

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

PREAMENDED

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

LLS NO. 09-0497.03 Jason Gelender

SENATE BILL 09-108

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Rice,

Senate Committees

Transportation
Finance
Appropriations

House Committees

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.*

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 WILL NOT ONLY PROVIDE FUNDING TO COMPLETE THE PROJECTS BUT
17 WILL ALSO ACCELERATE THE STATE'S ECONOMIC RECOVERY BY
18 INCREASING BRIDGE AND ROAD CONSTRUCTION, REPAIR,
19 RECONSTRUCTION, AND MAINTENANCE ACTIVITY, AS WELL AS RELATED
20 ECONOMIC ACTIVITY, AND BY EMPLOYING SIGNIFICANT NUMBERS OF
21 COLORADANS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (d) COVERAGE REQUIREMENTS; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) THE TRANSPORTATION ENTERPRISE; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY
19 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR
20 RANCHER'S FARMING OR RANCHING OPERATIONS.

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

24 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
25 THIS PARAGRAPH (b), A DAILY VEHICLE RENTAL FEE, WHICH SHALL BE
26 IMPOSED ON THE RENTAL OF ANY VEHICLE RENTED IN THE STATE AT THE
27 RATE OF TWO DOLLARS PER DAY. ANY PERSON WHO OWNS VEHICLES THAT

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

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

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

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

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

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

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

23 (D) AT LEAST ONE-HALF OF ALL PASSENGER VEHICLE RENTALS
24 MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR IN EACH
25 MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES BUSINESS
26 WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN A
27 RESIDENCE WITHIN THE CITY OR COUNTY.

1 (c) (I) A SUPPLEMENTAL OVERSIZE, OVERWEIGHT, AND LONGER
2 VEHICLE COMBINATION SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT
3 OF THE FEE CHARGED BY THE DEPARTMENT FOR A LONGER VEHICLE
4 COMBINATION PERMIT ISSUED PURSUANT TO SECTION 42-4-505 (1), C.R.S.,
5 OR CHARGED BY THE DEPARTMENT, THE MOTOR CARRIER SERVICES
6 DIVISION OF THE DEPARTMENT OF REVENUE, OR THE COLORADO STATE
7 PATROL FOR AN OVERSIZE OR OVERWEIGHT VEHICLE PERMIT ISSUED
8 PURSUANT TO SECTION 42-4-510 (11), C.R.S.; EXCEPT THAT THE
9 SURCHARGE SHALL NOT BE IMPOSED ON A VEHICLE IF THE PERMIT FEE WAS
10 IMPOSED PURSUANT TO SECTION 42-4-510 (11) (a) (VI), C.R.S.

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

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

26 (II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE
27 COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO

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

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

12 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
13 SHALL ADJUST THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED
14 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION ON
15 JANUARY 1, 2011, AND ON EACH JANUARY 1 THEREAFTER TO REFLECT
16 CHANGES IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER
17 PRICE INDEX FOR THE DENVER-BOULDER-GREELEY CONSOLIDATED
18 METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS AND ALL
19 GOODS, OR ITS SUCCESSOR INDEX, FOR THE FISCAL YEAR ENDING DURING
20 THE PRIOR CALENDAR YEAR; EXCEPT THAT, IF THE REVENUE ESTIMATE
21 PREPARED BY THE STAFF OF THE LEGISLATIVE COUNCIL IN DECEMBER 2010,
22 OR IN DECEMBER OF ANY SUCCEEDING FISCAL YEAR, INDICATES THAT THE
23 AMOUNT OF STATE REVENUES SUBJECT TO THE LIMITATION ON STATE
24 FISCAL YEAR SPENDING FOR THE FISCAL YEAR WILL EXCEED THE EXCESS
25 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6(6)(b), C.R.S.,
26 FOR THE FISCAL YEAR AND THE STATE WILL BE REQUIRED TO REFUND ALL
27 OR A PORTION OF THE EXCESS STATE REVENUES, THE MAXIMUM AMOUNT

1 OF THE SURCHARGE THAT MAY BE IMPOSED SHALL NOT BE ADJUSTED
2 UPWARD ON JANUARY 1 OF THE FISCAL YEAR.

3 **43-4-805. Statewide bridge enterprise - creation - board - funds**
4 **- powers and duties - reporting requirements - legislative declaration.**

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

6 (a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS
7 ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS,
8 HAZARDS, INJURIES, AND FATALITIES;

9 (b) DUE TO THE LIMITED AVAILABILITY OF STATE AND FEDERAL
10 FUNDING AND THE NEED TO ACCOMPLISH THE FINANCING, REPAIR,
11 RECONSTRUCTION, AND REPLACEMENT OF DESIGNATED BRIDGES AS
12 PROMPTLY AND EFFICIENTLY AS POSSIBLE, IT IS NECESSARY TO CREATE A
13 STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:

14 (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE
15 DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE
16 DESIGNATED BRIDGES IN THE STATE; AND

17 (II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY
18 CALCULATED TO DEFRAID THE COSTS OF COMPLETING DESIGNATED BRIDGE
19 PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAIDING THE COSTS IN AN
20 EQUITABLE MANNER AMONG PERSONS USING DESIGNATED BRIDGES,
21 RECEIVE AND EXPEND REVENUES GENERATED BY THE SURCHARGE AND
22 OTHER MONEYS, ISSUE REVENUE BONDS AND OTHER OBLIGATIONS,
23 CONTRACT WITH THE STATE, IF REQUIRED APPROVALS ARE OBTAINED, TO
24 RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER
25 THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED
26 BY THIS PART 8, EXPEND REVENUES GENERATED BY THE SURCHARGE TO
27 REPAY ANY SUCH LOAN OR LOANS RECEIVED, AND EXERCISE OTHER

1 POWERS NECESSARY AND APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

2 (c) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE IS IN THE
3 PUBLIC INTEREST AND WILL PROMOTE THE HEALTH, SAFETY, AND WELFARE
4 OF ALL COLORADANS AND VISITORS TO THE STATE BY PROVIDING BRIDGES
5 THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN,
6 EXPERIENCE, AND SAFETY.

7 (2) (a) (I) THE STATEWIDE BRIDGE ENTERPRISE IS HEREBY
8 CREATED. THE BRIDGE ENTERPRISE SHALL BE AND SHALL OPERATE AS A
9 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT. THE
10 COMMISSION SHALL SERVE AS THE BRIDGE ENTERPRISE BOARD AND SHALL,
11 WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A BRIDGE
12 ENTERPRISE DIRECTOR WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY
13 BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD.
14 THE BRIDGE ENTERPRISE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL
15 RESPONSIBILITIES OF THE BRIDGE ENTERPRISE AND SHALL SERVE AT THE
16 PLEASURE OF THE BRIDGE ENTERPRISE BOARD.

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

21 (b) THE BUSINESS PURPOSE OF THE BRIDGE ENTERPRISE IS TO
22 FINANCE, REPAIR, RECONSTRUCT, AND REPLACE ANY DESIGNATED BRIDGE
23 IN THE STATE AND, AS AGREED UPON BY THE ENTERPRISE AND THE
24 COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE
25 COMMISSION, TO MAINTAIN THE BRIDGES IT FINANCES, REPAIRS,
26 RECONSTRUCTS, AND REPLACES. TO ALLOW THE BRIDGE ENTERPRISE TO
27 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES

1 THROUGH THE BRIDGE ENTERPRISE BOARD, THE BRIDGE ENTERPRISE MAY:

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

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

7 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR
8 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS,
9 INCLUDING, BUT NOT LIMITED TO, ONE OR MORE LOANS FROM THE STATE
10 OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE TERMS OF ONE OR
11 MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO
12 PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, TO BE USED TO
13 SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

14 (c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE
15 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
16 SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
17 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS
18 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO
19 LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH
20 (c), THE BRIDGE ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS
21 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. CONSISTENT
22 WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL*
23 *v. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT
24 THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH "ENTERPRISE" STATUS
25 UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
26 GENERAL ASSEMBLY FINDS AND DECLARES THAT A BRIDGE SAFETY
27 SURCHARGE IMPOSED BY THE BRIDGE ENTERPRISE PURSUANT TO

1 PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION IS NOT A TAX BUT IS
2 INSTEAD A FEE IMPOSED BY THE BRIDGE ENTERPRISE TO DEFRAID THE COST
3 OF COMPLETING DESIGNATED BRIDGE PROJECTS THAT THE ENTERPRISE
4 PROVIDES AS A SPECIFIC SERVICE TO THE PERSONS UPON WHOM THE FEE IS
5 IMPOSED.

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

1 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
2 INVESTMENT OF MONEYS IN THE BRIDGE SPECIAL FUND SHALL BE CREDITED
3 TO THE BRIDGE SPECIAL FUND AND, IF APPLICABLE, TO THE APPROPRIATE
4 DESIGNATED BRIDGE PROJECT ACCOUNT. MONEYS IN THE BRIDGE SPECIAL
5 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE BRIDGE ENTERPRISE
6 FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN
7 THE BRIDGE SPECIAL FUND SHALL REMAIN IN THE BRIDGE SPECIAL FUND
8 FOR THE PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE BRIDGE
9 SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSE.

10 (c) THE BRIDGE ENTERPRISE MAY EXPEND MONEYS IN THE BRIDGE
11 SPECIAL FUND TO PAY BOND OR LOAN OBLIGATIONS, TO FUND THE
12 ADMINISTRATION, PLANNING, FINANCING, REPAIR, RECONSTRUCTION,
13 REPLACEMENT, OR MAINTENANCE OF DESIGNATED BRIDGES, AND FOR THE
14 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY
15 DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE MAY ALSO EXPEND
16 MONEYS IN THE BRIDGE SPECIAL FUND TO PAY ITS OPERATING COSTS AND
17 EXPENSES. THE BRIDGE ENTERPRISE BOARD SHALL HAVE EXCLUSIVE
18 AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN
19 THE BRIDGE SPECIAL FUND.

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

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

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

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

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

22 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE
23 SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING,
24 REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING DESIGNATED
25 BRIDGES;

26 (d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
27 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND

1 PERFORMANCE OF ITS DUTIES;

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

7 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE
8 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER
9 WHICH THE BRIDGE ENTERPRISE AGREES TO FINANCE, REPAIR,
10 RECONSTRUCT, REPLACE, AND, IF ANY GIVEN AGREEMENT SO SPECIFIES,
11 MAINTAIN DESIGNATED BRIDGES AS SPECIFIED IN THE AGREEMENTS;

12 (g) (I) AS NECESSARY FOR THE ACHIEVEMENT OF ITS BUSINESS
13 PURPOSE, TO IMPOSE A BRIDGE SAFETY SURCHARGE, WHICH, EXCEPT AS
14 OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (g),
15 SHALL BE IMPOSED, ON AND AFTER JULY 1, 2009, OR ON AND AFTER SUCH
16 LATER DATE AS MAY BE DETERMINED BY THE BRIDGE ENTERPRISE, UPON
17 THE REGISTRATION OF ANY VEHICLE FOR WHICH A REGISTRATION FEE MUST
18 BE PAID PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE
19 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (IV), (V),
20 (VI), AND (VII) OF THIS PARAGRAPH (g), THE AMOUNT OF THE SURCHARGE
21 SHALL NOT EXCEED:

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

26 (B) EIGHTEEN DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE
27 THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND

1 POUNDS;

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

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

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

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

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

25 (IV) THE AMOUNT OF THE BRIDGE SAFETY SURCHARGE IMPOSED ON
26 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS
27 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF

1 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE
2 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) AND THE
3 PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION
4 APPORTIONED TO COLORADO.

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

13 (VI) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE
14 THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH
15 (I) OF THIS PARAGRAPH (g) FOR ANY ANNUAL VEHICLE REGISTRATION
16 PERIOD COMMENCING DURING THE 2009-10 FISCAL YEAR SHALL BE
17 ONE-HALF OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN
18 SAID SUBPARAGRAPH (I).

19 (VII) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED
20 PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT
21 OF THE SURCHARGE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS
22 PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR
23 THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY
24 ONLY:

25 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW
26 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY
27 RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING

1 OPERATIONS; OR

2 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY
3 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR
4 RANCHER'S FARMING OR RANCHING OPERATIONS.

5 (VIII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE
6 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE
7 REGISTRATION FEES OR SURCHARGES IMPOSED.

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

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

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

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

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

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

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

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

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

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

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

25 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
26 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO
27 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR

1 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

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

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

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

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

21 (B) THE STATE MAY ENTER INTO ONE OR MORE LEASE-PURCHASE
22 AGREEMENTS AUTHORIZED BY SUB-SUBPARAGRAPH (A) OF THIS
23 SUBPARAGRAPH (III) WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION,
24 TRUST, OR COMMERCIAL BANK ACTING AS A TRUSTEE, AS THE LESSOR,
25 INCLUDING BUT NOT LIMITED TO THE NONPROFIT CORPORATION CREATED
26 PURSUANT TO SECTION 24-82-703, C.R.S.

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

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

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

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

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

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

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

26 (V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,
27 MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED

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

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

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

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

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

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

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

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

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

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

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

23 (III) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
24 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS
25 SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE
26 PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE
27 TRANSPORTATION INFRASTRUCTURE PROJECTS INCLUDED IN THE

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

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

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

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

26 (2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
27 IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE

1 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL
2 BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION
3 ENTERPRISE SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

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

11 (B) THREE MEMBERS OF THE COMMISSION APPOINTED BY
12 RESOLUTION OF THE COMMISSION.

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

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

24 (B) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE
25 COMMISSION PURSUANT TO SECTION 43-4-803 (1), PRIOR TO THE REPEAL
26 AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-_____, ENACTED
27 IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY

1 A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., TO THE
2 TRANSPORTATION ENTERPRISE, AND THE STATEWIDE TOLLING ENTERPRISE
3 IS ABOLISHED.

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

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

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

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

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

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

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

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

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

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

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

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

1 TRANSPORTATION SPECIAL FUND TO PAY ITS OPERATING COSTS AND
2 EXPENSES. THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE
3 EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF
4 MONEYS IN THE TRANSPORTATION SPECIAL FUND.

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

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

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

15 (a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE
16 DIRECTOR;

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

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

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

25 (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO
26 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY
27 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,

1 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED
2 PURPOSES;

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

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

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

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

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

26 (i) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING
27 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO

1 CARRY OUT ITS POWERS AND DUTIES;

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

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

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

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

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

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

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

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

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

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

27 (b) FOR PURPOSES OF THIS SUBSECTION (7), "ENTITY OTHER THAN

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

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

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

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

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

21 (9) 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 EITHER
10 IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF
11 THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL,
12 FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL
13 PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO
14 APPEAR FOR ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS
15 SECTION, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN
16 THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS
17 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE.

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

26 (d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,
27 AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 OR

27 (B) IT HAS OBTAINED THE APPROVAL OF A MAJORITY OF THE LOCAL

1 GOVERNMENTS THROUGH WHICH THE HIGHWAY OR HIGHWAY LANES PASS,
2 AND THE GENERAL ASSEMBLY, ACTING BY BILL, HAS APPROVED THE USER
3 FEES AS PART OF A MULTI-CORRIDOR TRANSPORTATION PLAN;

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

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

9 **43-4-809. Enterprises - applicability of other laws.**

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

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

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

27 (3) REVENUES OF THE BRIDGE ENTERPRISE AND THE

1 TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS
2 OF SECTION 43-1-1205.

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

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

9 **43-4-810. Mileage-based revenue commission - creation -**
10 **powers and duties - funding - legislative declaration - repeal.** (1) THE
11 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

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

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

26 (II) RESEARCH AND DISCUSSION REGARDING THE IMPLEMENTATION
27 AND FINANCIAL VIABILITY OF A MILEAGE-BASED REVENUE SYSTEM AND

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

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

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

17 (I) FOUR MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS
18 FOLLOWS:

19 (A) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED
20 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

21 (B) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED
22 BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

23 (C) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF
24 THE SENATE; AND

25 (D) ONE MEMBER OF THE SENATE APPOINTED BY THE MINORITY
26 LEADER OF THE SENATE;

27 (II) FOUR MEMBERS APPOINTED JOINTLY BY THE GOVERNOR, THE

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

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

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

12 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
13 MUNICIPALITY; AND

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

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

22 (b) (I) EACH MEMBER OF THE MBR COMMISSION SHALL SERVE
23 UNTIL THIS SECTION IS REPEALED IN ACCORDANCE WITH SUBSECTION (6) OF
24 THIS SECTION; EXCEPT THAT THE TERM OF ANY MEMBER WHOSE INITIAL
25 APPOINTMENT TO THE MBR COMMISSION REQUIRED THE INDIVIDUAL TO BE
26 A LEGISLATOR, AN ELECTED OFFICIAL OF A COUNTY, CITY AND COUNTY, OR
27 MUNICIPALITY, OR A MEMBER OF THE TRANSPORTATION COMMISSION,

1 SHALL END IMMEDIATELY IF THE MEMBER CEASES TO BE A LEGISLATOR,
2 ELECTED OFFICIAL, OR COMMISSION MEMBER.

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

5 (c) MEMBERS OF THE MBR COMMISSION SHALL SERVE WITHOUT
6 COMPENSATION.

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

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

23 (a) DESIGN, DEVELOP, AND IMPLEMENT, SUBJECT TO THE
24 LIMITATIONS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, ONE OR MORE
25 PILOT PROGRAMS TO EVALUATE ALTERNATIVE MBR SYSTEMS, TAKING
26 INTO CONSIDERATION, AT A MINIMUM, THE FOLLOWING ISSUES RELATED TO
27 THE IMPLEMENTATION OF AN MBR SYSTEM:

- 1 (I) TECHNICAL ISSUES SUCH AS:
- 2 (A) THE IDENTIFICATION OF VEHICLES SUBJECT TO AN MBR
- 3 SYSTEM; AND
- 4 (B) THE RELIABILITY AND CONVENIENCE OF THE TECHNOLOGY,
- 5 INCLUDING, BUT NOT LIMITED TO, TRANSPONDER TECHNOLOGY, IN-ROAD
- 6 SENSOR TECHNOLOGY, AND TECHNOLOGY THAT ENSURES
- 7 INTEROPERABILITY OF AN MBR SYSTEM WITH OTHER
- 8 TRANSPONDER-OPERATED SYSTEMS, NEEDED TO COLLECT MBR DATA,
- 9 CALCULATE MBR CHARGES, ENSURE THE COLLECTION OF MBR, AND
- 10 OTHERWISE IMPLEMENT AN MBR SYSTEM;
- 11 (II) LEGAL ISSUES SUCH AS ISSUES CONCERNING:
- 12 (A) PRIVACY;
- 13 (B) ENFORCEMENT; AND
- 14 (C) THE PERMISSIBLE USES OF MBR, INCLUDING, BUT NOT LIMITED
- 15 TO, THE EXISTENCE OF ANY LEGAL OBSTACLES TO THE USE OF MBR TO
- 16 FUND TRANSPORTATION MODES OTHER THAN ROADS OR TO FUND
- 17 GREENHOUSE GAS REDUCTION PROGRAMS;
- 18 (III) FINANCIAL ISSUES SUCH AS:
- 19 (A) THE COST OF INITIAL IMPLEMENTATION AND ONGOING
- 20 ADMINISTRATION;
- 21 (B) PRICING ISSUES, INCLUDING, BUT NOT LIMITED TO, EQUITABLE
- 22 MBR SYSTEM PRICING BETWEEN RURAL AND METROPOLITAN AREAS;
- 23 VEHICLE WEIGHT-BASED MBR PRICING; INFLATION INDEXING OF THE MBR
- 24 CHARGES; AND THE ANTICIPATED EFFECTS OF DIFFERENT PRICING
- 25 ALTERNATIVES ON THE AMOUNT OF REVENUES RAISED, TRANSPORTATION
- 26 SYSTEM USE LEVELS AND PATTERNS, TRAFFIC CONGESTION, AND
- 27 TRANSPORTATION SYSTEM ACCESSIBILITY; AND

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

4 (IV) ENVIRONMENTAL ISSUES SUCH AS:

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

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

11 (V) SOCIAL POLICY ISSUES SUCH AS:

12 (A) THE PROGRESSIVITY OR REGRESSIVITY OF AN MBR SYSTEM
13 ACROSS INCOME GROUPS;

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

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

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

24 (b) NO LATER THAN FEBRUARY 15, 2011, AS PART OF THE ANNUAL
25 REPORT REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (3), PRESENT
26 ALTERNATIVES FOR ONE OR MORE MBR PILOT PROGRAMS, AND, NO LATER
27 THAN JULY 1, 2011, BEGIN IMPLEMENTING ONE OR MORE OF THE PILOT

1 PROGRAMS; AND

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

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

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

16 (a) THAT REQUIRES THE NONCONSENSUAL PARTICIPATION OF ANY
17 INDIVIDUAL; OR

18 (b) WITHIN ANY LOCAL GOVERNMENT, UNLESS:

19 (I) THE LOCAL GOVERNMENT HAS APPROVED THE
20 IMPLEMENTATION; OR

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

27 (5) THE MBR COMMISSION MAY, TO THE EXTENT IT DEEMS

1 NECESSARY IN FURTHERANCE OF ITS PRIMARY FUNCTIONS:

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

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

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

17 (d) DESIGN, DEVELOP, AND IMPLEMENT ANY PILOT PROGRAM TO
18 EVALUATE ALTERNATIVE MBR SYSTEMS IN A MANNER THAT EXEMPTS
19 INDIVIDUALS PARTICIPATING IN THE PILOT PROGRAM WHO PAY AN MBR
20 CHARGE FROM ALL OR A PORTION OF THE STATE GASOLINE AND SPECIAL
21 FUEL TAXES IMPOSED PURSUANT TO ARTICLE 27 OF TITLE 39, C.R.S. AN
22 EXEMPTION FROM THE TAXES SHALL BE ALLOWED TO AN INDIVIDUAL ONLY
23 DURING THE TIME THE INDIVIDUAL PARTICIPATES IN THE PILOT PROGRAM
24 AND PAYS AN MBR CHARGE IN LIEU OF THE TAXES, AND THE EXPIRATION
25 OF THE EXEMPTION SHALL NOT BE DEEMED TO BE A NEW TAX, TAX RATE
26 INCREASE, OR TAX POLICY CHANGE FOR PURPOSES OF SECTION 20 (4) (a) OF
27 ARTICLE X OF THE STATE CONSTITUTION.

1 (e) ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND PERSONAL
2 PROPERTY;

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

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

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

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

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

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

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

22 **43-4-811. Fees and surcharges - limitations on use.** AS
23 REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE
24 PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE
25 PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR
26 OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON
27 ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE

1 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC
2 HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

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

6 **24-1-128.7. Department of transportation - creation.** (5) THE
7 STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S.,
8 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS
9 IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
10 SECTION 24-1-105, C.R.S., TO THE DEPARTMENT OF TRANSPORTATION.

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

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

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

26 **42-3-103. Registration required - exemptions.** (4) (a) Within
27 thirty days after becoming a resident of Colorado, an owner of a motor

1 vehicle required to be registered by subsection (1) of this section shall
2 register such vehicle with the department, irrespective of such vehicle
3 being registered within another state or country. A person who violates
4 this paragraph (a) is subject to the penalties provided in ~~section~~ SECTIONS
5 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

8 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject
9 to taxation under this article is not registered when required by law, the
10 vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as~~
11 ~~determined by the department or authorized agent registering the vehicle,~~
12 ~~which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A
13 MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF
14 APPLICABLE, THE THIRTY-DAY GRACE PERIOD DESCRIBED IN SECTION
15 42-3-113 (2) (e) FOR WHICH THE VEHICLE IS UNREGISTERED. THE LATE FEE
16 SHALL BE due when the vehicle is registered. ~~The department or the~~
17 ~~authorized agent registering the vehicle may waive the late fee.~~

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

1 WHO SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND IN
2 ACCORDANCE WITH SECTION 43-4-804 (1) (e), C.R.S.

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

5 **42-6-139. Registration - where made.** (3) A person who
6 knowingly violates any of the provisions of subsection (2) of this section,
7 section 42-3-103 (4) (a), section 42-6-140, or any rule of the director
8 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon
9 conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND
10 dollars.

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

13 **42-6-140. Registration upon becoming resident.** Within thirty
14 NINETY days after becoming a resident of Colorado, the owner of a motor
15 vehicle shall apply for a Colorado certificate of title, a license, and
16 registration for the vehicle that is registered, that is licensed, or for which
17 a certificate of title is issued in another state. Any person who violates the
18 provisions of this section is subject to the penalties provided in ~~section~~
19 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

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

22 **43-1-106. Transportation commission - powers and duties.**
23 (17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND
24 ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO
25 MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED
26 INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM,
27 AND LONG TERM. THE COMMITTEE SHALL INCLUDE:

- 1 (I) FROM STATE GOVERNMENT:
- 2 (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE
3 COMMISSION;
- 4 (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR
5 DESIGNATED BY THE EXECUTIVE DIRECTOR;
- 6 (C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE
7 DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE
8 EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH
9 DIVISION; AND
- 10 (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE
11 EXECUTIVE DIRECTOR MAY DESIGNATE;
- 12 (II) FROM OUTSIDE STATE GOVERNMENT, REPRESENTATIVES OF:
- 13 (A) THE CONSTRUCTION INDUSTRY;
- 14 (B) THE ENGINEERING INDUSTRY;
- 15 (C) THE ENVIRONMENTAL COMMUNITY;
- 16 (D) TRANSPORTATION PLANNING ORGANIZATIONS;
- 17 (E) PUBLIC TRANSPORTATION PROVIDERS; AND
- 18 (F) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION
19 DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.
- 20 (b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL
21 PERIODICALLY REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR
22 REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT
23 MAY EXECUTE THEIR DUTIES MORE EFFICIENTLY. THE EXECUTIVE
24 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT AT
25 LEAST ONCE PER CALENDAR YEAR TO EITHER THE COMMITTEES OF THE
26 HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION
27 OVER TRANSPORTATION OR THE TRANSPORTATION LEGISLATION REVIEW

1 COMMITTEE CREATED IN SECTION 43-2-145 (1) REGARDING THE ACTIVITIES
2 AND RECOMMENDATIONS OF THE EFFICIENCY AND ACCOUNTABILITY
3 COMMITTEE AND ANY ACTIONS TAKEN BY THE COMMISSION OR THE
4 DEPARTMENT TO IMPLEMENT RECOMMENDATIONS OF THE COMMITTEE.

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

7 **43-1-1103. Transportation planning.** (1.5) IN ADDITION TO THE
8 INFORMATION REQUIRED TO BE INCLUDED IN A REGIONAL TRANSPORTATION
9 PLAN PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, A
10 REGIONAL TRANSPORTATION PLAN SHALL SPECIFY HOW IT ADDRESSES THE
11 FOLLOWING POLICY GOALS:

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

16 (b) SAFETY ENHANCEMENT;

17 (c) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;

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

19 (e) ENVIRONMENTAL STEWARDSHIP;

20 (f) ENHANCEMENT OF THE TRANSPORTATION FUNDING RESOURCES
21 OF LOCAL GOVERNMENTS;

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

23 (h) REDUCTION OF GREENHOUSE GAS EMISSIONS.

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

27 **38-1-202. Governmental entities, corporations, and persons**

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

7 (b) The state:

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

10 (J) The statewide tolling BRIDGE enterprise as authorized in section
11 ~~43-4-806 (1) (g)~~ SECTION 43-4-805 (5) (e), C.R.S.; and

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

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

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

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

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

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

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

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

1 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD
2 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (23). The amount to
3 be expended for administrative purposes shall not exceed five percent of
4 each county's share of the funds available.

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

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

1 each city's share of the funds available.

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