

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 10-1028.01 Jason Gelender

HOUSE BILL 10-1405

HOUSE SPONSORSHIP

**Vaad and Pommer**, Baumgardner, King S., Liston, Looper, May, McKinley, McNulty,  
Primavera, Swalm

SENATE SPONSORSHIP

**Spence and Tochtrop**,

House Committees

Transportation & Energy

Senate Committees

Transportation  
Appropriations

A BILL FOR AN ACT

101 CONCERNING A STUDY OF THE OPTIONS FOR DEVOLUTION OF STATE  
102 HIGHWAYS THAT ARE COMMUTER HIGHWAYS TO LOCAL  
103 GOVERNMENTS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill:

- ! Requires the transportation commission to conduct or direct the department of transportation to conduct a study of the state highway system for the purpose of determining which

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.*

SENATE  
Am ended 2nd Reading  
May 10, 2010

HOUSE  
3rd Reading Unam ended  
April 29, 2010

HOUSE  
Am ended 2nd Reading  
April 28, 2010

state highways or portions of state highways are commuter highways and to report the study results to the transportation and energy committee of the house of representatives and the transportation committee of the senate no later than February 1, 2011;

! Allows the commission to include in the report recommendations as to whether all or some of the commuter highways should be removed from the state highway system and thereafter maintained and supervised by counties and municipalities;

! Requires the commission, if it recommends the removal of any commuter highways from the state highway system, to also make recommendations regarding modification of the statutory formulas used to allocate moneys in the highway users tax fund between the state, counties, and municipalities in order to account for changes in the allocation of highway maintenance and supervision responsibilities between the state, counties, and municipalities that would result from the removal; and

! Defines "commuter highway" to include a highway or a portion of a highway that is part of the state highway system, is located within the territory of a metropolitan planning organization, is not an interstate highway, and is determined in the conduct of the study required by the bill to be used at least 80% of the time, measured as a percentage of total trips on the highway or portion of a highway, for travel within the territory of the metropolitan planning organization.

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

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

5 **43-2-101.5. Devolution of commuter highways to counties and**  
6 **municipalities - required study - definitions.** (1) THE  
7 TRANSPORTATION COMMISSION, USING EXISTING OR EASILY OBTAINABLE  
8 DATA, SHALL CONDUCT OR DIRECT THE DEPARTMENT OF TRANSPORTATION  
9 TO CONDUCT A STUDY OF THE STATE HIGHWAY SYSTEM FOR THE PURPOSE

1 OF DETERMINING WHICH HIGHWAYS OR PORTIONS OF HIGHWAYS THAT ARE  
2 PART OF THE STATE HIGHWAY SYSTEM ARE COMMUTER HIGHWAYS. THE  
3 COMMISSION SHALL REPORT THE RESULTS OF THE STUDY TO THE  
4 TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF  
5 REPRESENTATIVES AND THE TRANSPORTATION COMMITTEE OF THE  
6 SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN FEBRUARY 1,  
7 2011. THE COMMISSION MAY INCLUDE IN THE REPORT RECOMMENDATIONS  
8 AS TO WHETHER ALL OR SOME OF THE IDENTIFIED COMMUTER HIGHWAYS  
9 SHOULD BE REMOVED FROM THE STATE HIGHWAY SYSTEM AND  
10 THEREAFTER MAINTAINED AND SUPERVISED BY COUNTIES AND  
11 MUNICIPALITIES. IF THE COMMISSION RECOMMENDS THE REMOVAL OF ANY  
12 COMMUTER HIGHWAYS FROM THE STATE HIGHWAY SYSTEM, IT SHALL  
13 FIRST HAVE CONSULTED WITH THE AFFECTED METROPOLITAN PLANNING  
14 ORGANIZATIONS IN THE CONDUCT OF THE STUDY, RECEIVED THE INPUT OF  
15 ONE LOCAL GOVERNMENT ELECTED OFFICIAL APPOINTED BY EACH OF THE  
16 FIVE METROPOLITAN PLANNING ORGANIZATIONS IN THE STATE FOR THE  
17 PURPOSE OF PROVIDING SUCH INPUT, AND PRESENTED THE  
18 RECOMMENDATIONS TO THE BOARDS OF THE AFFECTED METROPOLITAN  
19 PLANNING ORGANIZATIONS FOR REVIEW AND COMMENT AND SHALL ALSO  
20 MAKE RECOMMENDATIONS REGARDING MODIFICATION OF THE FORMULAS  
21 USED TO ALLOCATE MONEYS IN THE HIGHWAY USERS TAX FUND BETWEEN  
22 THE STATE, COUNTIES, AND MUNICIPALITIES SET FORTH IN PART 2 OF  
23 ARTICLE 4 OF THIS TITLE TO PROVIDE THE LEVEL OF FUNDING NECESSARY  
24 TO AVOID ANY UNFUNDED MANDATES CREATED BY CHANGES IN THE  
25 ALLOCATION OF HIGHWAY MAINTENANCE AND SUPERVISION  
26 RESPONSIBILITIES BETWEEN THE STATE, COUNTIES, AND MUNICIPALITIES  
27 THAT WOULD RESULT FROM THE REMOVAL. A REPORT MADE PURSUANT

1 TO THIS SECTION THAT INCLUDES RECOMMENDATIONS AS TO WHETHER  
2 COMMUTER HIGHWAYS SHOULD BE REMOVED FROM THE STATE HIGHWAY  
3 SYSTEM SHALL INCLUDE A STATEMENT REGARDING THE EXTENT TO WHICH  
4 THE ELECTED OFFICIALS APPOINTED BY THE METROPOLITAN PLANNING  
5 ORGANIZATIONS IN THE STATE AGREE WITH THE COMMISSION'S  
6 RECOMMENDATIONS.

7 (2) FOR PURPOSES OF THIS SECTION:

8 (a) "COMMUTER HIGHWAY" MEANS A HIGHWAY OR A PORTION OF  
9 A HIGHWAY THAT:

10 (I) IS PART OF THE STATE HIGHWAY SYSTEM;

11 (II) IS LOCATED WITHIN THE TERRITORY OF A METROPOLITAN  
12 PLANNING ORGANIZATION;

13 (III) IS NOT AN INTERSTATE HIGHWAY; AND

14 (IV) IS DETERMINED IN THE CONDUCT OF THE STUDY REQUIRED BY  
15 SUBSECTION (1) OF THIS SECTION TO BE USED AT LEAST EIGHTY PERCENT  
16 OF THE TIME, ESTIMATED AS A PERCENTAGE OF TOTAL TRIPS ON THE  
17 HIGHWAY OR PORTION OF A HIGHWAY, FOR TRAVEL WITHIN THE  
18 TERRITORY OF THE METROPOLITAN PLANNING ORGANIZATION.

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

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