

**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

HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

Williams,

House Committees

Transportation & Energy

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

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

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.*

HOUSE
3rd Reading Unamended
March 25, 2009

HOUSE
Amended 2nd Reading
March 23, 2009

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.

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 STATE HIGHWAY
8 CORRIDOR ON THE REGIONAL ROADWAY SYSTEM THAT IS SHOWN AS
9 CURRENTLY CONGESTED OR FORECASTED TO BE CONGESTED IN THE
10 FUTURE IN THE MOST RECENTLY ADOPTED REGIONAL TRANSPORTATION
11 PLAN WITHIN A METROPOLITAN PLANNING ORGANIZATION'S
12 METROPOLITAN AREA.

13 (1.7) "CORRIDOR CAPACITY STRATEGIC PLAN" MEANS A PLAN
14 DEVELOPED THROUGH COLLABORATION BETWEEN THE DEPARTMENT AND
15 A METROPOLITAN PLANNING ORGANIZATION TO ALLEVIATE OR PREVENT

1 CONGESTION IN ONE OR MORE SELECTED 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 (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS
23 SUBSECTION (2), PRIOR TO THE ADOPTION OF THE NEXT STATE
24 TRANSPORTATION IMPROVEMENT PLAN, THE DEPARTMENT AND EACH
25 METROPOLITAN PLANNING ORGANIZATION SHALL IDENTIFY AND PRIORITIZE
26 CONGESTED CORRIDORS FOR DEVELOPMENT OF CORRIDOR CAPACITY
27 STRATEGIC PLANS BASED ON THE DEGREE OF EXPECTED CONGESTION AND

1 URGENCY OF PLANNING AND SHALL PRIORITIZE AND DEVELOP A TIMELINE
2 FOR UNDERTAKING THE PLANNING PROCESS BASED ON NEED AND
3 AVAILABLE RESOURCES. THE DEPARTMENT AND EACH METROPOLITAN
4 PLANNING ORGANIZATION MAY DEVELOP CORRIDOR CAPACITY STRATEGIC
5 PLANS FOR THOSE IDENTIFIED AND PRIORITIZED CONGESTED CORRIDORS.
6 IN DEVELOPING SUCH CORRIDOR CAPACITY STRATEGIC PLANS, THE
7 DEPARTMENT AND EACH METROPOLITAN PLANNING ORGANIZATION MAY
8 CONSIDER, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

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

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

21 (c) A CORRIDOR CAPACITY STRATEGIC PLAN SHALL NOT BE
22 REQUIRED WHERE ANY PLAN OR PLANNING PROCESS THAT IS THE SAME AS
23 OR SIMILAR TO THE CORRIDOR CAPACITY STRATEGIC PLAN DESCRIBED IN
24 THIS SECTION ALREADY EXISTS.

25 (3) (a) FOR THOSE CONGESTED CORRIDORS DESCRIBED IN
26 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION FOR WHICH EITHER A
27 CORRIDOR CAPACITY STRATEGIC PLAN HAS NOT BEEN DEVELOPED AND THE

1 DEPARTMENT HAS DETERMINED THAT A DEVELOPMENT PROPOSAL
2 WARRANTS ADDITIONAL INVOLVEMENT BY THE DEPARTMENT AS SPECIFIED
3 IN PARAGRAPH (b) OF THIS SUBSECTION (3) OR A CORRIDOR CAPACITY
4 STRATEGIC PLAN HAS BEEN DEVELOPED AND THE DEPARTMENT HAS
5 DETERMINED THAT A DEVELOPMENT PROPOSAL IS INCONSISTENT WITH THE
6 LAND USE AND TRIP GENERATION ASSUMPTIONS ON WHICH THE PLAN WAS
7 BASED, THE DEPARTMENT IS AUTHORIZED TO:

8 (I) FOR NEW DEVELOPMENT APPLICATIONS, REQUEST A TRAFFIC
9 STUDY THAT MEETS THE CRITERIA ADOPTED BY THE DEPARTMENT AND
10 THAT EXAMINES HOW THE PROPOSED DEVELOPMENT WILL IMPACT THE
11 EFFICIENT FUNCTIONING OF THE STATE TRANSPORTATION SYSTEM;

12 (II) REVIEW CHANGES TO LAND USE PLANS AND ZONING; AND

13 (III) SUBMIT COMMENTS WITHIN THE TIME LIMITS APPLICABLE TO
14 THE REVIEW AND COMMENT PROCESS OF THE RELEVANT JURISDICTION ON
15 ANY IMPACT THE PROPOSAL WILL HAVE ON THE EFFICIENT FUNCTIONING OF
16 THE STATE TRANSPORTATION SYSTEM.

17 (b) THE DEPARTMENT SHALL PROMULGATE RULES IN ACCORDANCE
18 WITH ARTICLE 4 OF TITLE 24, C.R.S., AS MAY BE NECESSARY TO
19 ADMINISTER ANY PROVISION OF THIS SUBSECTION (3) AND THAT SPECIFY
20 WHAT WILL TRIGGER THE DEPARTMENT'S INVOLVEMENT AS SPECIFIED IN
21 THIS SUBSECTION (3) BY:

22 (I) DESIGNATING WHAT SIZE AND TYPE OF LAND USE
23 DEVELOPMENTS OR APPLICATIONS TO REZONE LAND SHALL BE REVIEWED
24 BY THE DEPARTMENT;

25 (II) DETERMINING WHAT SIZE AND TYPE OF CHANGES TO A LAND
26 USE PLAN SHALL BE REVIEWED BY THE DEPARTMENT; AND

27 (III) DETERMINING WHEN THE PROPOSAL'S DEGREE OF

1 INCONSISTENCY WITH THE ASSUMPTIONS ON WHICH THE CORRIDOR
2 CAPACITY STRATEGIC PLAN WAS BASED WOULD NECESSITATE REVIEW BY
3 THE DEPARTMENT.

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

6 **29-20-104. Powers of local governments.** (2) LOCAL
7 GOVERNMENTS SHALL REQUIRE TRAFFIC STUDIES CONSISTENT WITH THE
8 PROVISIONS OF SECTION 43-1-1106 (3) (a) (I), C.R.S.

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

11 **30-28-116. Regulations may be amended.** (1) From time to
12 time the board of county commissioners may amend the number, shape,
13 boundaries, or area of any district, or any regulation of or within such
14 district, or any other provisions of the zoning resolution. Any such
15 amendment shall not be made or become effective unless the same has
16 been proposed by or is first submitted for the approval, disapproval, or
17 suggestions of the county planning commission. If disapproved by such
18 commission within thirty days after such submission, such amendment,
19 to become effective, shall receive the favorable vote of not less than a
20 majority of the entire membership of the board of county commissioners.
21 Before finally adopting any such amendment, the board of county
22 commissioners shall hold a public hearing thereon, and at least fourteen
23 days' notice of the time and place of such hearing shall be given by at
24 least one publication in a newspaper of general circulation in the county.

25 (2) THE BOARD OF COUNTY COMMISSIONERS OR THE BOARD'S
26 DESIGNEE SHALL TRANSMIT TO THE DEPARTMENT OF TRANSPORTATION
27 ANY APPLICATIONS TO REZONE LAND REQUIRED TO BE REVIEWED AS

1 SPECIFIED BY THE DEPARTMENT OF TRANSPORTATION IN RULES
2 PROMULGATED PURSUANT TO SECTION 43-1-1106 (3) (b), C.R.S.

3 **SECTION 5.** 30-28-136 (1), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **30-28-136. Referral and review requirements.** (1) Upon
6 receipt of a complete preliminary plan submission, the board of county
7 commissioners or its authorized representative shall distribute copies of
8 prints of the plan as follows:

9 (j) TO THE DEPARTMENT OF TRANSPORTATION IF THE PLAN IS
10 REQUIRED TO BE REVIEWED AS SPECIFIED BY THE DEPARTMENT OF
11 TRANSPORTATION IN RULES PROMULGATED PURSUANT TO SECTION
12 43-1-1106 (3) (b), C.R.S.

13 **SECTION 6.** 31-23-214.1, Colorado Revised Statutes, is
14 amended to read:

15 **31-23-214.1. Subdivision plan or plat - access to public**
16 **highways.** (1) No person may submit an application for subdivision
17 approval to a local authority unless the subdivision plan or plat provides,
18 pursuant to section 43-2-147, C.R.S., that all lots and parcels created by
19 the subdivision will have access to the state highway system in
20 conformance with the state highway access code.

21 (2) THE COMMISSION SHALL DISTRIBUTE TO THE DEPARTMENT OF
22 TRANSPORTATION COPIES OF THOSE APPLICATIONS FOR SUBDIVISION
23 APPROVAL REQUIRED TO BE REVIEWED AS SPECIFIED BY THE DEPARTMENT
24 OF TRANSPORTATION IN RULES PROMULGATED PURSUANT TO SECTION
25 43-1-1106 (3) (b), C.R.S.

26 **SECTION 7.** 31-23-305, Colorado Revised Statutes, is amended
27 to read:

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

16 (2) THE GOVERNING BODY OF A MUNICIPALITY OR ITS DESIGNEE
17 SHALL TRANSMIT TO THE DEPARTMENT OF TRANSPORTATION ANY
18 APPLICATIONS TO REZONE LAND REQUIRED TO BE REVIEWED AS SPECIFIED
19 BY THE DEPARTMENT OF TRANSPORTATION IN RULES PROMULGATED
20 PURSUANT TO SECTION 43-1-1106 (3) (b), C.R.S.

21 **SECTION 8. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly that is
24 allowed for submitting a referendum petition pursuant to article V,
25 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
26 sine die is on May 6, 2009); except that, if a referendum petition is filed
27 against this act or an item, section, or part of this act within such period,

1 then the act, item, section, or part, if approved by the people, shall take
2 effect on the date of the official declaration of the vote thereon by
3 proclamation of the governor.