

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 09-0497.03 Jason Gelender

SENATE BILL 09-108

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Rice,

Senate Committees

Transportation
Finance
Appropriations

House Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

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

Bill Summary

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

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

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

HOUSE
Am ended 2nd Reading
February 24, 2009

SENATE
3rd Reading Unam ended
February 5, 2009

SENATE
Am ended 2nd Reading
February 4, 2009

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

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

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

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

1 HEREBY FINDS AND DECLARES THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12

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

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

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

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

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

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

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

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

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

17 (d) COVERAGE REQUIREMENTS; AND

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

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

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

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

1 (I).

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

4 (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ==
25 ==

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 A RESIDENCE WITHIN THE CITY OR COUNTY;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SAID SUBPARAGRAPH (I).

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

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

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

15 (VII) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE
16 THAT MAY BE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS
17 PARAGRAPH (g) SHALL BE, AS ALSO SPECIFIED IN SUBPARAGRAPH (V) OF
18 THIS PARAGRAPH (g), FIFTY PERCENT OF THE AMOUNT SPECIFIED IN SAID
19 SUBPARAGRAPH (I) FOR THE FISCAL YEAR 2009-10, AND SEVENTY-FIVE
20 PERCENT OF SAID AMOUNT FOR THE FISCAL YEAR 2010-11.

21 (VIII) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
22 ANY VEHICLE FOR WHICH THE DEPARTMENT OF REVENUE HAS ISSUED A
23 HORSELESS CARRIAGE SPECIAL LICENSE PLATE PURSUANT TO SECTION
24 42-3-219 (1) (a), C.R.S.

25 (IX) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE
26 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE
27 REGISTRATION FEES OR SURCHARGES IMPOSED.

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

4 (I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE
5 OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,
6 MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A
7 DESIGNATED BRIDGE PROJECT; AND

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

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

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

21 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,
22 SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT
23 WITHIN THE STATE;

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

27 (m) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE

1 BRIDGE ENTERPRISE;

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

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

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

18 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
19 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO
20 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR
21 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

22 (r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS
23 UNDER THE TERMS OF ONE OR MORE LOAN CONTRACTS ENTERED INTO BY
24 THE STATE AND THE BRIDGE ENTERPRISE PURSUANT TO SUBPARAGRAPH
25 (III) OF THIS PARAGRAPH (r), TO EXPEND ANY MONEYS BORROWED FROM
26 THE STATE FOR THE PURPOSE OF COMPLETING DESIGNATED BRIDGE
27 PROJECTS AND FOR ANY OTHER AUTHORIZED PURPOSE THAT CONSTITUTES

1 THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF THE PUBLIC
2 HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF ARTICLE X OF
3 THE STATE CONSTITUTION, AND TO USE REVENUES GENERATED BY ANY
4 BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF
5 THIS SUBSECTION (5) AND ANY OTHER LEGALLY AVAILABLE MONEYS OF
6 THE BRIDGE ENTERPRISE TO REPAY THE MONEYS BORROWED AND ANY
7 OTHER AMOUNTS PAYABLE UNDER THE TERMS OF THE LOAN CONTRACT.

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

1 STATE TREASURER THE MAXIMUM PERMITTED PRINCIPAL AMOUNT OF ANY
2 LOAN THAT MAY BE MADE TO THE BRIDGE ENTERPRISE UNDER THE TERMS
3 OF ANY LOAN CONTRACT THAT THE STATE, ACTING BY AND THROUGH THE
4 STATE TREASURER, MAY ENTER INTO PURSUANT TO SUB-SUBPARAGRAPH
5 (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

6 (III) (A) IF THE STATE [REDACTED] TREASURER RECEIVES A LIST FROM
7 THE GOVERNOR PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r),
8 THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER
9 INTO A LOAN CONTRACT WITH THE BRIDGE ENTERPRISE AND MAY RAISE THE
10 MONEY NEEDED TO MAKE A LOAN PURSUANT TO THE TERMS OF THE LOAN
11 CONTRACT BY SELLING OR LEASING ONE OR MORE OF THE STATE BUILDINGS
12 OR OTHER STATE CAPITAL FACILITIES ON THE [REDACTED] LIST. THE STATE
13 TREASURER SHALL HAVE SOLE DISCRETION TO ENTER INTO A LOAN
14 CONTRACT ON BEHALF OF THE STATE AND TO DETERMINE THE AMOUNT OF
15 A LOAN; EXCEPT THAT THE PRINCIPAL AMOUNT OF A LOAN SHALL NOT
16 EXCEED THE MAXIMUM AMOUNT SPECIFIED BY THE GOVERNOR PURSUANT
17 TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE STATE TREASURER
18 SHALL ALSO HAVE SOLE DISCRETION TO DETERMINE THE TIMING OF THE
19 ENTRY OF THE STATE INTO ANY LOAN CONTRACT OR THE SALE OR LEASE OF
20 ONE OR MORE STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES. THE
21 LOAN CONTRACT SHALL REQUIRE THE BRIDGE ENTERPRISE TO PLEDGE TO
22 THE STATE ALL OR A PORTION OF THE REVENUES OF ANY BRIDGE
23 SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION
24 (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO REQUIRE THE
25 ENTERPRISE TO PLEDGE TO THE STATE ANY OTHER LEGALLY AVAILABLE
26 REVENUES OF THE ENTERPRISE. ANY LOAN CONTRACT ENTERED INTO BY
27 THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, AND THE

1 BRIDGE ENTERPRISE PURSUANT TO THIS SUB-SUBPARAGRAPH (A) AND ANY
2 PLEDGE OF REVENUES BY THE ENTERPRISE PURSUANT TO SUCH A LOAN
3 CONTRACT SHALL BE ONLY FOR THE BENEFIT OF, AND ENFORCEABLE ONLY
4 BY, THE STATE AND THE ENTERPRISE. SPECIFICALLY, BUT WITHOUT
5 LIMITING THE GENERALITY OF SAID LIMITATION, NO SUCH LOAN CONTRACT
6 OR PLEDGE SHALL BE FOR THE BENEFIT OF, OR ENFORCEABLE BY, A LESSOR
7 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS
8 SUBPARAGRAPH (III), AN OWNER OF ANY INSTRUMENT EVIDENCING RIGHTS
9 TO RECEIVE RENTALS OR OTHER PAYMENTS MADE AND TO BE MADE UNDER
10 SUCH A LEASE-PURCHASE AGREEMENT AS AUTHORIZED BY
11 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (r),
12 A PARTY TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO
13 PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r), OR A PARTY TO
14 ANY INTEREST RATE EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO
15 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH (r).

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

22 (C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
23 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE
24 THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT
25 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN
26 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

27 (D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT

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

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

1 RELATING TO ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO
2 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS
3 PARAGRAPH (r). ANY TITLE TO SUCH PROPERTY RECEIVED BY THE STATE
4 ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE
5 AGREEMENT SHALL BE HELD FOR THE BENEFIT AND USE OF THE STATE.

6 (B) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
7 SUB-SUBPARAGRAPH (B) 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 (B) 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 (B) OF
5 SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED
6 TO DEEDS, LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS
7 RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED
8 OR AN AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (VII) OF
9 THIS PARAGRAPH (r).

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 (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
13 OR ANY ANCILLARY AGREEMENT OR INSTRUMENT OR INTEREST RATE
14 EXCHANGE AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V)
15 OR SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (VII) OF THIS PARAGRAPH
16 (r). ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO
17 SECTION 24-30-202 (1) AND (13), C.R.S., THAT THE STATE CONTROLLER
18 DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A
19 LEASE-PURCHASE AGREEMENT, ANCILLARY AGREEMENT OR
20 INSTRUMENT, OR INTEREST RATE EXCHANGE AGREEMENT MAY BE WAIVED
21 BY THE CONTROLLER OR HIS OR HER DESIGNEE.

22 (VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT
23 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS
24 PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE
25 INCREASES, THE LESSOR UNDER ANY LEASE-PURCHASE AGREEMENT OR THE
26 STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE
27 DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST

1 RATE EXCHANGE AGREEMENT IN ACCORDANCE WITH ARTICLE 59.3 OF TITLE
2 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO
3 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
4 SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF ARTICLE
5 59.3 OF TITLE 11, C.R.S.

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

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

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

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

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

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

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

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

1 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
2 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS
3 SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE
4 PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE
5 TRANSPORTATION INFRASTRUCTURE PROJECTS AND THAT THIS
6 SECTION BE BROADLY CONSTRUED TO ALLOW THE TRANSPORTATION
7 ENTERPRISE SUFFICIENT FLEXIBILITY, CONSISTENT WITH THE
8 REQUIREMENTS OF THE STATE CONSTITUTION, TO PURSUE ANY AVAILABLE
9 MEANS OF FINANCING SUCH SURFACE TRANSPORTATION INFRASTRUCTURE
10 PROJECTS THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS.

11
12 (2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
13 IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE
14 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL
15 BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION
16 ENTERPRISE SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

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

1 METROPOLITAN PLANNING ORGANIZATION, AND ONE MEMBER WHO RESIDES
2 WITHIN THE INTERSTATE 70 MOUNTAIN CORRIDOR.

3 (B) THREE MEMBERS OF THE COMMISSION APPOINTED BY
4 RESOLUTION OF THE COMMISSION.

5 (II) INITIAL APPOINTMENTS TO THE TRANSPORTATION ENTERPRISE
6 BOARD SHALL BE MADE NO LATER THAN JULY 1, 2009. MEMBERS OF THE
7 BOARD SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY
8 AND WITHOUT COMPENSATION. VACANCIES IN THE MEMBERSHIP OF THE
9 TRANSPORTATION ENTERPRISE BOARD SHALL BE FILLED IN THE SAME
10 MANNER AS REGULAR APPOINTMENTS.

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

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

23 (b) THE TRANSPORTATION ENTERPRISE BOARD SHALL, WITH THE
24 CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE
25 ENTERPRISE WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE
26 ESTABLISHED BY THE BOARD AND THE STATE PERSONNEL BOARD. THE
27 DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF

1 THE TRANSPORTATION ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF
2 THE BOARD.

3 (c) THE BUSINESS PURPOSE OF THE TRANSPORTATION ENTERPRISE
4 IS TO PURSUE PUBLIC-PRIVATE PARTNERSHIPS AND OTHER INNOVATIVE AND
5 EFFICIENT MEANS OF COMPLETING SURFACE TRANSPORTATION
6 INFRASTRUCTURE PROJECTS. TO ALLOW THE TRANSPORTATION ENTERPRISE
7 TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND
8 DUTIES THROUGH THE TRANSPORTATION ENTERPRISE BOARD, THE
9 TRANSPORTATION ENTERPRISE MAY:

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

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

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

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

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

1 SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE
2 CONSTITUTION.

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

25 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
26 INVESTMENT OF MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
27 CREDITED TO THE TRANSPORTATION SPECIAL FUND AND, IF APPLICABLE, TO

1 THE APPROPRIATE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
2 ACCOUNT. MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
3 CONTINUOUSLY APPROPRIATED TO THE TRANSPORTATION ENTERPRISE FOR
4 THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE
5 TRANSPORTATION SPECIAL FUND SHALL REMAIN IN THE FUND FOR THE
6 PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE FUND SHALL BE
7 USED FOR ANY OTHER PURPOSE.

8 (c) THE TRANSPORTATION ENTERPRISE SHALL PREPARE A SEPARATE
9 ANNUAL ACCOUNTING OF THE USER FEES COLLECTED FROM ANY SURFACE
10 TRANSPORTATION INFRASTRUCTURE PROJECT UPON WHICH ANY USER FEE
11 IS IMPOSED; EXCEPT THAT A PARTNER OF THE ENTERPRISE MAY PREPARE
12 THE ANNUAL ACCOUNTING FOR A PROJECT UPON WHICH IT IMPOSES A USER
13 FEE PURSUANT TO THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

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

24 (4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE
25 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE TRANSPORTATION
26 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
27 TRANSPORTATION ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS

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

20 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
21 USER FEE REVENUES SHALL BE EXPENDED ONLY FOR PURPOSES
22 AUTHORIZED BY SUBSECTION (3) OF THIS SECTION AND ONLY FOR THE
23 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH THEY
24 WERE COLLECTED, TO ADDRESS ONGOING CONGESTION MANAGEMENT
25 NEEDS RELATED TO THE PROJECT, OR AS A PORTION OF THE EXPENDITURES
26 MADE FOR ANOTHER SURFACE TRANSPORTATION INFRASTRUCTURE
27 PROJECT THAT IS INTEGRATED WITH THE PROJECT AS PART OF A SURFACE

1 TRANSPORTATION SYSTEM; EXCEPT THAT THE TRANSPORTATION
2 ENTERPRISE BOARD MAY USE USER FEE REVENUES FROM EACH SURFACE
3 TRANSPORTATION INFRASTRUCTURE PROJECT IN PROPORTION TO THE
4 TOTAL AMOUNT OF SUCH REVENUES GENERATED BY THE PROJECT TO PAY
5 OVERHEAD OF THE TRANSPORTATION ENTERPRISE.

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

9 (a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE
10 DIRECTOR;

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

13 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE
14 TRANSPORTATION SPECIAL FUND, FOR THE PURPOSE OF COMPLETING
15 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS;

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

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

24 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE
25 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER
26 WHICH THE TRANSPORTATION ENTERPRISE AGREES TO COMPLETE SURFACE
27 TRANSPORTATION INFRASTRUCTURE PROJECTS AS SPECIFIED IN THE

1 AGREEMENTS;

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

5 (I) AN AGREEMENT PURSUANT TO WHICH THE TRANSPORTATION
6 ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT
7 OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN
8 CONNECTION WITH A SURFACE TRANSPORTATION INFRASTRUCTURE
9 PROJECT; OR

10 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY
11 COMPLETES ALL OR ANY PORTION OF A SURFACE TRANSPORTATION
12 INFRASTRUCTURE PROJECT ON BEHALF OF THE TRANSPORTATION
13 ENTERPRISE;

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

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

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

26 (k) IN CONNECTION WITH ANY SURFACE TRANSPORTATION
27 INFRASTRUCTURE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT,

1 REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION
2 INFRASTRUCTURE WITHIN THE STATE;

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

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

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

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

22 (p) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
23 TRANSPORTATION ENTERPRISE TO THE DEPARTMENT TO THE EXTENT
24 NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE
25 TRANSPORTATION INFRASTRUCTURE PROJECT OR FOR ANY OTHER PURPOSE
26 AUTHORIZED IN THIS PART 8; AND

27 (q) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY

1 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
2 GRANTED IN THIS SECTION.

3 (7) (a) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN
4 SUBSECTION (6) OF THIS SECTION, THE TRANSPORTATION ENTERPRISE
5 BOARD HAS THE DUTY TO EVALUATE ANY TOLL HIGHWAY IN THE STATE
6 THAT IS OWNED AND OFFERED FOR SALE OR FOR LEASE AND AN OPERATING
7 CONCESSION BY AN ENTITY OTHER THAN THE STATE IN ORDER TO
8 DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE STATE FOR THE
9 TRANSPORTATION ENTERPRISE TO PURCHASE OR LEASE THE TOLL HIGHWAY
10 OR A PARTIAL INTEREST IN THE TOLL HIGHWAY THAT IS BEING OFFERED FOR
11 SALE, LEASE, OR CONCESSION OR ENTER INTO A PUBLIC-PRIVATE
12 PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY. IN EVALUATING
13 A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD SHALL
14 CONSIDER THE FINANCIAL COSTS AND BENEFITS TO THE STATE AND USERS
15 OF THE TOLL HIGHWAY OF PURCHASING OR LEASING THE TOLL HIGHWAY OR
16 A PARTIAL INTEREST IN THE TOLL HIGHWAY OR ENTERING INTO A
17 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY;
18 THE EFFECT OF SUCH A PURCHASE, LEASE, OR PUBLIC-PRIVATE
19 PARTNERSHIP ON STATEWIDE, REGIONAL, OR LOCAL TRANSPORTATION
20 PLANS PREVIOUSLY ADOPTED AND ON FUTURE TRANSPORTATION
21 PLANNING; AND ANY OTHER FACTORS DEEMED SIGNIFICANT BY THE BOARD.
22 IN CONSIDERING THE EFFECT ON REGIONAL OR LOCAL TRANSPORTATION
23 PLANS, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSULT WITH
24 THE APPROPRIATE REGIONAL OR LOCAL TRANSPORTATION PLANNING
25 AGENCY. SUBJECT TO CRITERIA, PROCEDURES, PROCESSES, AND RULES
26 ESTABLISHED BY THE ENTITY OTHER THAN THE STATE OFFERING THE TOLL
27 HIGHWAY FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION

1 INCLUDING, WITHOUT LIMITATION, PROVISIONS FOR REJECTING ALL BIDS OR
2 PROPOSALS AND SHORT-LISTING BIDDERS AND PROPOSERS, AND WITHOUT
3 ANY SPECIAL CONSIDERATION FOR EITHER PUBLIC OR PRIVATE SECTOR
4 INTERESTS THAT MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL
5 HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD MAY BID ON OR
6 PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY OR A PARTIAL INTEREST
7 IN A TOLL HIGHWAY SO OFFERED WITHOUT CHANGE OR DELAY OF SUCH
8 CRITERIA, PROCEDURES, PROCESSES, AND RULES OR MAY ENTER INTO A
9 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH A TOLL HIGHWAY AND
10 MAY FINANCE ALL OR A PORTION OF THE PURCHASE OR LEASE OF A TOLL
11 HIGHWAY OR A PUBLIC-PRIVATE PARTNERSHIP ENTERED INTO IN
12 CONNECTION WITH A TOLL HIGHWAY BY ISSUING BONDS AS AUTHORIZED BY
13 SECTION 43-4-807 IF THE BOARD DETERMINES THAT THE PURCHASE, LEASE,
14 OR PUBLIC-PRIVATE PARTNERSHIP IS IN THE BEST INTERESTS OF THE STATE.
15 FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED
16 BY THE DEPARTMENT AND MANAGED BY THE TRANSPORTATION
17 ENTERPRISE BOARD. AN ENTITY OTHER THAN THE STATE SHALL CONSIDER
18 AND REPRESENT THE INTERESTS OF ITS CONSTITUENCY AT ALL TIMES
19 DURING AND AFTER THE EVALUATION PROCESS CONDUCTED BY THE
20 TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

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

1 (c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE
2 THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY
3 TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER
4 INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL
5 HIGHWAY.

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

1 A PLAN FOR THE COMPLETION OF THE SURFACE TRANSPORTATION
2 INFRASTRUCTURE PROJECT THAT ADDRESSES THE FEASIBILITY OF THE
3 PROJECT, THE TECHNOLOGY TO BE UTILIZED, PROJECT FINANCING, AND ANY
4 OTHER FEDERALLY REQUIRED INFORMATION.

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

1 (9)(a) THE TRANSPORTATION ENTERPRISE SHALL NOT SUPPLANT OR
2 DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT
3 OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC
4 HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR
5 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6
6 OF THIS ARTICLE EXCEPT AS DESCRIBED IN DETAIL IN AN
7 INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACTUAL AGREEMENT
8 ENTERED INTO BY THE TRANSPORTATION ENTERPRISE AND THE OPERATOR,
9 RAILROAD, OR AUTHORITY. THE CREATION OF AND UNDERTAKING OF
10 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS BY THE
11 TRANSPORTATION ENTERPRISE PURSUANT TO THIS PART 8 IS NOT INTENDED
12 TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM
13 FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL
14 TRANSPORTATION AUTHORITY.

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

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

1 INFRASTRUCTURE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES
2 AND EXPENSES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES
3 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 **43-4-807. Bonds - investments - bonds eligible for investment**
9 **and exempt from taxation.** (1) (a) BOTH THE BRIDGE ENTERPRISE AND
10 THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS
11 FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED
12 PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE
13 TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT
14 OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL
15 FUND OR THE TRANSPORTATION SPECIAL FUND AS THE CASE MAY BE.

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

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

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

1 ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE
2 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

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

21 (e) ANY PLEDGE OF THE BRIDGE SPECIAL FUND, THE
22 TRANSPORTATION SPECIAL FUND, OR OTHER PROPERTY MADE BY AN
23 ISSUING ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH
24 WHICH AN ISSUING ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING
25 FROM THE TIME THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR
26 OTHER PLEDGED PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN
27 OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND

1 THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL
2 PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
3 AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING
4 PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE
5 IS CREATED NEED NOT BE RECORDED OR FILED.

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

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

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

1 INFRASTRUCTURE PROJECT.

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

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

20 **43-4-808. Toll highways - special provisions - limitations.**

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

25 (a) ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO THE TOLL
26 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF
27 VEHICLES TRAVEL UPON THE TOLL HIGHWAY; EXCEPT THAT THE

1 ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY
2 LANES FOR HIGH-OCCUPANCY VEHICLE USE ONLY AND MAY RESTRICT
3 ACCESS TO VEHICLES CARRYING HAZARDOUS MATERIALS OR OTHER
4 VEHICLES TO THE EXTENT NECESSARY TO PROTECT THE HEALTH AND
5 SAFETY OF THE PUBLIC; AND

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

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

20 (b) THE TRANSPORTATION ENTERPRISE MAY ADOPT, BY
21 RESOLUTION OF THE TRANSPORTATION ENTERPRISE BOARD, RULES
22 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING
23 A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY
24 THE TRANSPORTATION ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT
25 LESS THAN TEN DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS
26 IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE TRANSPORTATION
27 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT

1 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO
2 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.
3 THE USE OF STATE OF THE ART TECHNOLOGY TO AID IN ENFORCEMENT OF
4 TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY THIS SECTION.

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

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

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

1 ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION IF THE
2 PRESCRIBED TOLL, FEE, OR CIVIL PENALTY ARE NOT PAID WITHIN TWENTY
3 DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED
4 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY
5 ASSESSMENT NOTICE.

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

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

27 (d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,

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

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

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

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

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

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

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

25 (VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY
26 THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY
27 LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS

1 OWED TO THE ENTERPRISE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ==

24 (II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL
25 GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION
26 OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE
27 IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY

1 IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY
2 SEGMENT OR HIGHWAY LANES;

3 (b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION
4 PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY
5 SYSTEM; AND

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

10 (4) WHEN DETERMINING WHETHER TO UNDERTAKE AND COMPLETE
11 A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT TO BE FUNDED,
12 IN WHOLE OR IN PART, THROUGH THE IMPOSITION OF ANY USER FEE, THE
13 TRANSPORTATION ENTERPRISE SHALL CONSIDER WHETHER THE
14 COMPLETION OF THE PROJECT WILL HELP TO RECONNECT OR REINTEGRATE
15 ANY LOCAL GOVERNMENT OR OTHER COMMUNITY THAT HAS BEEN
16 DISCONNECTED OR DIVIDED BY EXISTING TRANSPORTATION
17 INFRASTRUCTURE.

18 (5) BEFORE IMPOSING A USER FEE ON A HIGHWAY SEGMENT OR
19 HIGHWAY LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON
20 A TOLL-FREE BASIS, THE TRANSPORTATION ENTERPRISE SHALL PREPARE OR
21 CAUSE TO BE PREPARED A LOCAL AIR QUALITY IMPACT STATEMENT AND A
22 LOCAL COMMUNITY TRAFFIC SAFETY ASSESSMENT THAT SPECIFICALLY
23 TAKE INTO ACCOUNT ANY DIVERSION OF VEHICULAR TRAFFIC FROM THE
24 HIGHWAY SEGMENT OR HIGHWAY LANES ONTO OTHER HIGHWAYS, ROADS,
25 OR STREETS THAT IS EXPECTED TO RESULT FROM THE IMPOSITION OF THE
26 USER FEE.

27 **43-4-809. Enterprises - applicability of other laws.**

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

5 (2) (a) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
6 ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE
7 COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE
8 24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF
9 TITLE 24, C.R.S.

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

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

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

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

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43-4-810. Fees and surcharges - limitations on use. AS

REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

43-4-811. Transit and rail division - funding for local transit

grants. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR STATE FISCAL YEAR 2009-10 AND FOR EACH SUCCEEDING STATE FISCAL YEAR THE ALLOCATION OF THE SURCHARGES, FEES, AND FINES IMPOSED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a) PURSUANT TO SECTION 43-4-804 (1) AND ALLOCATED TO THE STATE HIGHWAY FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.3) SHALL BE MODIFIED AS FOLLOWS:

(a) THE ALLOCATION TO THE STATE HIGHWAY FUND SHALL BE INCREASED BY FIVE MILLION DOLLARS.

(b) THE ALLOCATION TO COUNTIES SHALL BE REDUCED BY TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

(c) THE ALLOCATION TO MUNICIPALITIES SHALL BE REDUCED BY TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS.

(2) FOR STATE FISCAL YEAR 2009-10 AND FOR EACH SUCCEEDING STATE FISCAL YEAR, FIVE MILLION DOLLARS OF THE MONEYS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE CREDITED TO THE STATE TRANSIT AND RAIL FUND, WHICH IS HEREBY

1 CREATED IN THE STATE TREASURY, AND USED BY THE STATE TRANSIT AND
2 RAIL DIVISION CREATED IN SECTION 43-1-117.5 (1), ENACTED BY SENATE
3 BILL 09-094, ENACTED IN 2009, AND USED TO PROVIDE GRANTS TO LOCAL
4 GOVERNMENTS FOR LOCAL TRANSIT PROJECTS; EXCEPT THAT NO FUNDS
5 SHALL BE USED FOR THE CONDEMNATION OF LAND FOR THE PURPOSE OF
6 RELOCATING A RAIL CORRIDOR OR RAIL LINE.

7 **43-4-812. Use of user fees for transit - legislative declaration.**

8 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
9 TRANSPORTATION ENTERPRISE, A PUBLIC HIGHWAY AUTHORITY CREATED
10 AND EXISTING PURSUANT TO PART 5 OF THIS ARTICLE, A REGIONAL
11 TRANSPORTATION AUTHORITY CREATED AND EXISTING PURSUANT TO PART
12 6 OF THIS ARTICLE, OR ANY OTHER ENTITY THAT, AS OF THE EFFECTIVE
13 DATE OF THIS SECTION, IS IMPOSING A USER FEE OR TOLL FOR THE
14 PRIVILEGE OF TRAVELING ON ANY HIGHWAY SEGMENT OR HIGHWAY LANES
15 MAY USE REVENUES GENERATED BY THE USER FEE OR TOLL FOR
16 TRANSIT-RELATED PROJECTS THAT RELATE TO THE MAINTENANCE OR
17 SUPERVISION OF THE HIGHWAY SEGMENT OR HIGHWAY LANES ON WHICH
18 THE USER FEE OR TOLL IS IMPOSED.

19 (2) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
20 THE FUNDING OF TRANSIT-RELATED PROJECTS AUTHORIZED BY SUBSECTION
21 (1) OF THIS SECTION CONSTITUTES MAINTENANCE AND SUPERVISION OF
22 STATE HIGHWAYS BECAUSE IT WILL HELP TO REDUCE TRAFFIC ON STATE
23 HIGHWAYS AND THEREBY REDUCE WEAR AND TEAR ON STATE HIGHWAYS
24 AND BRIDGES AND INCREASE THEIR RELIABILITY, SAFETY, AND EXPECTED
25 USEFUL LIFE.

26 **43-4-813. Transportation deficit report - annual reporting**
27 **requirement.** NO LATER THAN JUNE 30, 2009, AND NO LATER THAN

1 MARCH 1 OF ANY FISCAL YEAR IN WHICH ROAD OR BRIDGE SAFETY
2 SURCHARGES ARE IMPOSED PURSUANT TO SECTION 43-4-804 (1) (a) OR
3 43-4-805 (5) (g), THE DEPARTMENT SHALL PREPARE AND PRESENT TO THE
4 TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES AND THE TRANSPORTATION COMMITTEE OF THE SENATE,
6 OR ANY SUCCESSOR COMMITTEES, A TRANSPORTATION DEFICIT REPORT
7 THAT SEPARATELY ADDRESSES THE GOALS OF REPAIRING DEFICIENT
8 HIGHWAYS AND BRIDGES, AS EVIDENCED BY A C OR D RATING, SUSTAINING
9 EXISTING TRANSPORTATION SYSTEM PERFORMANCE LEVELS, AND
10 ACHIEVING THE CORRIDOR VISIONS DESCRIBED BY REGIONAL
11 TRANSPORTATION PLANS AND PUBLIC PREFERENCES. FOR EACH GOAL, THE
12 REPORT SHALL INCLUDE A LISTING OF THE ANNUAL COSTS FOR EACH OF THE
13 NEXT TEN FISCAL YEARS OF ACHIEVING THE GOAL; THE ANNUAL INCREASE
14 AND RATE OF INCREASE OF THE COSTS; THE FACTORS CONTRIBUTING TO
15 THE COSTS, INCLUDING, BUT NOT LIMITED TO, THE RATE AND GEOGRAPHIC
16 DISTRIBUTION OF POPULATION GROWTH, VEHICLE SIZE AND WEIGHT, LAND
17 USE POLICIES, AND WORK PATTERNS; METHODS OF REDUCING THE IMPACT
18 OF THE COST FACTORS, INCLUDING, BUT NOT LIMITED TO, LAND USE POLICY
19 CHANGES, INCREASED USE OF TRANSIT, TELECOMMUTING, AND PEAK
20 TRANSPORTATION SYSTEM DEMAND REDUCTION PRACTICES AND ECONOMIC
21 INCENTIVES; AND A COMPARISON OF THE COSTS OF MITIGATING THE COST
22 FACTORS AND THE COSTS OF ACHIEVING THE GOAL BY REPAIRING,
23 UPGRADING, OR EXPANDING THE TRANSPORTATION SYSTEM. THE REPORT
24 SHALL EXPLAIN WHY ANY COST ESTIMATE FOR A GOAL DIFFERS BY MORE
25 THAN FIVE PERCENT FROM ANY DEPARTMENT ESTIMATE OF SUCH COSTS
26 PUBLISHED BEFORE THE EFFECTIVE DATE OF THIS SECTION, AND SHALL
27 SEPARATELY ACCOUNT FOR COST OVERRUNS OTHER THAN OVERRUNS

1 ATTRIBUTABLE INCREASES IN THE COLORADO CONSTRUCTION COST INDEX.
2 THE DEPARTMENT SHALL PUBLISH THE REPORT ON ITS WEB SITE IN A
3 FORMAT THAT CAN BE DOWNLOADED.

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

7 **24-1-128.7. Department of transportation - creation.** (5) THE
8 STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S.,
9 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS
10 IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
11 SECTION 24-1-105, C.R.S., TO THE DEPARTMENT OF TRANSPORTATION.

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

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

25 **SECTION 3.** 1-5-407 (5), Colorado Revised Statutes, is amended
26 to read:

27 **1-5-407. Form of ballots.** (5) Whenever the approval of a ballot

1 issue or ballot question is submitted to the vote of the people, the ballot
2 issue or question shall be printed upon the ballot following the lists of
3 candidates. EXCEPT AS OTHERWISE PROVIDED IN SECTION 32-9-119.3 (2),
4 C.R.S., constitutional issues shall be printed first, followed by statewide
5 issues and questions, county issues and questions, municipal issues and
6 questions, school district issues and questions, ballot issues and questions
7 for other political subdivisions which are in more than one county, and
8 then ballot issues and questions for other political subdivisions which are
9 wholly within a county. The measures in each category shall be placed in
10 the following order: Measures to increase taxes; measures to retain
11 revenues in excess of a district's fiscal year spending limit; measures to
12 increase debt; citizen petitions; and referred measures.

13 **SECTION 4.** The introductory portion to 32-9-119 (2) (a),
14 Colorado Revised Statutes, is amended to read:

15 **32-9-119. Additional powers of district.** (2) (a) To provide
16 revenue to finance the operations of the district, to defray the cost of
17 construction of capital improvements and acquisition of capital
18 equipment, and to pay the interest and principal on securities of the
19 district, the board, for and on behalf of the district after approval by
20 election held pursuant to articles 1 to 13 of title 1, C.R.S., AND, WITH
21 RESPECT TO ANY TAX RATE INCREASE THAT TAKES EFFECT ON OR AFTER
22 THE EFFECTIVE DATE OF THIS PARAGRAPH (a), AS AMENDED, IN
23 ACCORDANCE WITH SECTION 32-9-119.3, shall have the power to levy
24 uniformly throughout the district a sales tax at ~~the~~ A rate of ~~six-tenths of~~
25 ~~one percent, or at the rate of one percent if approved by the eligible~~
26 ~~electors of the district in accordance with section 32-9-119.4,~~ THAT MAY
27 BE APPROVED BY THE BOARD upon every transaction or other incident with

1 respect to which a sales tax is now levied by the state, pursuant to the
2 provisions of article 26 of title 39, C.R.S.; except that:

3 **SECTION 5.** 32-9-119.3, Colorado Revised Statutes, is
4 RECREATED AND REENACTED, WITH AMENDMENTS, to read:

5 **32-9-119.3. Elections for sales tax rate increase.** (1) THE
6 BOARD, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20 (4) OF
7 ARTICLE X OF THE STATE CONSTITUTION, MAY SUBMIT TO THE REGISTERED
8 ELECTORS OF THE DISTRICT ONE OR MORE BALLOT QUESTIONS TO INCREASE
9 THE RATE OF THE SALES TAX LEVIED BY THE DISTRICT PURSUANT TO
10 SECTION 32-9-119 (2) (a) TO A RATE NOT TO EXCEED ONE AND ONE-HALF
11 PERCENT, WITH OR WITHOUT AN ACCOMPANYING INCREASE IN DISTRICT
12 DEBT, FOR SUCH PURPOSES AUTHORIZED BY THIS ARTICLE AS MAY BE
13 SPECIFIED IN ANY SUCH BALLOT QUESTION.

14 (2) A BALLOT QUESTION SUBMITTED PURSUANT TO SUBSECTION (1)
15 OF THIS SECTION SHALL BE SUBMITTED AT A GENERAL ELECTION OR AN
16 ELECTION HELD ON THE FIRST TUESDAY OF NOVEMBER IN AN
17 ODD-NUMBERED YEAR THAT IS CONDUCTED IN ACCORDANCE WITH THE
18 "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 TO 13 OF TITLE 1, C.R.S.
19 THE SECRETARY OF STATE SHALL DETERMINE THE IDENTIFYING
20 NUMBERING OR LETTERING OF SUCH A BALLOT QUESTION, AND THE
21 QUESTION SHALL BE PRINTED UPON THE BALLOT IMMEDIATELY FOLLOWING
22 ANY STATEWIDE ISSUES AND QUESTIONS.

23 (3) IF A MAJORITY OF THE REGISTERED ELECTORS VOTING ON A
24 BALLOT QUESTION SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS
25 SECTION VOTE AFFIRMATIVELY ON THE QUESTION, THE RATE OF THE SALES
26 TAX LEVIED BY THE DISTRICT PURSUANT TO SECTION 32-9-119 (2) (a)
27 SHALL BE INCREASED TO THE RATE SPECIFIED IN THE BALLOT QUESTION

1 AND APPROVED BY THE REGISTERED ELECTORS.

2 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
3 ABILITY OF THE DISTRICT TO SEEK THE APPROVAL OF THE REGISTERED
4 ELECTORS OF THE DISTRICT REGARDING ANY OTHER MATTER FOR WHICH
5 SUCH APPROVAL MAY BE SOUGHT.

6 **SECTION 6.** 42-3-103 (4) (a), Colorado Revised Statutes, is
7 amended to read:

8 **42-3-103. Registration required - exemptions.** (4) (a) Within
9 ~~thirty~~ NINETY days after becoming a resident of Colorado, an owner of a
10 motor vehicle required to be registered by subsection (1) of this section
11 shall register such vehicle with the department, irrespective of such
12 vehicle being registered within another state or country. A person who
13 violates this paragraph (a) is subject to the penalties provided in ~~section~~
14 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

15 **SECTION 7.** 42-3-112, Colorado Revised Statutes, is amended
16 to read:

17 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject
18 to taxation under this article is not registered when required by law, the
19 vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as~~
20 ~~determined by the department or authorized agent registering the vehicle,~~
21 ~~which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A
22 MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF
23 APPLICABLE, THE EXPIRATION OF THE GRACE PERIOD DESCRIBED IN SECTION
24 42-3-114 FOR WHICH THE VEHICLE IS UNREGISTERED; EXCEPT THAT THE
25 AMOUNT OF THE LATE FEE SHALL NOT EXCEED ONE HUNDRED DOLLARS.
26 THE LATE FEE SHALL BE due when the vehicle is registered. ~~The~~
27 ~~department or the authorized agent registering the vehicle may waive the~~

1 ~~late fee.~~

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

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

17 (a) THE PERSON WHO OWNS THE VEHICLE USES THE VEHICLE IN
18 OPERATING A COMMERCIAL BUSINESS AND, AS PART OF THE NORMAL
19 OPERATION OF THE BUSINESS, IDLES THE VEHICLE SO THAT IT IS NOT
20 OPERATED ON ANY PUBLIC HIGHWAY IN THIS STATE FOR AT LEAST ONE FULL
21 REGISTRATION PERIOD. NOTHING IN THIS PARAGRAPH (a) SHALL BE
22 CONSTRUED TO EXEMPT THE OWNER OF AN IDLED VEHICLE FROM PAYING
23 ANY FEES IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE
24 BEFORE AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS
25 STATE OR FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

26 (b) THE PERSON WHO OWNS THE VEHICLE IS IN THE ACTIVE
27 MILITARY SERVICE OF THE UNITED STATES AND IS SERVING OUTSIDE THE

1 STATE WHEN A REGISTRATION PERIOD AND GRACE PERIOD FOR RENEWAL
2 OF REGISTRATION FOR THE VEHICLE END AND THE VEHICLE IS NOT
3 OPERATED ON ANY PUBLIC HIGHWAY OF THE STATE BETWEEN THE TIME THE
4 REGISTRATION PERIOD AND GRACE PERIOD END AND THE TIME THE VEHICLE
5 IS REREGISTERED. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED
6 TO EXEMPT THE OWNER OF SUCH A VEHICLE FROM PAYING ANY FEES
7 IMPOSED PURSUANT TO THIS ARTICLE OTHER THAN THE LATE FEE BEFORE
8 AGAIN OPERATING THE VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE OR
9 FROM PAYING ANY TAXES IMPOSED PURSUANT TO THIS ARTICLE.

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11 **SECTION 8.** 42-4-508 (1) (b), Colorado Revised Statutes, is
12 amended to read:

13 **42-4-508. Gross weight of vehicles and loads.** (1) Except as
14 provided in subsection (1.5) of this section, no vehicle or combination of
15 vehicles shall be moved or operated on any highway or bridge when the
16 gross weight thereof exceeds the limits specified below:

17 (b) Subject to the limitations prescribed in section 42-4-507, the
18 maximum gross weight of any vehicle or combination of vehicles shall not
19 exceed that determined by the formula $W \text{ equals } 1,000 (L \text{ plus } 40)$, $W =$
20 the gross weight in pounds, $L =$ the length in feet between the centers of
21 the first and last axles of such vehicle or combination of vehicles, but in
22 computation of this formula no gross vehicle weight shall exceed
23 ~~eighty-five~~ NINETY-TWO thousand pounds. For the purposes of this
24 section, where a combination of vehicles is used, no vehicle shall carry a
25 gross weight of less than ten percent of the overall gross weight of the
26 combination of vehicles; except that these limitations shall not apply to
27 specialized trailers of fixed public utilities whose axles may carry less than

1 ten percent of the weight of the combination. The limitations provided in
2 this section shall be strictly construed and enforced.

3 **SECTION 9.** 42-4-510 (5), Colorado Revised Statutes, is
4 amended to read:

5 **42-4-510. Permits for excess size and weight and for**
6 **manufactured homes - rules.** (5) The department of transportation, the
7 motor carrier services division of the department of revenue, or the
8 Colorado state patrol shall, unless such action will jeopardize distribution
9 of federal highway funds to the state, authorize the operation or movement
10 of a vehicle or combination of vehicles on the interstate highway system
11 of Colorado at a maximum weight of ~~eighty-five~~ NINETY-TWO thousand
12 pounds.

13 **SECTION 10.** 42-6-139 (3), Colorado Revised Statutes, is
14 amended to read:

15 **42-6-139. Registration - where made.** (3) A person who
16 knowingly violates any of the provisions of subsection (2) of this section,
17 section 42-3-103 (4) (a), section 42-6-140, or any rule of the director
18 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon
19 conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND
20 dollars.

21 **SECTION 11.** 42-6-140, Colorado Revised Statutes, is amended
22 to read:

23 **42-6-140. Registration upon becoming resident.** Within ~~thirty~~
24 NINETY days after becoming a resident of Colorado, the owner of a motor
25 vehicle shall apply for a Colorado certificate of title, a license, and
26 registration for the vehicle that is registered, that is licensed, or for which
27 a certificate of title is issued in another state. Any person who violates the

1 provisions of this section is subject to the penalties provided in section
2 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

5 **42-12-102. Registration of collectors' items - fees.** (1) Except
6 for those motor vehicles that are entitled to registration under the
7 provisions of section 42-3-219, collectors' items shall be titled, registered,
8 and a specific ownership tax shall be paid thereon in the same manner as
9 provided in this title for other motor vehicles, with the following
10 exceptions:

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

25 **SECTION 13.** 43-1-106, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **43-1-106. Transportation commission - powers and duties.**

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

6 (I) FROM STATE GOVERNMENT:

7 (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE
8 COMMISSION;

9 (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR
10 DESIGNATED BY THE EXECUTIVE DIRECTOR;

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

15 (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE
16 EXECUTIVE DIRECTOR MAY DESIGNATE;

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

18 (A) THE CONSTRUCTION INDUSTRY;

19 (B) THE ENGINEERING INDUSTRY;

20 (C) THE ENVIRONMENTAL COMMUNITY;

21 (D) TRANSPORTATION PLANNING ORGANIZATIONS;

22 (E) PUBLIC TRANSPORTATION PROVIDERS; AND

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

25 (b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL
26 PERIODICALLY REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR
27 REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT

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

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

14 **43-1-1103. Transportation planning.** (5) The department shall
15 integrate and consolidate the regional transportation plans for the
16 transportation planning regions into a comprehensive statewide
17 transportation plan. The formation of such state plan shall be
18 accomplished through a statewide planning process set by rules and
19 regulations promulgated by the commission. The state plan shall ~~include~~
20 ADDRESS but shall not be limited to the following factors:

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

25 (e) SAFETY ENHANCEMENT;

26 (f) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;

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

1 (h) ENVIRONMENTAL STEWARDSHIP;

2

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

4 (j) REDUCTION OF GREENHOUSE GAS EMISSIONS.

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

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

15 (b) The state:

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

18 (J) The statewide tolling BRIDGE enterprise as authorized in section
19 ~~43-4-806 (1) (g)~~ SECTION 43-4-805 (5) (e), C.R.S.; and

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

22 **SECTION 16.** 43-1-1402 (3), Colorado Revised Statutes, is
23 amended to read:

24 **43-1-1402. Definitions.** As used in this part 14:

25 (3) "Design-build contract" means the procurement of both the
26 design and the construction of a transportation project in a single contract
27 with a single design-build firm or a combination of such firms that are

1 capable of providing the necessary design and construction services. A
2 DESIGN-BUILD CONTRACT MAY ALSO INCLUDE IN THE CONTRACT THE
3 PROCUREMENT OF THE FINANCING, OPERATION, OR MAINTENANCE OF THE
4 PROJECT.

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

7 **43-4-205. Allocation of fund.** (6.3) REVENUES FROM THE
8 SURCHARGES, FEES, AND FINES CREDITED TO THE HIGHWAY USERS TAX
9 FUND PURSUANT TO SECTION 43-4-804 (1) SHALL BE ALLOCATED AND
10 EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN PARAGRAPH
11 (b) OF SUBSECTION (6) OF THIS SECTION.

12 **SECTION 18.** 43-4-206, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **43-4-206. State allocation.** (3) NOTWITHSTANDING THE
15 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED
16 TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-205 (6.3)
17 SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION ONLY FOR
18 ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21); EXCEPT
19 THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO
20 SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE
21 WITH SECTION 43-4-810, EXPEND TEN MILLION DOLLARS PER YEAR OF THE
22 REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
23 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE,
24 OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS,
25 INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN
26 LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE
27 DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL

1 TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE
2 HIGHWAYS FOR TRANSIT USERS.

3 **SECTION 19.** 43-4-207 (1), Colorado Revised Statutes, is
4 amended to read:

5 **43-4-207. County allocation.** (1) After paying the costs of the
6 Colorado state patrol and such other costs of the department, exclusive of
7 highway construction, highway improvements, or highway maintenance,
8 as are appropriated by the general assembly, twenty-six percent of the
9 balance of the highway users tax fund shall be paid to the county
10 treasurers of the respective counties, subject to annual appropriation by
11 the general assembly, and shall be allocated and expended as provided in
12 this section. The moneys thus received shall be allocated to the counties
13 as provided by law and shall be expended by ~~said~~ THE counties only on the
14 construction, engineering, reconstruction, maintenance, repair, equipment,
15 improvement, and administration of the county highway systems and any
16 other public highways, including any state highways, together with
17 acquisition of rights-of-way and access rights for the same and for no
18 other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION
19 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD
20 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to
21 be expended for administrative purposes shall not exceed five percent of
22 each county's share of the funds available.

23 **SECTION 20.** 43-4-208 (1), Colorado Revised Statutes, is
24 amended to read:

25 **43-4-208. Municipal allocation.** (1) After paying the costs of the
26 Colorado state patrol and such other costs of the department, exclusive of
27 highway construction, highway improvements, or highway maintenance,

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

20 **SECTION 21. Effective date - applicability.** (1) Except as
21 otherwise provided in subsection (2) of this section, this act shall take
22 effect upon passage.

23 (2) Section 8 of this act shall take effect January 1, 2010, and shall
24 apply to overweight permits issued on or after said date.

25 **SECTION 22. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.