL, AND SOCIAL POLICY MERITS OF DIFFERENT POTENTIAL  
15 MILEAGE-BASED REVENUE SYSTEMS.

16 (2) (a) THE MILEAGE-BASED REVENUE COMMISSION IS HEREBY  
17 CREATED. THE MBR COMMISSION SHALL CONSIST OF THE FOLLOWING  
18 THIRTEEN MEMBERS:

19 (I) FOUR MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS  
20 FOLLOWS:

21 (A) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED  
22 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

23 (B) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED  
24 BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

25 (C) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF  
26 THE SENATE; AND

27 (D) ONE MEMBER OF THE SENATE APPOINTED BY THE MINORITY

1 LEADER OF THE SENATE;

2 (II) FOUR MEMBERS APPOINTED JOINTLY BY THE GOVERNOR, THE  
3 SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE  
4 SENATE. IN MAKING THE JOINT APPOINTMENTS, THE GOVERNOR, SPEAKER,  
5 AND PRESIDENT SHALL CONSIDER INDIVIDUALS WHO ARE REPRESENTATIVES  
6 OF THE GLOBAL POSITIONING SYSTEM INDUSTRY OR ALTERNATIVE LOCATOR  
7 SYSTEM TECHNOLOGY INDUSTRIES, HIGHWAY USERS GROUPS, THE  
8 ENVIRONMENTAL COMMUNITY, THE AGRICULTURAL COMMUNITY, THE  
9 STATE TRANSPORTATION RESEARCH COMMUNITY, AND A NATIONAL  
10 TRANSPORTATION POLICY-MAKING ENTITY;

11 (III) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

12 (A) ONE MEMBER OF THE AIR QUALITY CONTROL COMMISSION  
13 CREATED IN SECTION 25-7-104 (1), C.R.S.;

14 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A  
15 MUNICIPALITY; AND

16 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A COUNTY OR  
17 A CITY AND COUNTY; AND

18 (IV) TWO MEMBERS OF THE TRANSPORTATION COMMISSION,  
19 APPOINTED BY THE CHAIRPERSON OF THE COMMISSION, ONE OF WHOM  
20 REPRESENTS A PORTION OF THE DENVER METROPOLITAN AREA ON THE  
21 COMMISSION AND ONE OF WHOM REPRESENTS A RURAL AREA THAT IS NOT  
22 WITHIN THE TERRITORY OF ANY METROPOLITAN PLANING ORGANIZATION  
23 ON THE COMMISSION.

24 (b) (I) EACH MEMBER OF THE MBR COMMISSION SHALL SERVE  
25 UNTIL THIS SECTION IS REPEALED IN ACCORDANCE WITH SUBSECTION (6) OF  
26 THIS SECTION; EXCEPT THAT THE TERM OF ANY MEMBER WHOSE INITIAL  
27 APPOINTMENT TO THE MBR COMMISSION REQUIRED THE INDIVIDUAL TO BE

1 A LEGISLATOR, AN ELECTED OFFICIAL OF A COUNTY, CITY AND COUNTY, OR  
2 MUNICIPALITY, OR A MEMBER OF THE TRANSPORTATION COMMISSION,  
3 SHALL END IMMEDIATELY IF THE MEMBER CEASES TO BE A LEGISLATOR,  
4 ELECTED OFFICIAL, OR COMMISSION MEMBER.

5 (II) VACANCIES IN THE MEMBERSHIP OF THE MBR COMMISSION  
6 SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

7 (c) MEMBERS OF THE MBR COMMISSION SHALL SERVE WITHOUT  
8 COMPENSATION.

9 (d) THE DEPARTMENT SHALL PROVIDE FINANCIAL AND STAFF  
10 SUPPORT TO THE MBR COMMISSION SO THAT THE MBR COMMISSION CAN  
11 EXECUTE ITS POWERS AND PERFORM ITS DUTIES AS SPECIFIED IN THIS  
12 SECTION. SUCH SUPPORT SHALL BE PROVIDED FROM AVAILABLE  
13 APPROPRIATIONS TO THE DEPARTMENT, FEDERAL FUNDS, AND ANY GIFTS,  
14 GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT FOR THE SUPPORT  
15 OF THE MBR COMMISSION.

16 (3) THE PRIMARY FUNCTIONS OF THE MBR COMMISSION ARE TO  
17 CONCEPTUALIZE, DESIGN, DEVELOP, AND IMPLEMENT, WITH THE SUPPORT  
18 OF THE DEPARTMENT, ONE OR MORE PILOT PROGRAMS TO DETERMINE  
19 WHETHER THE EVENTUAL REPLACEMENT OF THE CURRENT SURFACE  
20 TRANSPORTATION FUNDING SYSTEM OF THE STATE WITH A MORE MODERN  
21 SYSTEM THAT INCLUDES AN MBR SYSTEM IS FEASIBLE AND APPROPRIATE  
22 FOR THE STATE AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO  
23 STATE TRANSPORTATION POLICY MAKERS. IN FURTHERANCE OF THESE  
24 FUNCTIONS, THE MBR COMMISSION SHALL:

25 (a) DESIGN, DEVELOP, AND IMPLEMENT, SUBJECT TO THE  
26 LIMITATIONS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, ONE OR MORE  
27 PILOT PROGRAMS TO EVALUATE ALTERNATIVE MBR SYSTEMS, TAKING

1 INTO CONSIDERATION, AT A MINIMUM, THE FOLLOWING ISSUES RELATED TO  
2 THE IMPLEMENTATION OF AN MBR SYSTEM:

3 (I) TECHNICAL ISSUES SUCH AS:

4 (A) THE IDENTIFICATION OF VEHICLES SUBJECT TO AN MBR  
5 SYSTEM; AND

6 (B) THE RELIABILITY AND CONVENIENCE OF THE TECHNOLOGY,  
7 INCLUDING, BUT NOT LIMITED TO, TRANSPONDER TECHNOLOGY, IN-ROAD  
8 SENSOR TECHNOLOGY, AND TECHNOLOGY THAT ENSURES  
9 INTEROPERABILITY OF AN MBR SYSTEM WITH OTHER  
10 TRANSPONDER-OPERATED SYSTEMS, NEEDED TO COLLECT MBR DATA,  
11 CALCULATE MBR CHARGES, ENSURE THE COLLECTION OF MBR, AND  
12 OTHERWISE IMPLEMENT AN MBR SYSTEM;

13 (II) LEGAL ISSUES SUCH AS ISSUES CONCERNING:

14 (A) PRIVACY;

15 (B) ENFORCEMENT; AND

16 (C) THE PERMISSIBLE USES OF MBR, INCLUDING, BUT NOT LIMITED  
17 TO, THE EXISTENCE OF ANY LEGAL OBSTACLES TO THE USE OF MBR TO  
18 FUND TRANSPORTATION MODES OTHER THAN ROADS OR TO FUND  
19 GREENHOUSE GAS REDUCTION PROGRAMS;

20 (III) FINANCIAL ISSUES SUCH AS:

21 (A) THE COST OF INITIAL IMPLEMENTATION AND ONGOING  
22 ADMINISTRATION;

23 (B) PRICING ISSUES, INCLUDING, BUT NOT LIMITED TO, EQUITABLE  
24 MBR SYSTEM PRICING BETWEEN RURAL AND METROPOLITAN AREAS;  
25 VEHICLE WEIGHT-BASED MBR PRICING; INFLATION INDEXING OF THE MBR  
26 CHARGES; AND THE ANTICIPATED EFFECTS OF DIFFERENT PRICING  
27 ALTERNATIVES ON THE AMOUNT OF REVENUES RAISED, TRANSPORTATION

1 SYSTEM USE LEVELS AND PATTERNS, TRAFFIC CONGESTION, AND  
2 TRANSPORTATION SYSTEM ACCESSIBILITY; AND

3 (C) THE VIABILITY OF AN MBR SYSTEM AS A FULL OR PARTIAL  
4 REPLACEMENT FOR, OR A SUPPLEMENT TO, EXISTING TRANSPORTATION  
5 FUNDING MECHANISMS;

6 (IV) ENVIRONMENTAL ISSUES SUCH AS:

7 (A) ANTICIPATED REDUCTIONS IN GREENHOUSE GAS EMISSIONS  
8 RESULTING FROM DEMAND-SIDE FINANCIAL INCENTIVES FOR REDUCED OR  
9 OFF-PEAK USE OF PRIVATE VEHICLES, USE OF MORE FUEL-EFFICIENT  
10 VEHICLES, OR OTHER FACTORS; AND

11 (B) ANTICIPATED INCREASES IN GREENHOUSE GAS EMISSIONS  
12 RESULTING FROM MOTOR FUEL PRICE REDUCTIONS; AND

13 (V) SOCIAL POLICY ISSUES SUCH AS:

14 (A) THE PROGRESSIVITY OR REGRESSIVITY OF AN MBR SYSTEM  
15 ACROSS INCOME GROUPS;

16 (B) EQUITABLE ALLOCATION OF THE MBR SYSTEM FINANCIAL  
17 BURDEN BETWEEN PERSONS IN RURAL AND METROPOLITAN AREAS OF THE  
18 STATE;

19 (C) THE EXTENT TO WHICH THE TRANSPORTATION FUNDING  
20 SYSTEM OF THE STATE SHOULD DEPEND ON USER FEES SUCH AS THOSE  
21 CHARGED IN AN MBR SYSTEM AS OPPOSED TO GENERAL TAXES OR OTHER  
22 REVENUE SOURCES; AND

23 (D) THE EXTENT TO WHICH AN MBR SYSTEM IS LIKELY TO IMPACT  
24 INDIVIDUAL BEHAVIOR AND THE EXTENT TO WHICH ANY SUCH IMPACTS ARE  
25 DESIRABLE OR UNDESIRABLE;

26 (b) NO LATER THAN FEBRUARY 15, 2011, AS PART OF THE ANNUAL  
27 REPORT REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (3), PRESENT



1 ALTERNATIVES FOR ONE OR MORE MBR PILOT PROGRAMS, AND, NO LATER  
2 THAN JULY 1, 2011, BEGIN IMPLEMENTING ONE OR MORE OF THE PILOT  
3 PROGRAMS; AND

4 (c) (I) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN  
5 EACH FEBRUARY 15 THEREAFTER THROUGH FEBRUARY 15, 2013, SUBMIT  
6 AN ANNUAL REPORT TO THE COMMITTEES OF THE HOUSE OF  
7 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER  
8 TRANSPORTATION REGARDING ITS PROGRESS IN DESIGNING, DEVELOPING,  
9 AND IMPLEMENTING MBR PILOT PROGRAMS AND ANY OTHER MBR  
10 RELATED MATTERS THAT IT BELIEVES WOULD BE OF INTEREST TO THE  
11 COMMITTEES.

12 (II) NO LATER THAN FEBRUARY 15, 2014, THE MBR COMMISSION  
13 SHALL SUBMIT A FINAL REPORT TO THE COMMITTEES REGARDING THE  
14 RESULTS OF THE MBR PILOT PROGRAMS IT HAS IMPLEMENTED AND ITS  
15 RECOMMENDATIONS REGARDING MBR SYSTEM ALTERNATIVES.

16 (4) THE MBR COMMISSION SHALL NOT IMPLEMENT A PILOT  
17 PROGRAM TO EVALUATE ALTERNATIVE MBR SYSTEMS:

18 (a) THAT REQUIRES THE NONCONSENSUAL PARTICIPATION OF ANY  
19 INDIVIDUAL; OR

20 (b) WITHIN ANY LOCAL GOVERNMENT, UNLESS:

21 (I) THE LOCAL GOVERNMENT HAS APPROVED THE  
22 IMPLEMENTATION; OR

23 (II) THE MBR COMMISSION IS IMPLEMENTING THE PILOT PROGRAM  
24 WITHIN MULTIPLE CONTIGUOUS LOCAL GOVERNMENTS, A MAJORITY OF THE  
25 LOCAL GOVERNMENTS HAVE APPROVED THE IMPLEMENTATION OF THE  
26 PILOT PROGRAM, AND THE GENERAL ASSEMBLY, ACTING BY BILL, HAS  
27 APPROVED THE IMPLEMENTATION OF THE PILOT PROGRAM AS PART OF A

1       MULTIJURISDICTIONAL PILOT PROGRAM.

2               (5) THE MBR COMMISSION MAY, TO THE EXTENT IT DEEMS  
3       NECESSARY IN FURTHERANCE OF ITS PRIMARY FUNCTIONS:

4               (a) ASSESS THE IMPLICATIONS OF VIEWING TRANSPORTATION AS A  
5       UTILITY AND IMPOSING TRANSPORTATION UTILITY FEES, ROAD USER FEES,  
6       OR ROAD MAINTENANCE FEES ON PROPERTY OWNERS BASED ON  
7       EVIDENCE-BASED AVERAGE USAGE ESTIMATES;

8               (b) ORGANIZE ITS MEETINGS, ELECT ITS CHAIRPERSON AND OTHER  
9       OFFICERS, AND ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
10      THE CONDUCT OF ITS BUSINESS;

11              (c) FORM SUBCOMMITTEES AS NEEDED TO ALLOW THE TASK FORCE  
12      TO CARRY OUT ITS DUTIES, INCLUDING, BUT NOT LIMITED TO, ISSUE  
13      SUBCOMMITTEES FORMED TO ADDRESS MBR-RELATED TECHNICAL, LEGAL,  
14      FINANCIAL, ENVIRONMENTAL, AND SOCIAL POLICY ISSUES.  
15      SUBCOMMITTEES MAY CONSIST, IN PART, OF PERSONS WHO ARE NOT  
16      MEMBERS OF THE MBR COMMISSION, BUT SUCH PERSONS ARE ENTITLED TO  
17      VOTE ONLY AT THE SUBCOMMITTEE LEVEL AND MAY NOT PARTICIPATE IN  
18      VOTES OF THE MBR COMMISSION.

19              (d) DESIGN, DEVELOP, AND IMPLEMENT ANY PILOT PROGRAM TO  
20      EVALUATE ALTERNATIVE MBR SYSTEMS IN A MANNER THAT EXEMPTS  
21      INDIVIDUALS PARTICIPATING IN THE PILOT PROGRAM WHO PAY AN MBR  
22      CHARGE FROM ALL OR A PORTION OF THE STATE GASOLINE AND SPECIAL  
23      FUEL TAXES IMPOSED PURSUANT TO ARTICLE 27 OF TITLE 39, C.R.S. AN  
24      EXEMPTION FROM THE TAXES SHALL BE ALLOWED TO AN INDIVIDUAL ONLY  
25      DURING THE TIME THE INDIVIDUAL PARTICIPATES IN THE PILOT PROGRAM  
26      AND PAYS AN MBR CHARGE IN LIEU OF THE TAXES, AND THE EXPIRATION  
27      OF THE EXEMPTION SHALL NOT BE DEEMED TO BE A NEW TAX, TAX RATE

1 INCREASE, OR TAX POLICY CHANGE FOR PURPOSES OF SECTION 20 (4) (a) OF  
2 ARTICLE X OF THE STATE CONSTITUTION.

3 (e) ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL  
4 PROPERTY;

5 (f) MAKE AND ENTER INTO CONTRACTS, INCLUDING, WITH THE  
6 APPROVAL OF THE EXECUTIVE DIRECTOR, CONTRACTS FOR PROFESSIONAL  
7 SERVICES NEEDED TO DESIGN, DEVELOP, OR IMPLEMENT ONE OR MORE  
8 PILOT PROGRAMS;

9 (g) APPLY FOR GRANTS AND ACCEPT GIFTS, GRANTS, AND  
10 DONATIONS FROM GOVERNMENTAL OR NONGOVERNMENTAL SOURCES; AND

11 (h) EXERCISE ALL OTHER RIGHTS OR POWERS NECESSARY OR  
12 INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES  
13 GRANTED IN THIS SECTION.

14 (6) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE MBR  
15 COMMISSION SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE  
16 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.

17 (b) THE MBR COMMISSION SHALL BE SUBJECT TO THE OPEN  
18 MEETINGS PROVISIONS OF THE COLORADO SUNSHINE LAW CONTAINED IN  
19 PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE "COLORADO OPEN  
20 RECORDS ACT", ARTICLE 72 OF TITLE 24, C.R.S.

21 (c) REVENUES OF THE MBR COMMISSION SHALL NOT BE SUBJECT  
22 TO THE PROVISIONS OF SECTION 43-1-1205.

23 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

24 **43-4-811. Fees and surcharges - limitations on use.** AS  
25 REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE  
26 PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE  
27 PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR

1 OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON  
2 ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE  
3 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC  
4 HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

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

8 **24-1-128.7. Department of transportation - creation.** (5) THE  
9 STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S.,  
10 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS  
11 IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN  
12 SECTION 24-1-105, C.R.S., TO THE DEPARTMENT OF TRANSPORTATION.

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

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

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

1           **42-3-103. Registration required - exemptions.** (4) (a) Within  
2 thirty days after becoming a resident of Colorado, an owner of a motor  
3 vehicle required to be registered by subsection (1) of this section shall  
4 register such vehicle with the department, irrespective of such vehicle  
5 being registered within another state or country. A person who violates  
6 this paragraph (a) is subject to the penalties provided in ~~section~~ SECTIONS  
7 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

10           **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject  
11 to taxation under this article is not registered when required by law, the  
12 vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as~~  
13 ~~determined by the department or authorized agent registering the vehicle,~~  
14 ~~which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A  
15 MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF  
16 APPLICABLE, THE THIRTY-DAY GRACE PERIOD DESCRIBED IN SECTION  
17 42-3-113 (2) (e) FOR WHICH THE VEHICLE IS UNREGISTERED. THE LATE FEE  
18 SHALL BE due when the vehicle is registered. ~~The department or the~~  
19 ~~authorized agent registering the vehicle may waive the late fee.~~

20           (2) TEN DOLLARS OF the late registration fee shall be retained by  
21 the department or the authorized agent who registers the motor vehicle.  
22 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT NO LESS  
23 FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME AND IN  
24 THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE  
25 DEPARTMENT, THE REMAINDER OF THE LATE REGISTRATION FEES  
26 COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR SHALL  
27 FORWARD ALL LATE REGISTRATION FEES REMITTED BY AUTHORIZED

1 AGENTS PLUS THE REMAINDER OF THE LATE REGISTRATION FEES  
2 COLLECTED DIRECTLY BY THE DEPARTMENT TO THE STATE TREASURER,  
3 WHO SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND IN  
4 ACCORDANCE WITH SECTION 43-4-804 (1) (e), C.R.S.

5 **SECTION 5.** 42-6-139 (3), Colorado Revised Statutes, is  
6 amended to read:

7 **42-6-139. Registration - where made.** (3) A person who  
8 knowingly violates any of the provisions of subsection (2) of this section,  
9 section 42-3-103 (4) (a), section 42-6-140, or any rule of the director  
10 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon  
11 conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND  
12 dollars.

13 **SECTION 6.** 42-6-140, Colorado Revised Statutes, is amended  
14 to read:

15 **42-6-140. Registration upon becoming resident.** Within thirty  
16 NINETY days after becoming a resident of Colorado, the owner of a motor  
17 vehicle shall apply for a Colorado certificate of title, a license, and  
18 registration for the vehicle that is registered, that is licensed, or for which  
19 a certificate of title is issued in another state. Any person who violates the  
20 provisions of this section is subject to the penalties provided in ~~section~~  
21 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

24 **43-1-106. Transportation commission - powers and duties.**  
25 (17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND  
26 ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO  
27 MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED

1 INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM,  
2 AND LONG TERM. THE COMMITTEE SHALL INCLUDE:

3 (I) FROM STATE GOVERNMENT:

4 (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE  
5 COMMISSION;

6 (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR  
7 DESIGNATED BY THE EXECUTIVE DIRECTOR;

8 (C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE  
9 DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE  
10 EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH  
11 DIVISION; AND

12 (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE  
13 EXECUTIVE DIRECTOR MAY DESIGNATE;

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

15 (A) THE CONSTRUCTION INDUSTRY;

16 (B) THE ENGINEERING INDUSTRY;

17 (C) THE ENVIRONMENTAL COMMUNITY;

18 (D) TRANSPORTATION PLANNING ORGANIZATIONS;

19 (E) PUBLIC TRANSPORTATION PROVIDERS; AND

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

22 (b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL  
23 PERIODICALLY REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR  
24 REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT  
25 MAY EXECUTE THEIR DUTIES MORE EFFICIENTLY. THE EXECUTIVE  
26 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT AT  
27 LEAST ONCE PER CALENDAR YEAR TO EITHER THE COMMITTEES OF THE

1 HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION  
2 OVER TRANSPORTATION OR THE TRANSPORTATION LEGISLATION REVIEW  
3 COMMITTEE CREATED IN SECTION 43-2-145 (1) REGARDING THE ACTIVITIES  
4 AND RECOMMENDATIONS OF THE EFFICIENCY AND ACCOUNTABILITY  
5 COMMITTEE AND ANY ACTIONS TAKEN BY THE COMMISSION OR THE  
6 DEPARTMENT TO IMPLEMENT RECOMMENDATIONS OF THE COMMITTEE.

7 **SECTION 8.** 43-1-1103, Colorado Revised Statutes, is amended  
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **43-1-1103. Transportation planning.** (1.5) IN ADDITION TO THE  
10 INFORMATION REQUIRED TO BE INCLUDED IN A REGIONAL TRANSPORTATION  
11 PLAN PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, A  
12 REGIONAL TRANSPORTATION PLAN SHALL SPECIFY HOW IT ADDRESSES THE  
13 FOLLOWING POLICY GOALS:

14 (a) THE TARGETING OF INFRASTRUCTURE INVESTMENTS TO  
15 IMPROVE THE ECONOMY OF THE STATE AND INVIGORATE LOCAL  
16 COMMUNITIES, DESCRIBED BY THE BEST PRACTICES CENTER OF THE  
17 NATIONAL GOVERNORS ASSOCIATION AS "FIXING IT FIRST";

18 (b) SAFETY ENHANCEMENT;

19 (c) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;

20 (d) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;

21 (e) ENVIRONMENTAL STEWARDSHIP;

22 (f) ENHANCEMENT OF THE TRANSPORTATION FUNDING RESOURCES  
23 OF LOCAL GOVERNMENTS;

24 (g) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND

25 (h) REDUCTION OF GREENHOUSE GAS EMISSIONS.

26 **SECTION 9.** 38-1-202 (1) (b) (IV) (J), Colorado Revised Statutes,  
27 is amended, and the said 38-1-202 (1) (b) (IV) is further amended BY



1 THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

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

9 (b) The state:

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

12 (J) The statewide tolling BRIDGE enterprise as authorized in section  
13 ~~43-4-806 (1) (g)~~ SECTION 43-4-805 (5) (e), C.R.S.; and

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

16 **SECTION 10.** 43-4-205, Colorado Revised Statutes, is amended  
17 BY THE ADDITION OF A NEW SUBSECTION to read:

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

23 **SECTION 11.** 43-4-206, Colorado Revised Statutes, is amended  
24 BY THE ADDITION OF A NEW SUBSECTION to read:

25 **43-4-206. State allocation.** (3) NOTWITHSTANDING THE  
26 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED  
27 TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-205 (6.3)

1 SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION ONLY FOR  
2 ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (23); EXCEPT  
3 THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO  
4 SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE  
5 WITH SECTION 43-4-811, EXPEND TEN MILLION DOLLARS PER YEAR OF THE  
6 REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,  
7 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE,  
8 OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS,  
9 INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN  
10 LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE  
11 DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL  
12 TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE  
13 HIGHWAYS FOR TRANSIT USERS.

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

16 **43-4-207. County allocation.** (1) After paying the costs of the  
17 Colorado state patrol and such other costs of the department, exclusive of  
18 highway construction, highway improvements, or highway maintenance,  
19 as are appropriated by the general assembly, twenty-six percent of the  
20 balance of the highway users tax fund shall be paid to the county  
21 treasurers of the respective counties, subject to annual appropriation by  
22 the general assembly, and shall be allocated and expended as provided in  
23 this section. The moneys thus received shall be allocated to the counties  
24 as provided by law and shall be expended by ~~said~~ THE counties only on the  
25 construction, engineering, reconstruction, maintenance, repair, equipment,  
26 improvement, and administration of the county highway systems and any  
27 other public highways, including any state highways, together with

1 acquisition of rights-of-way and access rights for the same and for no  
2 other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION  
3 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD  
4 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (23). The amount to  
5 be expended for administrative purposes shall not exceed five percent of  
6 each county's share of the funds available.

7 **SECTION 13.** 43-4-208 (1), Colorado Revised Statutes, is  
8 amended to read:

9 **43-4-208. Municipal allocation.** (1) After paying the costs of the  
10 Colorado state patrol and such other costs of the department, exclusive of  
11 highway construction, highway improvements, or highway maintenance,  
12 as are appropriated by the general assembly, and making allocation as  
13 provided by sections 43-4-206 and 43-4-207, the remaining nine percent  
14 of the highway users tax fund shall be paid to the cities and incorporated  
15 towns within the limits of the respective counties, subject to annual  
16 appropriation by the general assembly, and shall be allocated and  
17 expended as provided in this section. Each city treasurer shall account for  
18 the moneys thus received as provided in this part 2. ~~Such~~ Moneys so  
19 allocated shall be expended by ~~said~~ THE cities and incorporated towns for  
20 the construction, engineering, reconstruction, maintenance, repair,  
21 equipment, improvement, and administration of the system of streets of  
22 such city or incorporated town or of any public highways located within  
23 such city or incorporated town, including any state highways, together  
24 with the acquisition of rights-of-way and access rights for the same, and  
25 for no other purpose; EXCEPT THAT MONEYS PAID TO THE CITIES AND  
26 INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE  
27 EXPENDED BY THE CITIES AND INCORPORATED TOWNS ONLY FOR ROAD

1 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (23). The amount to  
2 be expended for administrative purposes shall not exceed five percent of  
3 each city's share of the funds available.

4 **SECTION 14. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.