

**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. 09-0353.01 Esther van Mourik

**HOUSE BILL 09-1284**

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**HOUSE SPONSORSHIP**

**Levy,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CORRIDOR CAPACITY STRATEGIC PLANNING TO FOSTER**  
102 **TRANSPORTATION EFFICIENCY.**

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**Bill Summary**

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

Creates a process whereby the Colorado department of transportation (department), a metropolitan planning organization, and a metropolitan planning organization's member local governments develop a corridor capacity strategic plan in order to preserve the capacity and efficient functioning of the state transportation system in congested areas or areas projected to become congested as a result of future development. Allows a plan to be developed for congested corridors and for those

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.*

corridors forecasted to be congested in areas covered by a metropolitan planning organization. Specifies the components of the plan, and establishes certain deadlines.

As a condition of issuance of an access permit, where a corridor capacity strategic plan is not adopted or is adopted but not implemented by a local government, allows the department to require improvements to the state transportation system, and allows the department to require the local government or other entity with authority to approve new development to collect on the department's behalf an impact fee to fund expenditures by the department for transportation infrastructure or operational improvements needed to mitigate impacts from the local development to the state transportation system.

Allows the department to review development plans and provide comments regarding their impact on the efficient functioning of the state transportation system.

Requires plans for new development in areas within a congested corridor to be accompanied by a traffic study examining how the proposals would impact the functioning of the state transportation system.

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

2 **SECTION 1.** 43-1-1102, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to  
4 read:

5 **43-1-1102. Definitions.** For the purposes of this part 11, unless  
6 the context otherwise requires:

7 (1.5) "CONGESTED CORRIDOR" MEANS A CORRIDOR THAT  
8 FUNCTIONS AT OR BELOW LEVEL OF SERVICE D, OR A CORRIDOR THAT IS  
9 FORECASTED TO FUNCTION AT OR BELOW LEVEL OF SERVICE D IN THE  
10 MOST RECENTLY ADOPTED REGIONAL TRANSPORTATION PLAN WITHIN A  
11 METROPOLITAN PLANNING ORGANIZATION'S METROPOLITAN AREA.

12 (1.7) "CORRIDOR CAPACITY STRATEGIC PLAN" MEANS A PLAN  
13 DEVELOPED THROUGH NEGOTIATION AND AGREEMENT BY THE  
14 DEPARTMENT AND A METROPOLITAN PLANNING ORGANIZATION TO  
15 ALLEVIATE OR PREVENT CONGESTION IN ONE OR MORE SELECTED


1 CORRIDORS.

2 **SECTION 2.** Part 11 of article 1 of title 43, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **43-1-1106. Corridor capacity strategic plans - fund -**  
6 **legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS  
7 AND DECLARES THAT A COLLABORATIVE PROCESS IS NECESSARY WHEREBY  
8 THE DEPARTMENT AND A METROPOLITAN PLANNING ORGANIZATION  
9 DEVELOP WAYS TO PRESERVE THE CAPACITY AND EFFICIENT FUNCTIONING  
10 OF THE STATE TRANSPORTATION SYSTEM WHILE ALLOWING DEVELOPMENT  
11 CONSISTENT WITH EXISTING MASTER PLANS ESTABLISHED PURSUANT TO  
12 SECTIONS 30-28-106 AND 31-23-206, C.R.S.

13 (b) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE  
14 IMPACT OF LOCAL LAND USE DECISIONS ON THE CAPACITY AND EFFICIENT  
15 FUNCTIONING OF THE STATE TRANSPORTATION SYSTEM SHOULD BE  
16 UNDERSTOOD AND CONSIDERED BY LOCAL GOVERNMENTS IN THE  
17 DEVELOPMENT APPROVAL PROCESS.

18 (c) THE GENERAL ASSEMBLY FURTHER DECLARES THAT A  
19 COORDINATED APPROACH TO REGIONALLY PRODUCED CONGESTION IS  
20 NECESSARY IN ORDER TO MAINTAIN THE FUNCTIONING OF THE STATE  
21 TRANSPORTATION SYSTEM AND FACILITATE PLANNED DEVELOPMENT.

22   
23 (2) (a) THE DEPARTMENT AND ANY METROPOLITAN PLANNING  
24 ORGANIZATION SHALL IDENTIFY AND PRIORITIZE CONGESTED CORRIDORS  
25 FOR DEVELOPMENT OF CORRIDOR CAPACITY STRATEGIC PLANS BASED ON  
26 THE DEGREE OF EXPECTED CONGESTION AND URGENCY OF PLANNING. THE  
27 DEPARTMENT AND THE METROPOLITAN PLANNING ORGANIZATION MAY

1 DEVELOP CORRIDOR CAPACITY STRATEGIC PLANS FOR THOSE IDENTIFIED  
2 AND PRIORITIZED CONGESTED CORRIDORS. IN DEVELOPING SUCH CORRIDOR  
3 CAPACITY STRATEGIC PLANS, THE DEPARTMENT AND THE METROPOLITAN  
4 PLANNING ORGANIZATION MAY CONSIDER, BUT SHALL NOT BE LIMITED TO,  
5 THE FOLLOWING:

- 6 (I) ACCESS MANAGEMENT PLANS;
- 7 (II) IMPROVEMENTS TO LOCAL STREET NETWORKS;
- 8 (III) TRANSIT INVESTMENTS;
- 9 (IV) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;
- 10 (V) THE ARRANGEMENT, SITING, AND TYPES OF PROPOSED LAND  
11 USES; AND
- 12 (VI) THE CREATION OF BIKE OR PEDESTRIAN ROUTES.

13 (b) THE MEMBER LOCAL GOVERNMENTS OF A METROPOLITAN  
14 PLANNING ORGANIZATION THAT ADOPT A CORRIDOR CAPACITY STRATEGIC  
15 PLAN SHALL USE THEIR BEST EFFORTS TO ADOPT ANY ORDINANCES OR  
16 REGULATIONS NECESSARY TO IMPLEMENT LOCALLY CONTROLLED  
17 COMPONENTS OF THE CORRIDOR CAPACITY STRATEGIC PLAN.

18 [REDACTED]

19 (3) PRIOR TO THE ADOPTION OF THE NEXT STATE TRANSPORTATION  
20 IMPROVEMENT PLAN, THE DEPARTMENT AND EACH METROPOLITAN  
21 PLANNING ORGANIZATION SHALL IDENTIFY THE CORRIDORS FOR WHICH A  
22 CORRIDOR CAPACITY STRATEGIC PLAN SHALL BE ADOPTED AND SHALL  
23 PRIORITIZE AND DEVELOP A TIMELINE FOR UNDERTAKING THE PLANNING  
24 PROCESS BASED ON NEED AND AVAILABLE RESOURCES. CAPACITY  
25 IMPROVEMENTS IN ANY CONGESTED CORRIDOR IDENTIFIED FOR  
26 DEVELOPMENT OF A CORRIDOR CAPACITY STRATEGIC PLAN SHALL NOT  
27 COMMENCE UNTIL A CORRIDOR CAPACITY STRATEGIC PLAN IS ADOPTED.

1           (4) IN ADDITION TO ANY LOCAL TRAFFIC STUDY REQUIREMENTS,  
2 ANY NEW DEVELOPMENT APPLICATIONS OCCURRING WITHIN A CONGESTED  
3 CORRIDOR SHALL BE ACCOMPANIED BY A TRAFFIC STUDY THAT MEETS THE  
4 CRITERIA DEVELOPED BY THE DEPARTMENT AND THAT EXAMINES HOW THE  
5 PROPOSED DEVELOPMENT IMPACTS THE EFFICIENT FUNCTIONING OF THE  
6 STATE TRANSPORTATION SYSTEM.

7           (5) THE DEPARTMENT IS AUTHORIZED TO REVIEW ALL LAND USE  
8 PLANS AND APPLICATIONS FOR REZONING AND SUBDIVISION APPROVAL  
9 SUBMITTED TO A LOCAL GOVERNMENT WITHIN A METROPOLITAN PLANNING  
10 ORGANIZATION AND TO SUBMIT COMMENTS TO THE LOCAL GOVERNMENT  
11 ON ANY IMPACT THE PROPOSAL WILL HAVE ON THE EFFICIENT  
12 FUNCTIONING OF THE STATE TRANSPORTATION SYSTEM.

13           **SECTION 3.** 29-20-104, Colorado Revised Statutes, is amended  
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15           **29-20-104. Powers of local governments.** (2) LOCAL  
16 GOVERNMENTS SHALL REQUIRE TRAFFIC STUDIES CONSISTENT WITH THE  
17 PROVISIONS OF SECTION 43-1-1106 (4), C.R.S.

18           **SECTION 4.** 30-28-116, Colorado Revised Statutes, is amended  
19 to read:

20           **30-28-116. Regulations may be amended.** (1) From time to  
21 time the board of county commissioners may amend the number, shape,  
22 boundaries, or area of any district, or any regulation of or within such  
23 district, or any other provisions of the zoning resolution. Any such  
24 amendment shall not be made or become effective unless the same has  
25 been proposed by or is first submitted for the approval, disapproval, or  
26 suggestions of the county planning commission. If disapproved by such  
27 commission within thirty days after such submission, such amendment,

1 to become effective, shall receive the favorable vote of not less than a  
2 majority of the entire membership of the board of county commissioners.  
3 Before finally adopting any such amendment, the board of county  
4 commissioners shall hold a public hearing thereon, and at least fourteen  
5 days' notice of the time and place of such hearing shall be given by at  
6 least one publication in a newspaper of general circulation in the county.

7 (2) THE DEPARTMENT OF TRANSPORTATION SHALL BE A REFERRAL  
8 AGENCY FOR ANY CHANGES IN THE ZONING MAPS OF ANY CONGESTED  
9 CORRIDORS UNDER CONSIDERATION FOR A CORRIDOR CAPACITY STRATEGIC  
10 PLAN PURSUANT TO SECTION 43-1-1106, C.R.S.

11 **SECTION 5.** 31-23-305, Colorado Revised Statutes, is amended  
12 to read:

13 **31-23-305. Changes.** (1) Such regulations, restrictions, and  
14 boundaries may from time to time be amended, supplemented, changed,  
15 modified, or repealed. In case, however, of a protest against changes in  
16 regulations or restrictions, or changes in the zone district applicable to  
17 particular land, which protest is filed with the municipal clerk at least  
18 twenty-four hours prior to the governing body's vote on the change and  
19 is signed by the owners of twenty percent or more of the area of land  
20 which is subject to the proposed change or twenty percent or more of the  
21 area of land extending a radius of one hundred feet from the land which  
22 is subject to the proposed change, disregarding intervening public streets  
23 and alleys, such changes shall not become effective except by the  
24 favorable vote of two-thirds of all the members of the governing body of  
25 the municipality. The provisions of section 31-23-304 relative to public  
26 hearings and official notice shall apply equally to all changes or  
27 amendments.

1           (2) THE DEPARTMENT OF TRANSPORTATION SHALL BE A REFERRAL  
2 AGENCY FOR ANY CHANGES IN THE ZONING MAPS OF ANY CONGESTED  
3 CORRIDORS UNDER CONSIDERATION FOR A CORRIDOR CAPACITY STRATEGIC  
4 PLAN PURSUANT TO SECTION 43-1-1106, C.R.S.

5           **SECTION 6. Act subject to petition - effective date.** This act  
6 shall take effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly that is  
8 allowed for submitting a referendum petition pursuant to article V,  
9 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
10 sine die is on May 6, 2009); except that, if a referendum petition is filed  
11 against this act or an item, section, or part of this act within such period,  
12 then the act, item, section, or part, if approved by the people, shall take  
13 effect on the date of the official declaration of the vote thereon by  
14 proclamation of the governor.