

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0125.01 Jason Gelender

HOUSE BILL 11-1046

HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

(None),

House Committees
Transportation

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COORDINATED TRANSPORTATION PLANNING FOR AREAS
102 OF THE STATE THAT ARE OUTSIDE OF THE JURISDICTION OF
103 METROPOLITAN PLANNING ORGANIZATIONS.

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>.)

Sections 1 to 4 of the bill amend existing statutory provisions regarding transportation planning in order to coordinate such planning for any area of the state that is outside the jurisdiction of a metropolitan planning organization (MPO) by:

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.

- ! Eliminating non-MPO transportation planning regions and regional transportation plans and requiring the department of transportation (CDOT) to include all non-MPO areas of the state in its comprehensive statewide transportation plan using an appropriate level of planning and analysis to incorporate the needs of the areas in an equitable and consistent manner;
- ! Eliminating the state transportation advisory committee and the special interim transit and rail advisory committee;
- ! Emphasizing the importance of coordinated and rational CDOT and state transportation commission transportation planning relative to local government and regional transportation planning in the legislative declaration that pertains to the statutory provisions.

Sections 5 to 17 of the bill make conforming amendments.

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

2 **SECTION 1.** 43-1-1101, Colorado Revised Statutes, is amended
3 to read:

4 **43-1-1101. Legislative declaration.** The general assembly
5 hereby finds and declares that ALTHOUGH local government involvement
6 in transportation planning is ~~critical to the overall statewide transportation~~
7 ~~planning process. The general assembly recognizes that regional~~
8 ~~planning commissions and transportation planning regions are the proper~~
9 ~~forum for transportation planning and that the county hearing process is~~
10 ~~the proper forum for local government input into the five-year program~~
11 ~~of projects. However, the general assembly also recognizes that~~
12 IMPORTANT, AS THE POPULATION OF THE STATE AND NUMBER OF PERSONS
13 USING THE STATE TRANSPORTATION SYSTEM CONTINUE TO INCREASE EVEN
14 AS THE AMOUNT OF FEDERAL AND STATE REVENUES DEDICATED FOR
15 TRANSPORTATION CONTINUES TO DECLINE IN REAL TERMS, state
16 involvement in transportation planning, through the department of
17 ~~transportation is equally~~ AND THE COMMISSION, HAS BECOME

1 INCREASINGLY critical to ENSURE COORDINATED AND RATIONAL overall
2 statewide planning. ~~and~~ The general assembly ~~recognizes~~ FURTHER FINDS
3 AND DECLARES THAT the department of transportation as the proper body,
4 in cooperation with regional planning commissions and local government
5 officials, AND THE COMMISSION ARE THE APPROPRIATE ENTITIES for
6 developing, ~~and~~ maintaining, COORDINATING, AND OVERSEEING the state
7 transportation planning process and the state transportation plan.

8 **SECTION 2.** 43-1-1102 (1), (3), (6), and (8), Colorado Revised
9 Statutes, are amended, and the said 43-1-1102 is further amended BY
10 THE ADDITION OF A NEW SUBSECTION, to read:

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

13 (1) ~~"Committee" means the transportation advisory committee~~
14 ~~created by section 43-1-1104.~~

15 (3) ~~"Department" means the department of transportation.~~

16 (6) ~~"Regional transportation plan" means a technically based,~~
17 ~~long-range, future mobility needs assessment for any planning and~~
18 ~~management region.~~

19 (8) (a) ~~"Transportation planning region" means a region of the~~
20 ~~state as defined by the rule or regulation process required by section~~
21 ~~43-1-1103 (5). The maximum number of such regions shall be fifteen~~
22 ~~unless such number is increased pursuant to paragraph (b) of this~~
23 ~~subsection (8).~~

24 (b) ~~Each metropolitan planning organization's metropolitan area~~
25 ~~shall, at a minimum, comprise a transportation planning region. If any~~
26 ~~new metropolitan planning organization is designated on or after January~~
27 ~~1, 1998, the maximum allowable number of transportation planning~~

1 ~~regions under paragraph (a) of this subsection (8) shall be increased by~~
2 ~~one region for each such new metropolitan planning organization.~~

3 (9) "TWENTY-YEAR TRANSPORTATION PLAN" MEANS A
4 TECHNICALLY BASED, LONG-RANGE, FUTURE MOBILITY NEEDS
5 ASSESSMENT FOR A METROPOLITAN PLANNING ORGANIZATION.

6 **SECTION 3.** The introductory portion to 43-1-1103 (1),
7 43-1-1103 (1) (a), (1) (e), (2), (3), and (4), the introductory portion to
8 43-1-1103 (5), and 43-1-1103 (5) (d), Colorado Revised Statutes, are
9 amended to read:

10 **43-1-1103. Transportation planning.** (1) A twenty-year
11 transportation plan shall be required for each ~~transportation planning~~
12 ~~region that includes the metropolitan area of a metropolitan planning~~
13 ~~organization. Other transportation planning regions may, through~~
14 ~~intergovernmental agreements defined in section 30-28-105, C.R.S.,~~
15 ~~prepare and submit such a transportation plan. A regional~~ THE
16 TWENTY-YEAR transportation plan shall include, but shall not be limited
17 to, the following:

18 (a) Identification of transportation facilities and services,
19 including expansion or improvement of existing facilities and services,
20 required to meet the estimated demand for transportation in the ~~region~~
21 TERRITORY OF THE METROPOLITAN PLANNING ORGANIZATION over the
22 twenty-year period;

23 (e) ~~Shall assist~~ ASSISTANCE OF other agencies in developing
24 transportation control measures for utilization in accordance with state
25 and federal statutes or regulations and the state implementation plan and
26 ~~shall identify and evaluate~~ IDENTIFICATION ANDEVALUATION OF measures
27 that show promise of supporting clean air objectives.

1 (2) A ~~regional~~ TWENTY-YEAR transportation plan shall state the
2 fiscal need to maintain mobility and what can be reasonably expected to
3 be implemented with the estimated revenues ~~which~~ THAT are likely to be
4 available.

5 (3) (a) ~~Any regional planning commissions formed for the purpose~~
6 ~~of conducting regional transportation planning or any transportation~~
7 ~~planning region shall be responsible, in cooperation with the state and~~
8 ~~other governmental agencies, for carrying out necessary continuing,~~
9 ~~cooperative, and comprehensive transportation planning for the region~~
10 ~~represented by such commission and for the purpose of meeting the~~
11 ~~requirements of subsection (4) of this section.~~

12 (b) ~~In the absence of a locally generated regional transportation~~
13 ~~plan by a duly formed regional planning commission, The department~~
14 ~~shall include these~~ ALL areas OF THE STATE THAT ARE NOT WITHIN THE
15 TERRITORY OF A METROPOLITAN PLANNING ORGANIZATION in the
16 ~~statewide transportation~~ STATE plan and shall be responsible for the
17 appropriate level of planning and analysis to incorporate the needs ~~and~~
18 ~~recommendations of the region~~ OF THE AREAS in an equitable and
19 consistent manner. ~~with other regions of the state.~~ A REGIONAL PLANNING
20 COMMISSION MAY MAKE RECOMMENDATIONS TO THE DEPARTMENT
21 REGARDING ITS ASSESSMENT OF THE NEEDS OF ITS REGION BY
22 COMMUNICATING DIRECTLY WITH ANY MEMBER OF THE TRANSPORTATION
23 COMMISSION WHOSE DISTRICT INCLUDES ALL OR A PORTION OF THE
24 REGION.

25 (4) ~~The regional transportation plan for any region~~ A
26 TWENTY-YEAR TRANSPORTATION PLAN may recommend the priority for
27 any transportation improvements planned for ~~such region~~ THE TERRITORY

1 OF THE METROPOLITAN PLANNING ORGANIZATION THAT CREATED THE
2 PLAN. The commission shall consider ~~the~~ ANY priorities contained in
3 ~~such~~ A plan in making decisions concerning transportation improvements.

4 (5) The department shall integrate and consolidate the ~~regional~~
5 ~~transportation plans for the transportation planning regions~~ TWENTY-YEAR
6 TRANSPORTATION PLANS FOR THE METROPOLITAN PLANNING
7 ORGANIZATIONS AND ITS OWN PLANNING CONDUCTED PURSUANT TO
8 SUBSECTION (3) OF THIS SECTION into a comprehensive statewide
9 transportation plan. The formation of ~~such~~ THE state plan shall be
10 accomplished through a statewide planning process set by rules and
11 regulations promulgated by the commission. The state plan shall address
12 but shall not be limited to the following factors:

13 (d) The targeting of infrastructure investments, including
14 preservation of the existing transportation system commonly known as
15 "fixing it first" to support the economic vitality of the state and EACH
16 region OF THE STATE;

17 **SECTION 4. Repeal.** 43-1-1104, Colorado Revised Statutes, is
18 repealed as follows:

19 **43-1-1104. Transportation advisory committee.** ~~(1)(a) A~~
20 ~~transportation advisory committee is hereby created. The committee is to~~
21 ~~be composed of one representative from each transportation planning~~
22 ~~region. If a regional planning commission has been formed in a~~
23 ~~transportation planning region, the chairman of such commission or the~~
24 ~~chairman's designee shall be the representative for the region on the~~
25 ~~committee. If any transportation planning region has not formed a~~
26 ~~regional planning commission, then the representative shall be chosen by~~
27 ~~the boards of county commissioners of the counties contained in such~~

1 ~~region in consultation with officials of the municipalities contained in~~
2 ~~such region.~~

3 ~~(b) No later than three months after May 20, 2009, the executive~~
4 ~~director, in consultation with the commission, shall appoint a special~~
5 ~~interim transit and rail advisory committee to specifically advise the~~
6 ~~commission and the executive director regarding the initial focus of the~~
7 ~~transit and rail division created in section 43-1-117.5 and to recommend~~
8 ~~a long-term advisory structure, including the advisory structure's purpose~~
9 ~~and role, in support of the transit and rail-related functions of the~~
10 ~~department. The special interim transit and rail advisory committee shall~~
11 ~~include such representatives of industries and other groups interested in~~
12 ~~transit and rail issues and such other individuals as the executive director,~~
13 ~~in consultation with the commission, deems appropriate; except that the~~
14 ~~committee shall include, at a minimum, one or more:~~

- 15 ~~(I) Representatives of transit operators;~~
- 16 ~~(II) Representatives of class I railroads;~~
- 17 ~~(III) Representatives of short line railroads; and~~
- 18 ~~(IV) Representatives of entities or interest groups involved in the~~
19 ~~promotion, planning, or development of passenger rail systems.~~

20 ~~(2) The committee shall provide advice to the department on the~~
21 ~~needs of the transportation systems in Colorado and shall review and~~
22 ~~comment on all regional transportation plans submitted for the~~
23 ~~transportation planning regions. The activities of the committee shall not~~
24 ~~be construed to constrain or replace the county hearing process.~~

25 **SECTION 5.** 7-45-104 (1), Colorado Revised Statutes, is
26 amended to read:

27 **7-45-104. Acquisition of right-of-way.** (1) Notwithstanding the

1 provisions of section 38-2-101, C.R.S., on and after June 6, 2006, a
2 preexisting toll road or toll highway company shall not have the power to
3 exercise the right of eminent domain to acquire any part of the
4 right-of-way of the three-mile corridor of a proposed toll road or toll
5 highway specified in the filed formation document of the company as
6 required by section 7-45-101 (1) and a new toll road or toll highway
7 company shall not have the power to exercise the right of eminent domain
8 to acquire any part of the right-of-way of a toll road or toll highway it
9 proposes to construct. Nothing herein shall prohibit a preexisting or new
10 toll road or toll highway company from entering into a public-private
11 initiative with the department of transportation in accordance with the
12 provisions of part 12 of article 1 of title 43, C.R.S., and as authorized in
13 section 7-45-111 for the purpose of enabling the construction of a toll
14 road or toll highway, but in such a case the power of eminent domain
15 shall not be exercised by the toll road or toll highway company and may
16 be exercised by the department only for purposes of acquiring property
17 and rights-of-way necessary for the completion of a toll road or toll
18 highway open to the public that is incorporated into the comprehensive
19 statewide transportation plan prepared pursuant to section 43-1-1103 (5),
20 C.R.S. The department may not use the power of eminent domain
21 provided in this section to acquire a cemetery, as defined in section
22 10-15-102 (2), C.R.S., or property owned by or primarily used by a
23 religious organization. In exercising the power of eminent domain, the
24 department shall comply with all laws and administrative rules that
25 govern the department's use of eminent domain for state highway
26 projects, and the rights-of-way acquired shall form a corridor no larger
27 than that approved by all affected metropolitan planning organizations

1 ~~regional planning commissions~~, and the transportation commission
2 pursuant to sections 7-45-105 and 7-45-106. In accordance with section
3 43-1-1204 (3) (b), C.R.S., the department may not sell or otherwise
4 transfer ownership of property or rights-of-way acquired through the
5 exercise of the power of eminent domain as authorized by this section to
6 a toll road or toll highway company.

7 **SECTION 6.** 7-45-105 (1), (2), and (3) (a), Colorado Revised
8 Statutes, are amended to read:

9 **7-45-105. Planning standards and project review.** (1) A
10 preexisting or new toll road or toll highway company shall not commence
11 the construction of a toll road or toll highway or of any other element of
12 a toll road or toll highway project until the toll road or toll highway or
13 other element has been reviewed by every metropolitan planning
14 organization ~~or regional planning commission~~ that is located in whole or
15 in part within the three-mile corridor designated by the preexisting toll
16 road or toll highway company as required by section 7-45-101 (1) before
17 June 2, 2008, or that is located in whole or in part within the proposed
18 route of the toll road or toll highway proposed by the new toll road or toll
19 highway company and has been included in the ~~regional~~ TWENTY-YEAR
20 transportation plan in effect for the ~~region~~ ORGANIZATION pursuant to
21 section 43-1-1103, C.R.S., and in the comprehensive statewide
22 transportation plan required pursuant to section 43-1-1103 (5), C.R.S. In
23 designated nonattainment areas for any pollutant pursuant to the federal
24 "Clean Air Act", 42 U.S.C. sec. 7401 et seq., as amended, a metropolitan
25 planning organization ~~or regional planning commission~~ shall not include
26 a toll road or toll highway project in ~~the regional~~ ITS TWENTY-YEAR
27 transportation plan unless the organization ~~or commission~~ has performed

1 an emissions analysis that demonstrates that ~~regional~~ emissions WITHIN
2 THE TERRITORY OF THE ORGANIZATION and local project emissions will
3 continue to conform to the state implementation plan if the project is
4 added to the ~~regional~~ ORGANIZATION'S transportation plan. The toll road
5 or toll highway company shall pay the reasonable actual costs for the
6 emissions analysis. Each organization ~~or commission~~ may condition its
7 addition of a toll road or toll highway project into ~~the regional~~ ITS
8 TWENTY-YEAR transportation plan upon acceptable environmental
9 mitigation activities and commitments to offset incremental costs of
10 public services that will be necessary as a result of development of the
11 project within the ~~planning region~~ TERRITORY OF THE ORGANIZATION.

12 (2) At least thirty days before a metropolitan planning
13 organization ~~or regional planning commission~~ may amend its ~~regional~~
14 TWENTY-YEAR transportation plan pursuant to subsection (1) of this
15 section, a toll road or toll highway company shall provide the
16 organization ~~or commission~~ information on the toll road or toll highway
17 project being considered for addition to the plan that includes the final
18 environmental documentation required by section 7-45-106 (1) (b) (IV),
19 the operating plan for the project, the technology to be utilized, an
20 assessment of project feasibility, and an assessment of the long-term
21 viability of the project.

22 (3) (a) At the discretion of a metropolitan planning organization,
23 ~~or regional planning commission, a regional~~ A TWENTY-YEAR
24 TRANSPORTATION plan may initially be amended to include only
25 environmental and preconstruction activities, excluding right-of-way
26 acquisition, relating to a toll road or toll highway project and may later be
27 amended to include actual construction and right-of-way acquisition of

1 the project following agreement by the metropolitan planning
2 organization ~~or regional planning commission~~ that acceptable
3 environmental mitigation activities and commitments to offset
4 incremental costs of public services are included in the project plans.

5 **SECTION 7.** 7-45-106 (1) (a), (1) (b) (II), (1) (b) (IV), (2) (c),
6 and (2) (d), Colorado Revised Statutes, are amended to read:

7 **7-45-106. Environmental standards and review.** (1)(a) Before
8 constructing and operating a toll road or toll highway or any other
9 element of a toll road or toll highway project, a toll road or toll highway
10 company shall prepare, at its own expense, environmental documentation
11 that complies with the environmental stewardship guide approved by the
12 transportation commission in May 2005. The documentation shall
13 describe the environmental, social, and economic effects of the proposed
14 toll road, toll highway, or project, identify feasible measures to avoid or
15 otherwise mitigate the adverse effects of the project, and estimate the
16 financial costs to implement mitigation measures that are included in the
17 project or have been previously recommended in writing by the
18 commenting state agencies or an affected metropolitan planning
19 organization ~~or regional transportation commission~~ and comply with
20 federal and state air and water quality standards, approvals, and permits.

21 (b) (II) A toll road or toll highway company shall provide a copy
22 of any draft environmental documentation it prepares as required by
23 paragraph (a) of this subsection (1) to the commenting state agencies,
24 affected metropolitan planning organizations, ~~and regional planning~~
25 ~~commissions~~, and affected local governments. The toll road or toll
26 highway company shall also make the draft environmental documentation
27 electronically or otherwise available to the public. The commenting state

1 agencies may, within sixty days, provide the toll road or toll highway
2 company and affected metropolitan planning organizations ~~and regional~~
3 ~~planning commissions~~ with their analyses of the adequacy of the
4 environmental documentation and shall make the analyses available to the
5 public.

6 (IV) A toll road or toll highway company shall prepare final
7 environmental documentation that addresses comments received from the
8 commenting state agencies, metropolitan planning organizations, ~~regional~~
9 ~~planning commissions~~, and other interested parties. The final
10 environmental documentation shall be made available to the department
11 of transportation and the public at least thirty days prior to publication of
12 any notice of hearing scheduled by the commission pursuant to subsection
13 (2) of this section.

14 (2) The transportation commission created in section 43-1-106,
15 C.R.S., shall not revise the comprehensive statewide transportation plan
16 prepared pursuant to section 43-1-1103 (5), C.R.S., to include a toll road,
17 toll highway, or toll road or toll highway project subject to the
18 requirements of this section unless the commission, after holding a public
19 hearing, determines that:

20 (c) The toll road, toll highway, or project sponsor has established
21 a reserve fund, performance bond, or other appropriate mechanism to
22 ensure full payment of the costs of compliance with federal and state air
23 and water quality standards, other federal and state environmental
24 requirements, and mitigation measures included in the toll road, toll
25 highway, or project or required by the transportation commission OR a
26 metropolitan planning organization; ~~or a regional planning commission;~~
27 and

1 (d) The toll road, toll highway, or project sponsor has entered into
2 enforceable agreements with the department of transportation, or
3 agreements with affected local governments that are acceptable to the
4 transportation commission, to ensure that mitigation measures included
5 in the project or required by the transportation commission OR a
6 metropolitan planning organization ~~or a regional planning commission~~
7 will be implemented.

8 **SECTION 8.** 7-45-110 (3), Colorado Revised Statutes, is
9 amended to read:

10 **7-45-110. Sale of interest in or assets of a toll road or toll**
11 **highway company.** (3) If a toll road, toll highway, or toll road or toll
12 highway project is included in the comprehensive statewide transportation
13 plan required pursuant to section 43-1-1103 (5), C.R.S., before the toll
14 road or toll highway company completes a subsequent sale or transfer of
15 assets or rights generating more than twenty percent of the current
16 revenue from the toll road, toll highway, or project, the purchaser must
17 demonstrate to the transportation commission, and the commission must
18 determine, that following the sale or transfer the resources needed to
19 comply with federal and state water quality standards and other federal
20 and state environmental requirements and to implement mitigation
21 measures that were included in the toll road or toll highway project
22 description or required by a metropolitan planning organization ~~a regional~~
23 ~~planning commission~~, or the transportation commission will still be
24 available for those purposes.

25 **SECTION 9.** 25-7-105 (1) (a) (III), Colorado Revised Statutes,
26 is amended to read:

27 **25-7-105. Duties of commission - rules.** (1) Except as provided

1 in sections 25-7-130 and 25-7-131, the commission shall promulgate such
2 rules and regulations as are consistent with the legislative declaration set
3 forth in section 25-7-102 and necessary for the proper implementation
4 and administration of this article, including but not limited to:

5 (a) (III) The revisions to the Denver element of the PM-10 state
6 implementation plan adopted by the commission on February 16, 1995,
7 which contain a sixty tons-per-day PM-10 mobile source emissions
8 budget which expires January 1, 1998, and reverts to a forty-four
9 tons-per-day budget, are amended to provide that such forty-four
10 tons-per-day reversion shall not be a part of the state implementation plan
11 and shall only apply as a regulation adopted exclusively under reserved
12 state authority pursuant to the provisions of section 25-7-105.1. The sixty
13 tons-per-day emissions budget shall, unless modified by the commission
14 through rule-making, apply for federal transportation conformity and is
15 included in the state implementation plan only as required by the federal
16 act. ~~Any entity with authority~~ A METROPOLITAN PLANNING
17 ORGANIZATION REQUIRED to adopt a TWENTY-YEAR transportation plan
18 ~~required under~~ BY section 43-1-1103, C.R.S., shall consider any mobile
19 source emissions budgets in effect under this article in the development
20 of transportation improvement programs for federal purposes.

21 **SECTION 10.** 42-3-306 (2) (b) (IV), Colorado Revised Statutes,
22 is amended to read:

23 **42-3-306. Registration fees - passenger and passenger-mile**
24 **taxes - fee schedule.** (2) Fees for the annual registration of
25 passenger-carrying motor vehicles shall be as follows:

26 (b) (IV) If a ~~regional~~ TWENTY-YEAR transportation plan is
27 implemented within the regional transportation district, residents of the

1 E-470 highway authority area shall be exempt from the first ten dollars of
2 any motor vehicle registration fee increase in such plan.

3 **SECTION 11.** 43-1-1301 (4), Colorado Revised Statutes, is
4 amended to read:

5 **43-1-1301. Legislative declaration - intent.** (4) If a rail line or
6 right-of-way proposed for abandonment is being considered for
7 acquisition by the state for transportation purposes, which may include
8 interim recreational purposes, ~~the regional planning commissions, acting~~
9 ~~on behalf of the transportation planning regions,~~ ANY AFFECTED
10 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING
11 COMMISSION shall assist the state in determining appropriate uses of such
12 rail line or right-of-way. The department and the METROPOLITAN
13 PLANNING ORGANIZATIONS AND regional planning commissions shall
14 include in their deliberations representatives from each of the following
15 interests, if such interests are not already represented: Private property
16 owners, recreation and environmental interests, the department of local
17 affairs, and the department of natural resources.

18 **SECTION 12.** 43-3-304, Colorado Revised Statutes, is amended
19 to read:

20 **43-3-304. Noncompete agreements.** A toll road or toll highway
21 company may not enter into a noncompete agreement with a public entity
22 if the agreement would degrade an existing roadway or either delay or
23 prevent the construction or upgrading of a road or highway that is
24 included in ~~the~~ A fiscally constrained ~~regional~~ TWENTY-YEAR
25 transportation plan required by section 43-1-1103 (1) or the fiscally
26 constrained comprehensive statewide transportation plan required by
27 section 43-1-1103 (5).

1 **SECTION 13.** 43-4-504 (5), Colorado Revised Statutes, is
2 amended to read:

3 **43-4-504. Creation of authorities.** (5) The appropriate regional
4 transportation agency, if any, the air quality control commission, and the
5 ~~regional planning commission~~ METROPOLITAN PLANNING ORGANIZATION,
6 if any, shall each designate a representative to serve as nonvoting
7 members of the board.

8 **SECTION 14.** 43-4-605.5, Colorado Revised Statutes, is
9 amended to read:

10 **43-4-605.5. Preservation of state highway funding - legislative**
11 **declaration.** The general assembly hereby finds and declares that
12 moneys made available for regional transportation systems pursuant to
13 this part 6 shall not be used to supplant existing or budgeted department
14 of transportation funding of any portion of the state highway system
15 within the territory of any authority or any ~~transportation planning region~~
16 METROPOLITAN PLANNING ORGANIZATION, as defined in ~~section~~
17 ~~43-1-1102 (8)~~ SECTION 43-1-1102 (4), that includes any portion of the
18 territory of the authority except as described in detail in an
19 intergovernmental agreement entered into pursuant to section 43-4-603
20 (1.5).

21 **SECTION 15.** 43-4-803 (20), Colorado Revised Statutes, is
22 amended to read:

23 **43-4-803. Definitions.** As used in this part 8, unless the context
24 otherwise requires:

25 (20) "Regional planning commission" means a regional planning
26 commission formed under the provisions of section 30-28-105, C.R.S.
27 ~~that prepares and submits a transportation plan pursuant to section~~

1 ~~43-1-1103.~~

2 **SECTION 16.** 43-4-806 (8) and (9) (b), Colorado Revised
3 Statutes, are amended to read:

4 **43-4-806. High-performance transportation enterprise -**
5 **creation - board - funds - powers and duties - limitations - reporting**
6 **requirements - legislative declaration.** (8) (a) When the transportation
7 enterprise board decides to study the feasibility or desirability of
8 completing a surface transportation infrastructure project that adds
9 substantial transportation capacity or significantly alters travel patterns,
10 the board shall invite every metropolitan planning organization ~~or other~~
11 ~~transportation planning region~~ with planning responsibility for any area
12 in which the project will be located and every affected REGIONAL
13 PLANNING COMMISSION, public mass transit operator, as defined in section
14 43-1-102 (5), public highway authority created pursuant to part 5 of this
15 article, and regional transportation authority created pursuant to part 6 of
16 this article to collaborate with the board in its study and review and
17 comment regarding the project. The transportation enterprise board and
18 a metropolitan planning organization, ~~transportation planning region~~
19 REGIONAL PLANNING COMMISSION, public mass transit operator, public
20 highway authority, or regional transportation authority may enter into an
21 intergovernmental agreement to define the degree of collaboration and
22 any sharing of costs and revenues. The transportation enterprise board,
23 in collaboration with those metropolitan planning organizations,
24 ~~transportation planning regions~~ REGIONAL PLANNING COMMISSIONS,
25 public mass transit operators, and authorities that are entitled to and wish
26 to collaborate with the board, may develop a plan for the completion of
27 the surface transportation infrastructure project that addresses the

1 feasibility of the project, the technology to be utilized, project financing,
2 and any other federally required information.

3 (b) In order to ensure that the limited resources available for the
4 completion of major surface transportation infrastructure projects are
5 allocated only to projects deemed essential by all impacted metropolitan
6 planning organizations, ~~and other transportation planning regions,~~ every
7 metropolitan planning organization ~~or other transportation planning~~
8 ~~region~~ that includes territory in which all or any portion of a proposed
9 surface transportation infrastructure project that will add substantial
10 transportation capacity or significantly alter traffic patterns is to be
11 completed shall have the right to participate in the planning and
12 development, and approve the completion, of the project. The right of
13 participation shall extend, without limitation, to decisions regarding the
14 scope of the project, the type of surface transportation infrastructure to be
15 provided, project financing, allocation of project revenues, and the
16 manner in which any user fees are to be imposed. A surface
17 transportation infrastructure project shall not proceed past the planning
18 stage until all metropolitan planning organizations entitled to participate
19 in the planning, development, and approval process, including the
20 transportation enterprise and any partner of the enterprise under the terms
21 of a public-private partnership, have approved the project.

22 (9) (b) Moneys made available for any surface transportation
23 infrastructure project pursuant to this part 8 shall not be used to supplant
24 existing or budgeted department funding for any portion of the state
25 highway system within the territory of any ~~transportation planning region~~
26 METROPOLITAN PLANNING ORGANIZATION, as defined in ~~section~~
27 ~~43-1-1102 (8)~~ SECTION 43-1-1102 (4), that includes any portion of the

1 project.

2 **SECTION 17.** 43-4-813, Colorado Revised Statutes, is amended
3 to read:

4 **43-4-813. Transportation deficit report - annual reporting**
5 **requirement.** No later than June 30, 2009, and no later than March 1 of
6 any fiscal year in which road or bridge safety surcharges are imposed
7 pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), the department
8 shall prepare and present to the transportation and energy committee of
9 the house of representatives and the transportation committee of the
10 senate, or any successor committees, a transportation deficit report that
11 separately addresses the goals of repairing deficient highways and
12 bridges, as evidenced by a C or D rating, sustaining existing
13 transportation system performance levels, and achieving the corridor
14 visions described by ~~regional~~ TWENTY-YEAR transportation plans and
15 public preferences. For each goal, the report shall include a listing of the
16 annual costs for each of the next ten fiscal years of achieving the goal; the
17 annual increase and rate of increase of the costs; the factors contributing
18 to the costs, including, but not limited to, the rate and geographic
19 distribution of population growth, vehicle size and weight, land use
20 policies, and work patterns; methods of reducing the impact of the cost
21 factors, including, but not limited to, land use policy changes, increased
22 use of transit, telecommuting, and peak transportation system demand
23 reduction practices and economic incentives; and a comparison of the
24 costs of mitigating the cost factors and the costs of achieving the goal by
25 repairing, upgrading, or expanding the transportation system. The report
26 shall explain why any cost estimate for a goal differs by more than five
27 percent from any department estimate of such costs published before

1 March 2, 2009, and shall separately account for cost overruns other than
2 overruns attributable to increases in the Colorado construction cost index.
3 The department shall publish the report on its web site in a format that
4 can be downloaded.

5 **SECTION 18. Effective date.** This act shall take effect July 1,
6 2011.

7 **SECTION 19. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.