

**UPDATED SUMMARY  
SENATE BILL 14-197**

**Second Regular Session - Sixty-ninth Colorado General Assembly**

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*This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.*

The bill modifies the board (board) of the high-performance transportation enterprise (enterprise) as follows:

- ! Newly appointed members of the board are subject to senate confirmation and are appointed for 4-year terms. Board members may be reappointed once.
- ! The number of board members is increased to 8 by adding the executive director of the department of transportation as an ex officio nonvoting member.

To increase public notice of and participation in, and legislative oversight of, any public-private partnership (PPP) involving the enterprise, the bill requires the board to:

- ! Hold public meetings, in coordination with interested local governments, at the visioning, initial request for proposal preparation, and draft request for proposal revision stages of a PPP;
- ! Provide full and timely notice in the area of the PPP to state legislators, county and municipal governing bodies, and the general public;
- ! Provide specified information to the public and consider public suggestions and ideas received at the meetings; and
- ! After entering into a PPP, provide the terms of the PPP to the committees of the general assembly that have jurisdiction over transportation and post the terms of the PPP on its web site.

Until the general assembly specifically approves any such provision through the enactment of a joint resolution *that includes only language that approves the provision or provisions*, the bill prohibits the enterprise from *issuing a request for proposal for or subsequently* entering into a PPP that includes any of the following provisions:

- ! A term that exceeds 35 years after completion of the project to be developed and implemented by the PPP;
- ! A noncompete clause that prohibits, or imposes financial penalties or obligations, *including an obligation to compensate a private partner for a loss in toll revenues*, on the enterprise for, the development of infrastructure other than infrastructure that is directly above or below the highway lanes of the project being developed and implemented by the PPP, that reduces usage of the project; or
- ! A requirement that the transportation enterprise ~~compensate a private partner for any~~ *assume the private partner's risk of* loss in toll revenues resulting from responses to types of emergencies, weather events, or safety events that occur intermittently but routinely, unless such emergencies *or events* occur on an

unusually frequent or severe basis during a specific period as defined based on reasonable evidence-based forecasts.

*The legislative approval requirement does not apply to a PPP to which a public highway authority or a regional transportation authority is a party if the PPP requires the authority to bear substantial responsibility for the designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, or operation of a surface transportation infrastructure project.*

The bill requires the enterprise:

- ! To provide public notice of any change in the status of a high-occupancy vehicle lane as a high-occupancy vehicle lane or the qualifications required to access such a lane for free use as a high-occupancy vehicle lane;
- ! When considering a project that includes one or more high-occupancy vehicle lanes, high-occupancy toll lanes, or managed lanes, to evaluate the suitability of express bus service or bus rapid transit service for the proposed project corridor and consider funding such service from user fee revenues as part of the costs of the proposed project. The enterprise may use user fee revenues generated by a project within a corridor to support transit within the corridor must expend a minimum of 10% of any *net* user fee revenues shared back *to the transportation enterprise* from a party to the PPP that governs the operation of the project that generated the user fees to support transit in the project corridor.
- ! To include additional specified information and meet modified deadlines when annually reporting to the general assembly regarding its activities.

The bill allows the state auditor to audit the enterprise.