

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0168.01 Jason Gelender x4330

HOUSE BILL 12-1021

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HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

(None),

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House Committees  
Transportation

Senate Committees

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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.

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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 16** of the bill make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 43-1-1101 as  
 3 follows:

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

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

8 **SECTION 2.** In Colorado Revised Statutes, 43-1-1102, **repeal**  
9 (1), (3), (6), and (8); and **add** (9) as follows:

10 **43-1-1102. Definitions.** For the purposes of this part 11, unless  
11 the context otherwise requires:

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

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

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

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

23 (b) ~~Each metropolitan planning organization's metropolitan area~~  
24 ~~shall, at a minimum, comprise a transportation planning region. If any~~  
25 ~~new metropolitan planning organization is designated on or after January~~  
26 ~~1, 1998, the maximum allowable number of transportation planning~~  
27 ~~regions under paragraph (a) of this subsection (8) shall be increased by~~

1 ~~one region for each such new metropolitan planning organization.~~

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

5 **SECTION 3.** In Colorado Revised Statutes, 43-1-1103, **amend**  
6 (1) introductory portion, (1) (a), (1) (e), (2), (3), (4), (5) introductory  
7 portion, and (5) (d) as follows:

8 **43-1-1103. Transportation planning.** (1) A twenty-year  
9 transportation plan ~~shall be~~ IS required for each ~~transportation planning~~  
10 ~~region that includes the metropolitan area of a metropolitan planning~~  
11 ~~organization. Other transportation planning regions may, through~~  
12 ~~intergovernmental agreements defined in section 30-28-105, C.R.S.,~~  
13 ~~prepare and submit such a transportation plan. A regional~~ THE  
14 TWENTY-YEAR transportation plan shall include, but shall not be limited  
15 to, the following:

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

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

26 (2) A ~~regional~~ TWENTY-YEAR transportation plan shall state the  
27 fiscal need to maintain mobility and what can be reasonably expected to

1 be implemented with the estimated revenues ~~which~~ THAT are likely to be  
2 available.

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

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

23 (4) ~~The regional transportation plan for any region A~~  
24 ~~TWENTY-YEAR TRANSPORTATION PLAN may recommend the priority for~~  
25 ~~any transportation improvements planned for such region THE TERRITORY~~  
26 ~~OF THE METROPOLITAN PLANNING ORGANIZATION THAT CREATED THE~~  
27 ~~PLAN. The commission shall consider the ANY priorities contained in such~~

1 A plan in making decisions concerning transportation improvements.

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

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

15 **SECTION 4.** In Colorado Revised Statutes, **repeal** 43-1-1104 as  
16 follows:

17 **43-1-1104. Transportation advisory committee.** ~~(1) (a) A~~  
18 ~~transportation advisory committee is hereby created. The committee is to~~  
19 ~~be composed of one representative from each transportation planning~~  
20 ~~region. If a regional planning commission has been formed in a~~  
21 ~~transportation planning region, the chairman of such commission or the~~  
22 ~~chairman's designee shall be the representative for the region on the~~  
23 ~~committee. If any transportation planning region has not formed a~~  
24 ~~regional planning commission, then the representative shall be chosen by~~  
25 ~~the boards of county commissioners of the counties contained in such~~  
26 ~~region in consultation with officials of the municipalities contained in~~  
27 ~~such region.~~

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

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

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

23           **SECTION 5.** In Colorado Revised Statutes, 7-45-105, **amend** (1),  
24           (2), and (3) (a) as follows:

25           **7-45-105. Planning standards and project review.** (1) A  
26           preexisting or new toll road or toll highway company shall not commence  
27           the construction of a toll road or toll highway or of any other element of

1 a toll road or toll highway project until the toll road or toll highway or  
2 other element has been reviewed by every metropolitan planning  
3 organization or regional planning commission that is located in whole or  
4 in part within the three-mile corridor designated by the preexisting toll  
5 road or toll highway company as required by section 7-45-101 (1) before  
6 June 2, 2008, or that is located in whole or in part within the proposed  
7 route of the toll road or toll highway proposed by the new toll road or toll  
8 highway company and has been included in the ~~regional~~ TWENTY-YEAR  
9 transportation plan in effect for the ~~region~~ ORGANIZATION pursuant to  
10 section 43-1-1103, C.R.S., IF APPLICABLE, and in the comprehensive  
11 statewide transportation plan required pursuant to section 43-1-1103 (5),  
12 C.R.S. In designated nonattainment areas for any pollutant pursuant to the  
13 federal "Clean Air Act", 42 U.S.C. sec. 7401 et seq., as amended, a  
14 metropolitan planning organization or ~~regional planning commission~~ shall  
15 not include a toll road or toll highway project in ~~the regional~~ ITS  
16 TWENTY-YEAR transportation plan, AND THE DEPARTMENT OF  
17 TRANSPORTATION SHALL NOT INCLUDE A TOLL ROAD OR TOLL HIGHWAY  
18 PROJECT IN THE COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN,  
19 unless the organization or ~~commission~~ THE DEPARTMENT has performed  
20 an emissions analysis that demonstrates that ~~regional~~ emissions WITHIN  
21 THE AREA and local project emissions will continue to conform to the  
22 state implementation plan if the project is added to the ~~regional~~  
23 ORGANIZATION'S TWENTY-YEAR transportation plan OR THE  
24 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN. The toll road or toll  
25 highway company shall pay the reasonable actual costs for the emissions  
26 analysis. Each organization or ~~commission~~ may condition its addition of  
27 a toll road or toll highway project into ~~the regional~~ ITS TWENTY-YEAR



1 transportation plan, AND THE DEPARTMENT OF TRANSPORTATION MAY  
2 CONDITION ITS ADDITION OF A TOLL ROAD OR TOLL HIGHWAY PROJECT  
3 INTO THE COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN, upon  
4 acceptable environmental mitigation activities and commitments to offset  
5 incremental costs of public services that will be necessary as a result of  
6 development of the project. ~~within the planning region.~~

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

19 (3) (a) At the discretion of a metropolitan planning organization,  
20 ~~or regional planning commission, a regional~~ A TWENTY-YEAR  
21 TRANSPORTATION plan, AND, AT THE DISCRETION OF THE DEPARTMENT OF  
22 TRANSPORTATION, THE COMPREHENSIVE STATEWIDE TRANSPORTATION  
23 PLAN, may initially be amended to include only environmental and  
24 preconstruction activities, excluding right-of-way acquisition, relating to  
25 a toll road or toll highway project and may later be amended to include  
26 actual construction and right-of-way acquisition of the project following  
27 agreement by the metropolitan planning organization or ~~regional planning~~

1 ~~commission~~ THE DEPARTMENT that acceptable environmental mitigation  
2 activities and commitments to offset incremental costs of public services  
3 are included in the project plans.

4 **SECTION 6.** In Colorado Revised Statutes, 7-45-106, **amend** (2)  
5 introductory portion, (2) (c), and (2) (d) as follows:

6 **7-45-106. Environmental standards and review.** (2) The  
7 transportation commission created in section 43-1-106, C.R.S., shall not  
8 ~~revise~~ APPROVE A REVISION TO the comprehensive statewide  
9 transportation plan prepared pursuant to section 43-1-1103 (5), C.R.S., to  
10 include a toll road, toll highway, or toll road or toll highway project  
11 subject to the requirements of this section unless the commission, after  
12 holding a public hearing, determines that:

13 (c) The toll road, toll highway, or project sponsor has established  
14 a reserve fund, performance bond, or other appropriate mechanism to  
15 ensure full payment of the costs of compliance with federal and state air  
16 and water quality standards, other federal and state environmental  
17 requirements, and mitigation measures included in the toll road, toll  
18 highway, or project or required by the transportation commission, THE  
19 DEPARTMENT OF TRANSPORTATION, OR a metropolitan planning  
20 organization; ~~or a regional planning commission;~~ and

21 (d) The toll road, toll highway, or project sponsor has entered into  
22 enforceable agreements with the department of transportation, or  
23 agreements with affected local governments that are acceptable to the  
24 transportation commission, to ensure that mitigation measures included  
25 in the project or required by the transportation commission, THE  
26 DEPARTMENT, OR a metropolitan planning organization ~~or a regional~~  
27 ~~planning commission~~ will be implemented.

1           **SECTION 7.** In Colorado Revised Statutes, 7-45-110, **amend** (3)  
2 as follows:

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

18           **SECTION 8.** In Colorado Revised Statutes, 25-7-105, **amend** (1)  
19 (a) (III) as follows:

20           **25-7-105. Duties of commission - rules.** (1) Except as provided  
21 in sections 25-7-130 and 25-7-131, the commission shall promulgate such  
22 rules and regulations as are consistent with the legislative declaration set  
23 forth in section 25-7-102 and necessary for the proper implementation  
24 and administration of this article, including but not limited to:

25           (a) (III) The revisions to the Denver element of the PM-10 state  
26 implementation plan adopted by the commission on February 16, 1995,  
27 which contain a sixty tons-per-day PM-10 mobile source emissions

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

14 **SECTION 9.** In Colorado Revised Statutes, 42-3-306, **amend** (2)  
15 (b) (IV) as follows:

16 **42-3-306. Registration fees - passenger and passenger-mile**  
17 **taxes - fee schedule.** (2) Fees for the annual registration of  
18 passenger-carrying motor vehicles shall be as follows:

19 (b) (IV) If a ~~regional~~ TWENTY-YEAR transportation plan is  
20 implemented within the regional transportation district, residents of the  
21 E-470 highway authority area shall be exempt from the first ten dollars of  
22 any motor vehicle registration fee increase in such plan.

23 **SECTION 10.** In Colorado Revised Statutes, 43-1-1301, **amend**  
24 (4) as follows:

25 **43-1-1301. Legislative declaration - intent.** (4) If a rail line or  
26 right-of-way proposed for abandonment is being considered for  
27 acquisition by the state for transportation purposes, which may include

1 interim recreational purposes, ~~the regional planning commissions, acting~~  
2 ~~on behalf of the transportation planning regions,~~ ANY AFFECTED  
3 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING  
4 COMMISSION shall assist the state in determining appropriate uses of such  
5 rail line or right-of-way. The department and the METROPOLITAN  
6 PLANNING ORGANIZATIONS AND regional planning commissions shall  
7 include in their deliberations representatives from each of the following  
8 interests, if such interests are not already represented: Private property  
9 owners, recreation and environmental interests, the department of local  
10 affairs, and the department of natural resources.

11 **SECTION 11.** In Colorado Revised Statutes, **amend** 43-3-304 as  
12 follows:

13 **43-3-304. Noncompete agreements.** A toll road or toll highway  
14 company may not enter into a noncompete agreement with a public entity  
15 if the agreement would degrade an existing roadway or either delay or  
16 prevent the construction or upgrading of a road or highway that is  
17 included in ~~the~~ A fiscally constrained ~~regional~~ TWENTY-YEAR  
18 transportation plan required by section 43-1-1103 (1) or the fiscally  
19 constrained comprehensive statewide transportation plan required by  
20 section 43-1-1103 (5).

21 **SECTION 12.** In Colorado Revised Statutes, 43-4-504, **amend**  
22 (5) as follows:

23 **43-4-504. Creation of authorities.** (5) The appropriate regional  
24 transportation agency, if any, the air quality control commission, and the  
25 ~~regional planning commission~~ METROPOLITAN PLANNING ORGANIZATION,  
26 if any, shall each designate a representative to serve as nonvoting  
27 members of the board.

1           **SECTION 13.** In Colorado Revised Statutes, **amend** 43-4-605.5  
2 as follows:

3           **43-4-605.5. Preservation of state highway funding - legislative**  
4 **declaration.** The general assembly hereby finds and declares that moneys  
5 made available for regional transportation systems pursuant to this part  
6 shall not be used to supplant existing or budgeted department of  
7 transportation funding of any portion of the state highway system within  
8 the territory of any authority or any ~~transportation planning region~~  
9 METROPOLITAN PLANNING ORGANIZATION, as defined in ~~section~~  
10 ~~43-1-1102 (8)~~ SECTION 43-1-1102 (4), that includes any portion of the  
11 territory of the authority except as described in detail in an  
12 intergovernmental agreement entered into pursuant to section 43-4-603  
13 (1.5).

14           **SECTION 14.** In Colorado Revised Statutes, 43-4-803, **amend**  
15 (20) as follows:

16           **43-4-803. Definitions.** As used in this part 8, unless the context  
17 otherwise requires:

18           (20) "Regional planning commission" means a regional planning  
19 commission formed under the provisions of section 30-28-105, C.R.S.  
20 ~~that prepares and submits a transportation plan pursuant to section~~  
21 ~~43-1-1103.~~

22           **SECTION 15.** In Colorado Revised Statutes, 43-4-806, **amend**  
23 (8) and (9) (b) as follows:

24           **43-4-806. High-performance transportation enterprise -**  
25 **creation - board - funds - powers and duties - limitations - reporting**  
26 **requirements - legislative declaration.** (8) (a) When the transportation  
27 enterprise board decides to study the feasibility or desirability of

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

23 (b) In order to ensure that the limited resources available for the  
24 completion of major surface transportation infrastructure projects are  
25 allocated only to projects deemed essential by all impacted metropolitan  
26 planning organizations, ~~and other transportation planning regions~~, every  
27 metropolitan planning organization ~~or other transportation planning~~

1 ~~region~~ that includes territory in which all or any portion of a proposed  
2 surface transportation infrastructure project that will add substantial  
3 transportation capacity or significantly alter traffic patterns is to be  
4 completed shall have the right to participate in the planning and  
5 development, and approve the completion, of the project. The right of  
6 participation shall extend, without limitation, to decisions regarding the  
7 scope of the project, the type of surface transportation infrastructure to be  
8 provided, project financing, allocation of project revenues, and the  
9 manner in which any user fees are to be imposed. A surface transportation  
10 infrastructure project shall not proceed past the planning stage until all  
11 metropolitan planning organizations entitled to participate in the  
12 planning, development, and approval process, including the transportation  
13 enterprise and any partner of the enterprise under the terms of a  
14 public-private partnership, have approved the project.

15 (9) (b) Moneys made available for any surface transportation  
16 infrastructure project pursuant to this part 8 shall not be used to supplant  
17 existing or budgeted department funding for any portion of the state  
18 highway system within the territory of any ~~transportation planning region,~~  
19 ~~as defined in section 43-1-1102 (8),~~ METROPOLITAN PLANNING  
20 ORGANIZATION that includes any portion of the project.

21 **SECTION 16.** In Colorado Revised Statutes, **amend** 43-4-813 as  
22 follows:

23 **43-4-813. Transportation deficit report - annual reporting**  
24 **requirement.** No later than June 30, 2009, and no later than March 1 of  
25 any fiscal year in which road or bridge safety surcharges are imposed  
26 pursuant to section 43-4-804 (1) (a) or 43-4-805 (5) (g), the department  
27 shall prepare and present to the transportation and energy committee of



1 the house of representatives and the transportation committee of the  
2 senate, or any successor committees, a transportation deficit report that  
3 separately addresses the goals of repairing deficient highways and  
4 bridges, as evidenced by a C or D rating, sustaining existing  
5 transportation system performance levels, and achieving the corridor  
6 visions described by ~~regional~~ TWENTY-YEAR transportation plans and  
7 public preferences. For each goal, the report shall include a listing of the  
8 annual costs for each of the next ten fiscal years of achieving the goal; the  
9 annual increase and rate of increase of the costs; the factors contributing  
10 to the costs, including, but not limited to, the rate and geographic  
11 distribution of population growth, vehicle size and weight, land use  
12 policies, and work patterns; methods of reducing the impact of the cost  
13 factors, including, but not limited to, land use policy changes, increased  
14 use of transit, telecommuting, and peak transportation system demand  
15 reduction practices and economic incentives; and a comparison of the  
16 costs of mitigating the cost factors and the costs of achieving the goal by  
17 repairing, upgrading, or expanding the transportation system. The report  
18 shall explain why any cost estimate for a goal differs by more than five  
19 percent from any department estimate of such costs published before  
20 March 2, 2009, and shall separately account for cost overruns other than  
21 overruns attributable to increases in the Colorado construction cost index.  
22 The department shall publish the report on its web site in a format that  
23 can be downloaded.

24 **SECTION 17. Effective date.** This act takes effect July 1, 2012.

25 **SECTION 18. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.