

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 05-0181.01 Jason Gelender

HOUSE BILL 05-1064

HOUSE SPONSORSHIP

May M.,

SENATE SPONSORSHIP

Williams,

House Committees

Transportation & Energy
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 **CONCERNING REGIONAL TRANSPORTATION, AND, IN CONNECTION**
102 **THEREWITH, ALLOWING LOCAL GOVERNMENTS THROUGHOUT**
103 **THE STATE TO FORM REGIONAL TRANSPORTATION**
104 **AUTHORITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Changes the "Rural Transportation Authority Law" to the "Regional Transportation Authority Law" to allow any combination of 2 or more counties or municipalities, or both (combination), including any combination of counties or municipalities within the Denver metropolitan area that cannot currently form rural transportation authorities, to form a

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
3rd Reading Unamended
May 3, 2005

SENATE
Amended 2nd Reading
May 2, 2005

HOUSE
3rd Reading Unamended
March 2, 2005

HOUSE
Amended 2nd Reading
February 22, 2005

regional transportation authority (authority) for the purpose of providing regional transportation systems. If the regional transportation systems to be provided by a proposed authority would significantly impact any transportation projects or operations of the Denver metropolitan area regional transportation district (RTD), the department of transportation, a county or municipality that borders the territory of the authority, or a public highway authority, requires the combination to enter into an intergovernmental agreement concerning the projects with the affected entity or entities or eliminate the projects from the list of projects specified in the contract that creates the authority before it submits the question of the creation of the authority to a vote of the appropriate registered electors.

Requires the intergovernmental agreement to address coordination of effort and financing issues, and allows an authority to construct a regional transportation system that would alter the state highway system or the interstate system only as authorized by the intergovernmental agreement. Allows the board of the RTD to establish local improvement districts in any authority located in whole or in part within the boundaries of the RTD.

Specifies that moneys generated by an authority shall not supplant existing or budgeted department of transportation funding except as described in an intergovernmental agreement. Makes legislative declarations. Makes conforming amendments.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The "Rural Transportation Authority Law", part 6 of article 4
5 of title 43, Colorado Revised Statutes, authorizes combinations of
6 counties and municipalities in all areas of the state, except areas in the
7 Denver metropolitan region that are included within the boundaries of the
8 regional transportation district established in article 9 of title 32,
9 Colorado Revised Statutes, to create rural transportation systems to assist
10 in addressing the transportation needs within their boundaries.

11 (b) Counties and municipalities within the Denver metropolitan
12 region whose territory is partly or entirely included within the regional

1 transportation district should have the same power to create a
2 transportation authority as other local governments in the state.

3 (c) It is necessary and appropriate to change the name of the
4 "Rural Transportation Authority Law" to the "Regional Transportation
5 Authority Law" and to amend its provisions so that all counties and
6 municipalities in the state can combine to establish regional transportation
7 authorities to assist in addressing the transportation needs within their
8 boundaries.

9 **SECTION 2.** 43-4-601, Colorado Revised Statutes, is amended
10 to read:

11 **43-4-601. Short title.** This part 6 shall be known and may be
12 cited as the ~~"Rural "~~"REGIONAL Transportation Authority Law".

13 **SECTION 3.** 43-4-602 (1), (5), (9) (a), (9) (b) (I), (11), (13),
14 (14), (15), and (16), Colorado Revised Statutes, are amended, and the
15 said 43-4-602 is further amended BY THE ADDITION OF THE
16 FOLLOWING NEW SUBSECTIONS, to read:

17 **43-4-602. Definitions.** As used in this part 6, unless the context
18 otherwise requires:

19 (1) "Authority" means a body corporate and political subdivision
20 of the state created pursuant to this part 6. "ADVERTISING DEVICE" MEANS
21 AN OUTDOOR SIGN, DISPLAY, POSTER, OR OTHER MESSAGE USED TO
22 ADVERTISE A PRODUCT OR SERVICE OR OTHER MESSAGE.

23 (1.5) "AUTHORITY" MEANS A BODY CORPORATE AND POLITICAL
24 SUBDIVISION OF THE STATE CREATED PURSUANT TO THIS PART 6.

25 (5) "Construct" or "construction" means the planning, designing,
26 engineering, acquisition, installation, construction, or reconstruction of
27 ~~rural~~ REGIONAL transportation systems.

1 (9) (a) "Grant" means a cash payment of public funds made
2 directly to a ~~rural~~ REGIONAL transportation activity enterprise by a
3 governmental unit within the state, which cash payment is not required
4 to be repaid.

5 (b) "Grant" does not include the following:

6 (I) Public funds paid or advanced to a ~~rural~~ REGIONAL
7 transportation activity enterprise by a governmental unit in exchange for
8 an agreement by a ~~rural~~ REGIONAL transportation activity enterprise to
9 provide a ~~rural~~ REGIONAL transportation system or for the use of property
10 included in or in connection with a ~~rural~~ REGIONAL transportation system;

11 (11) "Operation and maintenance expenses" means all reasonable
12 and necessary current expenses of the authority, paid or accrued, of
13 operating, maintaining, and repairing any ~~rural~~ REGIONAL transportation
14 system.

15 (12.5) "REGION" MEANS ALL OF THE TERRITORY WITHIN THE
16 BOUNDARIES OF, AND SUBJECT TO THE JURISDICTION OF, THE GOVERNING
17 BODY OF ANY MEMBER OF A COMBINATION THAT CREATES AN AUTHORITY
18 PURSUANT TO SECTION 43-4-603.

19 ~~(13) "Revenues" means any tolls, fees, rates, charges,~~
20 ~~assessments, taxes, grants, contributions, or other income and revenues~~
21 ~~received by the authority.~~

22 ~~(14) "Rural region" means any area of the state that is not~~
23 ~~included in the boundaries of the regional transportation district~~
24 ~~established under article 9 of title 32, C.R.S.~~

25 (15) ~~Rural~~ "REGIONAL transportation activity enterprise" means
26 any ~~rural~~ REGIONAL transportation activity business owned by an
27 authority, which enterprise receives under ten percent of its annual

1 revenues in grants from all state and local governments within the state
2 combined and is authorized to issue its own revenue bonds pursuant to
3 this part 6.

4 (16) ~~"Rural~~ "REGIONAL transportation system" means any
5 property, improvement, or system designed to be compatible with
6 established state and local transportation plans that transports or conveys
7 people or goods or permits people or goods to be transported or conveyed
8 within a ~~rural~~ region by any means, including, but not limited to, an
9 automobile, truck, bus, rail, air, or gondola. The term includes any real
10 or personal property or equipment, or interest therein, that is appurtenant
11 or related to any property, improvement, or system that transports or
12 conveys people or goods or permits people or goods to be transported or
13 conveyed within a ~~rural~~ region by any means or that is financed,
14 constructed, operated, or maintained in connection with the financing,
15 construction, operation, or maintenance of any such property,
16 improvement, or system. The term may also include, but is not limited
17 to, any highway, road, street, bus system, railroad, airport, gondola
18 system, or mass transit system and any real or personal property or
19 equipment, or interest therein, used in connection therewith; any real or
20 personal property or equipment, or interest therein, that is used to
21 transport or convey gas, electricity, water, sewage, or information or that
22 is used in connection with the transportation, conveyance, or provisions
23 of any other utilities; and paving, grading, landscaping, curbs, gutters,
24 culverts, sidewalks, bikeways, lighting, bridges, overpasses, underpasses,
25 cross-roads, parkways, drainage facilities, mass transit lanes,
26 park-and-ride facilities, toll collection facilities, service areas, and
27 administrative or maintenance facilities. Rights-of-way included in a

1 ~~rural~~ REGIONAL transportation system shall be considered public
2 rights-of-way for purposes of the location of utilities owned by persons
3 other than the authority; EXCEPT THAT NO RIGHT-OF-WAY WITHIN THE
4 REGIONAL TRANSPORTATION DISTRICT CREATED AND EXISTING PURSUANT
5 TO ARTICLE 9 OF TITLE 32, C.R.S., THAT IS NOT PUBLICALLY DEDICATED
6 RIGHT-OF-WAY BY A MUNICIPALITY, A COUNTY, OR THE STATE SHALL BE
7 CONSIDERED PUBLIC RIGHT-OF-WAY AS A RESULT OF ITS INCLUSION IN THE
8 DISTRICT.

9 (16.5) "REVENUES" MEANS ANY TOLLS, FEES, RATES, CHARGES,
10 ASSESSMENTS, TAXES, GRANTS, CONTRIBUTIONS, OR OTHER INCOME AND
11 REVENUES RECEIVED BY THE AUTHORITY.

12 (18) "STREETSCAPE ENHANCEMENT" MEANS AN ADVERTISING
13 DEVICE LOCATED ON A BUS OR TRANSIT SHELTER OR BENCH, WASTE
14 RECEPTACLE, KIOSK, OR OTHER FREESTANDING STRUCTURE LOCATED
15 WITHIN AN AUTHORITY.

16 **SECTION 4.** 43-4-603 (1) and (2) (a), Colorado Revised
17 Statutes, are amended, and the said 43-4-603 is further amended BY THE
18 ADDITION OF A NEW SUBSECTION, to read:

19 **43-4-603. Creation of authorities.** (1) Any combination may
20 create, by contract, an authority that is authorized to exercise the
21 functions conferred by the provisions of this part 6 upon the issuance by
22 the director of the division of a certificate stating that the authority has
23 been duly organized according to the laws of the state. THE
24 COMBINATION JOINING IN THE CREATION OF THE AUTHORITY SHALL
25 PROVIDE A COPY OF THE CONTRACT TO THE DEPARTMENT OF
26 TRANSPORTATION FOR COMMENT AND, IF THE TERRITORY OF THE
27 PROPOSED AUTHORITY INCLUDES OR BORDERS ANY TERRITORY OF THE

1 REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32,
2 C.R.S., OR INTERSECTS WITH OR IS LIKELY TO DIVERT VEHICLE TRAFFIC TO
3 OR FROM A TOLL HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY
4 ESTABLISHED UNDER PART 5 OF THIS ARTICLE, SHALL ALSO PROVIDE A
5 COPY OF THE CONTRACT TO THE DISTRICT OR THE AFFECTED PUBLIC
6 HIGHWAY AUTHORITY, AS APPLICABLE, FOR COMMENT. THE COMBINATION
7 SHALL ALSO PROVIDE A COPY OF THE CONTRACT TO EACH COUNTY AND
8 MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION BUT THAT
9 INCLUDES TERRITORY THAT BORDERS THE TERRITORY OF THE PROPOSED
10 AUTHORITY FOR COMMENT. The director shall issue the certificate upon
11 the filing with the director of a copy of the contract by the combination
12 joining in the creation of the authority. The director shall cause the
13 certificate to be recorded in the real estate records in each county having
14 territory included in the boundaries of the authority. Upon issuance of
15 the certificate by the director, ~~of the division~~, the authority shall
16 constitute a separate political subdivision and body corporate of the state
17 and shall have all of the duties, privileges, immunities, rights, liabilities,
18 and disabilities of a public body politic and corporate.

19 (1.5) ON AND AFTER JANUARY 1, 2006, IF, AFTER REVIEWING A
20 CONTRACT THAT CREATES AN AUTHORITY PROVIDED PURSUANT TO
21 SUBSECTION (1) OF THIS SECTION, BUT IN NO EVENT MORE THAN NINETY
22 DAYS AFTER A COPY OF THE CONTRACT IS PROVIDED PURSUANT TO
23 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION,
24 THE REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE
25 32, C.R.S., A BORDERING COUNTY OR MUNICIPALITY, OR A PUBLIC
26 HIGHWAY AUTHORITY ESTABLISHED UNDER PART 5 OF THIS ARTICLE
27 INFORMS THE COMBINATION THAT EXECUTED THE CONTRACT THAT ANY

1 PORTIONS OF THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED
2 BY THE PROPOSED AUTHORITY THAT INVOLVE ROAD CONSTRUCTION OR
3 IMPROVEMENT, AS SPECIFIED IN THE CONTRACT PURSUANT TO PARAGRAPH
4 (a) OF SUBSECTION (2) OF THIS SECTION, _____ AND THAT ARE ON,
5 ALTER THE PHYSICAL STRUCTURE OF, OR NEGATIVELY IMPACT SAFE
6 OPERATION OF ANY HIGHWAY, ROAD, OR STREET UNDER ITS JURISDICTION
7 OR WILL PROVIDE MASS TRANSPORTATION SERVICES THAT IMPACT THE
8 DISTRICT THEN, AT THE REQUEST OF THE AFFECTED ENTITY, THE
9 COMBINATION SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
10 CONCERNING THE IDENTIFIED PORTIONS OR MASS TRANSPORTATION
11 SERVICES WITH THE DEPARTMENT, THE DISTRICT, THE BORDERING COUNTY
12 OR MUNICIPALITY, THE PUBLIC HIGHWAY AUTHORITY, OR ANY
13 COMBINATION THEREOF, AS APPLICABLE, WITHIN ONE HUNDRED EIGHTY
14 DAYS AFTER A COPY OF THE CONTRACT WAS PROVIDED, OR ELIMINATE
15 THOSE PORTIONS OR SERVICES FROM THE LIST OF PROJECTS SPECIFIED IN
16 THE CONTRACT BEFORE IT SUBMITS THE CONTRACT TO A VOTE OF THE
17 REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE
18 PROPOSED AUTHORITY AS REQUIRED BY SUBSECTION (4) OF THIS SECTION.
19 WHEN REQUESTING THAT AN INTERGOVERNMENTAL AGREEMENT BE
20 ENTERED INTO OR THAT PORTIONS OF A REGIONAL TRANSPORTATION
21 SYSTEM BE ELIMINATED DUE TO A NEGATIVE IMPACT TO SAFE OPERATION
22 OF A HIGHWAY, ROAD, OR STREET, THE REQUESTING ENTITY SHALL
23 PROVIDE, AT THE TIME OF THE REQUEST, EVIDENCE OF THE NEGATIVE
24 IMPACT. THE INTERGOVERNMENTAL AGREEMENT SHALL SPECIFY
25 WHATEVER TERMS THE COMBINATION AND THE AFFECTED ENTITY OR
26 ENTITIES DEEM NECESSARY TO AVOID DUPLICATION OF EFFORT AND TO
27 ENSURE COORDINATED TRANSPORTATION PLANNING, EFFICIENT

1 ALLOCATION OF RESOURCES, AND EQUITABLE SHARING OF COSTS. IF THE
2 DEPARTMENT IS A PARTY TO THE INTERGOVERNMENTAL AGREEMENT, THE
3 AGREEMENT SHALL ALSO DESCRIBE IN DETAIL ANY EFFECT ON
4 DEPARTMENT FUNDING OF ANY PORTION OF THE STATE HIGHWAY SYSTEM
5 WITHIN THE PROPOSED REGION THAT IS EXPECTED TO RESULT FROM THE
6 CREATION OF THE PROPOSED AUTHORITY. NOTHING IN THIS SUBSECTION
7 (1.5) SHALL BE CONSTRUED TO PRECLUDE A COMBINATION OR ANY
8 AUTHORITY FROM ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT
9 WITH THE DEPARTMENT, THE DISTRICT, A PUBLIC HIGHWAY AUTHORITY, A
10 BORDERING COUNTY OR MUNICIPALITY, OR ANY OTHER GOVERNMENTAL
11 ENTITY REGARDING ANY REGIONAL TRANSPORTATION SYSTEM.

12 (2) Any contract establishing an authority shall specify:

13 (a) The name and purpose of the authority and the ~~rural~~ REGIONAL
14 transportation systems to be provided;

15

16

17 **SECTION 5.** 43-4-605 (1) (d), (1) (f), (1) (i), (1) (i.5) (II), (1)
18 (i.5) (IV), (1) (i.5) (V), (1) (j), (4), and (5), Colorado Revised Statutes,
19 are amended to read:

20 **43-4-605. Powers of the authority - inclusion or exclusion of**
21 **property - determination of regional transportation system alignment**
22 **- fund created.** (1) In addition to any other powers granted to the
23 authority pursuant to this part 6, the authority has the following powers:

24 (d) To establish, collect, and, from time to time, increase or
25 decrease fees, tolls, rates, and charges for the privilege of traveling on or
26 using any property included in any ~~rural~~ REGIONAL transportation system
27 financed, constructed, operated, or maintained by the authority, without

1 the fees, tolls, rates, and charges being subject to any supervision or
2 regulation by any board, agency, bureau, commission, or official; except
3 that any fees, tolls, rates, and charges imposed for the use of any ~~rural~~
4 REGIONAL transportation system shall be fixed and adjusted so that the
5 fees, tolls, rates, and charges collected, along with other revenues, if any,
6 are at least sufficient to pay for any bonds issued pursuant to this part 6
7 and interest thereon; _____

8 (f) To finance, construct, operate, or maintain ~~rural~~ REGIONAL
9 transportation systems within or without the boundaries of the authority;
10 except that the authority shall not construct ~~rural~~ REGIONAL transportation
11 systems in any territory located outside the boundaries of the authority
12 and within the boundaries of a municipality as the boundaries of the
13 municipality exist on the date the authority is created without the consent
14 of the governing body of ~~such~~ THE municipality, ~~or~~ outside the
15 boundaries of the authority and within the unincorporated boundaries of
16 a county as the unincorporated boundaries of the county exist on the date
17 the authority is created without the consent of the governing body of ~~such~~
18 THE county, OR INSIDE OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY
19 IF THE REGIONAL TRANSPORTATION SYSTEMS WOULD ALTER THE STATE
20 HIGHWAY SYSTEM, AS DEFINED IN SECTION 43-2-101 (1), OR THE
21 INTERSTATE SYSTEM, AS DEFINED IN SECTION 43-2-101 (2), EXCEPT AS
22 AUTHORIZED BY AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY
23 THE MEMBERS OF THE COMBINATION THAT CREATED THE AUTHORITY AND
24 THE DEPARTMENT OF TRANSPORTATION AS REQUIRED BY SECTION 43-4-603
25 (1.5);

26 (i) To impose an annual motor vehicle registration fee of not more
27 than ten dollars for each motor vehicle registered with the county clerk

1 and recorder of the county by persons residing in all or any designated
2 portion of the members of the combination; except that the _____
3 authority shall not impose a motor registration fee with respect to motor
4 vehicles registered to persons residing outside the boundaries of the
5 authority and within the boundaries of a municipality as the boundaries
6 of the municipality exist on the date the authority is created without the
7 consent of the governing body of ~~such~~ THE municipality or outside the
8 boundaries of the authority and within the unincorporated boundaries of
9 a county as the unincorporated boundaries of the county exist on the date
10 the authority is created without the consent of the governing body of ~~such~~
11 THE county. The registration fee is in addition to any fee or tax imposed
12 by the state or any other governmental unit. If a motor vehicle is
13 registered in a county that is a member of more than one authority, the
14 total of all fees imposed pursuant to this paragraph (i) for any such motor
15 vehicle shall not exceed ten dollars. The county clerk and recorder of the
16 county in which the registration fee is imposed shall collect the fee and
17 remit the fee to the authority. The authority shall apply the registration
18 fees solely to the financing, construction, operation, or maintenance of
19 ~~rural~~ REGIONAL transportation systems that are consistent with the
20 expenditures specified in section 18 of article X of the state constitution.

21 (i.5) (II) The visitor benefit tax is in addition to any fee or tax
22 imposed by the state or any other governmental unit and a minimum of
23 seventy-five percent of the net revenue derived from the tax shall be used
24 by the authority solely to finance, construct, operate, and maintain ~~rural~~
25 REGIONAL transportation systems and provide incentives to overnight
26 visitors to use public transportation.

27 (IV) Any authority that imposes a visitor benefit tax shall give due

1 consideration to the transportation needs of persons who pay the visitor
2 benefit tax on the purchase of overnight rooms or accommodations when
3 constructing, operating, and maintaining ~~rural~~ REGIONAL transportation
4 systems and shall ensure that such visitors have easy access to ~~such rural~~
5 THE REGIONAL transportation systems.

6 (V) Upon the request of the authority, the executive director of
7 the department of revenue shall administer and collect the visitor benefit
8 tax authorized by subparagraph (I) of this paragraph (i.5). If the authority
9 requests that the executive director administer and collect the tax, the
10 executive director shall make monthly distributions of the tax collections
11 to the authority. The department of revenue shall retain an amount not
12 to exceed the cost of the collection, administration, and enforcement and
13 shall transmit the amount to the state treasurer who shall credit the same
14 to the ~~rural~~ REGIONAL transportation authority visitor benefit tax fund,
15 which fund is hereby created. The amounts so retained are hereby
16 appropriated annually from the fund to the department to the extent
17 necessary for the department's collection, administration, and
18 enforcement of the provisions of this part 6. Any moneys remaining in
19 the fund attributable to taxes collected in the prior fiscal year shall be
20 transmitted to the authority; except that, prior to the transmission to the
21 authority of such moneys, any moneys appropriated from the general fund
22 to the department for the collection, administration, and enforcement of
23 the tax for the prior fiscal year shall be repaid.

24 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all
25 or any designated portion of the members of the combination, a sales or
26 use tax, or both, at a rate not to exceed one percent upon every
27 transaction or other incident with respect to which a sales or use tax is

1 levied by the state; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF
2 THIS PARAGRAPH (j), AS AMENDED, IF THE AUTHORITY INCLUDES
3 TERRITORY THAT IS WITHIN THE REGIONAL TRANSPORTATION DISTRICT
4 CREATED AND EXISTING PURSUANT TO ARTICLE 9 OF TITLE 32, C.R.S., A
5 DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION IN WHICH
6 A NEW TAX IS LEVIED SHALL BE COMPRISED OF ENTIRE TERRITORIES OF
7 MEMBERS OF THE COMBINATION SO THAT THE RATE OF TAX IMPOSED
8 PURSUANT TO THIS PART 6 WITHIN THE TERRITORY OF ANY SINGLE MEMBER
9 OF THE COMBINATION IS UNIFORM AND ~~except~~ that the authority shall
10 not levy ~~any such~~ a sales or use tax on any transaction or other incident
11 occurring in any territory located outside the boundaries of the authority
12 and within the boundaries of a municipality as the boundaries of the
13 municipality exist on the date the authority is created without the consent
14 of the governing body of ~~such~~ the municipality or outside the boundaries
15 of the authority and within the unincorporated boundaries of a county as
16 the unincorporated boundaries exist on the date the authority is created
17 without the consent of the governing body of ~~such~~ the county. Subject to
18 the provisions of section 43-4-612, the authority may elect to levy any
19 such sales or use tax at different rates in different designated portions of
20 the members of the combination; EXCEPT THAT, ON AND AFTER THE
21 EFFECTIVE DATE OF THIS PARAGRAPH (j), AS AMENDED, IF THE AUTHORITY
22 INCLUDES TERRITORY THAT IS WITHIN THE REGIONAL TRANSPORTATION
23 DISTRICT, A DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION
24 IN WHICH A NEW TAX IS LEVIED SHALL BE COMPRISED OF ENTIRE
25 TERRITORIES OF MEMBERS OF THE COMBINATION SO THAT THE RATE OF
26 TAX IMPOSED PURSUANT TO THIS PART 6 WITHIN THE TERRITORY OF ANY
27 SINGLE MEMBER OF THE COMBINATION IS UNIFORM. If the authority so

1 elects, it shall submit a single ballot question that lists all of the different
2 rates to the registered electors of all designated portions of the
3 members of the combination in which the proposed sales or use tax is to
4 be levied. The tax imposed pursuant to this paragraph (j) is in addition
5 to any other sales or use tax imposed pursuant to law and is exempt from
6 the limitation imposed by section 29-2-108, C.R.S. If a member of the
7 combination is located within more than one authority, the sales or use
8 tax, or both, authorized by this paragraph (j) shall not exceed one percent
9 upon every transaction or other incident with respect to which a sales or
10 use tax is levied by the state. The executive director of the department of
11 revenue shall collect, administer, and enforce the sales or use tax, to the
12 extent feasible, in the manner provided in section 29-2-106, C.R.S. The
13 director shall make monthly distributions of the tax collections to the
14 authority, which shall apply the proceeds solely to the financing,
15 construction, operation, or maintenance of ~~rural~~ REGIONAL transportation
16 systems. The department of revenue shall retain an amount not to exceed
17 the cost of the collection, administration, and enforcement and shall
18 transmit the amount to the state treasurer, who shall credit the same to the
19 ~~rural~~ REGIONAL transportation authority sales tax fund, which fund is
20 hereby created. The amounts so retained are hereby appropriated
21 annually from the fund to the department to the extent necessary for the
22 department's collection, administration, and enforcement of the provisions
23 of this part 6. Any moneys remaining in the fund attributable to taxes
24 collected in the prior fiscal year shall be transmitted to the authority;
25 except that, prior to the transmission to the authority of such moneys, any
26 moneys appropriated from the general fund to the department for the
27 collection, administration, and enforcement of the tax for the prior fiscal

1 year shall be repaid.

2 (II) A SALES OR USE TAX, OR BOTH, LEVIED PURSUANT TO
3 SUBPARAGRAPH (I) OF THIS PARAGRAPH (j) SHALL NOT BE LEVIED ON THE
4 SALE OF TANGIBLE PERSONAL PROPERTY:

5 (A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A
6 COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE
7 AUTHORITY; OR

8 (B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS
9 PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE BOUNDARIES OF THE
10 AUTHORITY OR THE PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS
11 OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND IF THE PERSONAL
12 PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED OUTSIDE THE
13 BOUNDARIES OF THE AUTHORITY.

14 (4) The board, upon the affirmative vote of two-thirds of the
15 directors of the board, may determine the location of the ~~rural~~ REGIONAL
16 transportation system.

17 (5) Any ~~rural~~ REGIONAL transportation system constructed by an
18 authority under this part 6 that is funded, in whole or in part, from the
19 highway users tax fund and that may be reasonably expected to exceed
20 one hundred fifty thousand dollars in the aggregate for any fiscal year
21 shall be subject to the construction bidding provisions in part 7 of article
22 1 of title 29, C.R.S. If the state is involved in the construction of ~~such~~
23 ~~rural~~ THE REGIONAL transportation system, the construction bidding
24 provisions in article 92 of title 24, C.R.S., shall apply. Nothing herein
25 shall be construed to affect the ability of such entities to enter into
26 design-build contracts under applicable state laws.

27 **SECTION 6.** Part 6 of article 4 of title 43, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
2 SECTIONS to read:

3 **43-4-605.5. Preservation of state highway funding - legislative**
4 **declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
5 THAT MONEYS MADE AVAILABLE FOR REGIONAL TRANSPORTATION
6 SYSTEMS PURSUANT TO THIS PART 6 SHALL NOT BE USED TO SUPPLANT
7 EXISTING OR BUDGETED DEPARTMENT OF TRANSPORTATION FUNDING OF
8 ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE TERRITORY OF
9 ANY AUTHORITY OR ANY TRANSPORTATION PLANNING REGION, AS DEFINED
10 IN SECTION 43-1-1102 (8), 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
13 43-4-603 (1.5).

14 **43-4-607.5. Streetscape enhancements - local and private**
15 **authority.** A LOCAL GOVERNMENT WHOSE JURISDICTION INCLUDES
16 TERRITORY WITHIN AN AUTHORITY MAY CREATE, PERMIT, OR CONTRACT
17 STREETSCAPE ENHANCEMENTS WITHIN THAT TERRITORY.

18 **SECTION 7.** 43-4-606, Colorado Revised Statutes, is amended
19 to read:

20 **43-4-606. Establishment of regional transportation activity**
21 **enterprises.** (1) Any authority may establish ~~rural~~ REGIONAL
22 transportation activity enterprises for the purpose of pursuing or
23 continuing activities authorized by this part 6. Any ~~rural~~ REGIONAL
24 transportation activity enterprise established or maintained pursuant to
25 this part 6 is not subject to the provisions of section 20 of article X of the
26 state constitution.

27 (2)(a) Each ~~rural~~ REGIONAL transportation activity enterprise shall

1 be wholly owned by a single authority and shall not be combined with
2 any ~~rural~~ REGIONAL transportation activity enterprise owned by another
3 authority; except that each authority may establish more than one ~~rural~~
4 REGIONAL transportation activity enterprise and each ~~rural~~ REGIONAL
5 transportation activity enterprise may conduct or continue to conduct one
6 or more activities authorized by this part 6 as may be determined by the
7 governing body of the ~~rural~~ REGIONAL transportation activity enterprise.

8 (b) This subsection (2) does not limit the authority of a ~~rural~~
9 REGIONAL transportation activity enterprise to contract with any other
10 person or entity, including other authorities, other state or local
11 governments, or other ~~rural~~ REGIONAL transportation activity enterprises.

12 (3) The governing body of a ~~rural~~ REGIONAL transportation
13 activity enterprise is the board of the authority that owns the enterprise.

14 (4) The governing body for each ~~rural~~ REGIONAL transportation
15 activity enterprise may exercise the authority's legal authority relating to
16 activities authorized by this part 6, but no ~~rural~~ REGIONAL transportation
17 activity enterprise may levy a tax that is subject to the requirements of
18 section 20 (4) of article X of the state constitution.

19 (5) Each ~~rural~~ REGIONAL transportation activity enterprise,
20 through its governing body, may issue or reissue revenue bonds in
21 accordance with the provisions of section 43-4-609. Each bond issued
22 under this subsection (5) shall recite in substance that the bond, including
23 the interest thereon, is payable from the revenues and other available
24 funds of the ~~rural~~ REGIONAL transportation activity enterprise pledged for
25 the payment thereof.

26 (6) The powers provided in this section for ~~rural~~ REGIONAL
27 transportation activity enterprises shall not modify, limit, or affect the

1 powers conferred by any other law, either directly or indirectly.

2 (7) Loan agreements subject to repayment or contracts to provide
3 ~~rural~~ REGIONAL transportation systems or the use of property included in
4 or in connection with a ~~rural~~ REGIONAL transportation system, which
5 involve the payment of funds for such systems or the use of the property
6 to an authority or its ~~rural~~ REGIONAL transportation activity enterprise by
7 a state or local government or by another authority or ~~rural~~ REGIONAL
8 transportation activity enterprise, are not grants for purposes of the
9 definition of enterprise under section 20 (2) (d) of article X of the state
10 constitution.

11 (8) An authority or its ~~rural~~ REGIONAL transportation activity
12 enterprise may contract with any other governmental or private source of
13 funding for loans and grants related to ~~rural~~ REGIONAL transportation
14 activity enterprise functions.

15 (9) Revenues collected or spent by an authority for ~~rural~~
16 REGIONAL transportation systems or the use of property included in or in
17 connection with a ~~rural~~ REGIONAL transportation system rendered or
18 provided by a ~~rural~~ REGIONAL transportation activity enterprise owned by
19 the authority are not subject to the provisions of section 20 (4) and (7) of
20 article X of the state constitution.

21 (10) The rates or a change in the rates charged by an authority for
22 ~~rural~~ REGIONAL transportation systems or for the use of property included
23 in or in connection with a ~~rural~~ REGIONAL transportation system rendered
24 or provided by a ~~rural~~ REGIONAL transportation activity enterprise owned
25 by the authority are not taxes subject to the provisions of section 20 (4)
26 and (7) of article X of the state constitution.

27 (11) The authority granted to a ~~rural~~ REGIONAL transportation

1 activity enterprise under this section is in addition to all other authority
2 provided by law. Nothing contained in this part 6 shall be construed to
3 require the establishment, operation, or continuation of a ~~rural~~ REGIONAL
4 transportation activity enterprise or to limit the authority of any state or
5 local government to utilize other policies and procedures for establishing,
6 operating, or continuing any enterprise for any lawful purpose.

7 **SECTION 8.** 43-4-607, Colorado Revised Statutes, is amended
8 to read:

9 **43-4-607. Traffic laws - toll collection.** (1) The traffic laws of
10 this state and of any municipality, in which a ~~rural~~ REGIONAL
11 transportation system is constructed, operated, or maintained by an
12 authority, and the authority's rules ~~and regulations~~ regarding toll
13 collection and enforcement shall pertain to and govern the use of any
14 ~~such rural~~ REGIONAL transportation system on which vehicles subject to
15 the traffic laws or rules ~~and regulations~~ are operated. State and local law
16 enforcement authorities are authorized to enter into traffic and toll
17 enforcement agreements with authorities. Any funds received by a state
18 law enforcement authority pursuant to the toll enforcement agreement are
19 subject to annual appropriation by the general assembly to the law
20 enforcement authority for the purpose of performing its duties pursuant
21 to the agreement.

22 (2) Any person who fails to pay a required fee, toll, rate, or charge
23 for the privilege of traveling on or using any property included in a ~~rural~~
24 REGIONAL transportation system pursuant to this part 6 is subject to the
25 penalty specified in sections 42-4-613 and 42-4-1701 (4) (a) (I) (G),
26 C.R.S.

27 **SECTION 9.** 43-4-608, Colorado Revised Statutes, is amended

1 to read:

2 **43-4-608. Local improvement districts.** The board, OR THE
3 BOARD OF THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED UNDER
4 ARTICLE 9 OF TITLE 32, C.R.S., IN THE CASE OF ANY AUTHORITY WHOSE
5 TERRITORY IS LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF
6 THE DISTRICT, may establish local improvement districts within the
7 boundaries of the authority to facilitate the financing, construction,
8 operation, or maintenance of ~~rural~~ REGIONAL transportation systems. The
9 board may establish ~~such~~ local improvement districts whenever any area
10 within the boundaries of the authority, in the opinion of the board, will
11 be especially benefited by the financing, construction, operation, or
12 maintenance of a ~~rural~~ REGIONAL transportation system. The board shall
13 not establish a local improvement district unless the board receives a
14 petition signed by the owners of the property that will bear a majority of
15 the proposed assessments and a petition signed by the lesser of a majority
16 of the registered electorate in the proposed district or one thousand
17 registered electors in the proposed district. The method of creating local
18 improvement districts, making the improvements, and assessing the costs
19 thereof shall be as provided in part 6 of article 20 of title 30, C.R.S.;
20 except that the board shall perform the duties of the board of county
21 commissioners thereunder and the improvements shall be ~~rural~~ REGIONAL
22 transportation systems as defined by section 43-4-602 (16).

23 **SECTION 10.** 43-4-610, Colorado Revised Statutes, is amended
24 to read:

25 **43-4-610. Cooperative powers.** (1) The authority has the power
26 to cooperate with any person:

27 (a) To accept contributions, loans, advances, or liens securing

1 obligations to or of the authority from any person with respect to the
2 financing, construction, operation, or maintenance of a ~~rural~~ REGIONAL
3 transportation system and, in connection with any loan or advance, to
4 enter into contracts establishing the repayment terms;

5 (b) To enter into contracts with respect to and to cooperate in the
6 financing, construction, operation, or maintenance of a specified ~~rural~~
7 REGIONAL transportation system;

8 (c) To enter into joint operating contracts concerning a ~~rural~~
9 REGIONAL transportation system;

10 (d) To acquire easements or rights-of-way for a ~~rural~~ REGIONAL
11 transportation system;

12 (e) To transfer dominion over all or any portion of a ~~rural~~
13 REGIONAL transportation system financed, constructed, operated, or
14 maintained by the authority to the federal government, the state
15 government, other governmental units, or any person; and

16 (f) To designate a ~~rural~~ REGIONAL transportation system as part of
17 the federal highway system, the state highway system, a county highway
18 system, or a municipal highway system if the person with jurisdiction
19 over the applicable highway system consents to the designation.

20 **SECTION 11.** 43-4-611, Colorado Revised Statutes, is amended
21 to read:

22 **43-4-611. Powers of governmental units.** (1) A governmental
23 unit, for the purpose of aiding and cooperating in the financing,
24 construction, operation, or maintenance of any ~~rural~~ REGIONAL
25 transportation system, has the power:

26 (a) To sell, lease, loan, donate, grant, convey, assign, transfer, and
27 otherwise dispose to the authority any real or personal property or

1 interests therein;

2 (b) To enter into agreements with any person for the joint
3 financing, construction, operation, or maintenance of any ~~rural~~ REGIONAL
4 transportation system. Upon compliance with applicable constitutional
5 or charter limitations, the governmental unit may agree to make
6 payments, without limitation as to amount except as set forth in the
7 agreement, from revenues received from one or more fiscal years, to the
8 authority or any person to defray the costs of the financing, construction,
9 operation, or maintenance of a ~~rural~~ REGIONAL transportation system.

10 (c) To transfer or assign to the authority any contracts that may
11 have been awarded by the governmental unit for construction, operation,
12 or maintenance of any ~~rural~~ REGIONAL transportation system.

13 (2) To assist in the financing, construction, operation, or
14 maintenance of a ~~rural~~ REGIONAL transportation system, any county or
15 municipality that is a member of a combination may, by contract, pledge
16 to the authority all or a portion of the revenues it receives from the
17 highway users tax fund or from any other legally available funds. The
18 authority shall apply revenues that it receives pursuant to the pledge to
19 the financing, construction, operation, or maintenance of any ~~rural~~
20 REGIONAL transportation system. The authority may refuse to accept any
21 revenues that would cause a member of the combination to exceed its
22 allowable fiscal year spending under section 20 of article X of the state
23 constitution and that could result in a refund of excess revenues under
24 said section 20.

25 **SECTION 12.** 43-4-612 (2), Colorado Revised Statutes, is
26 amended to read:

27 **43-4-612. Referendum.** (2) No action by an authority creating

1 a multiple fiscal year debt or other financial obligation that is subject to
2 section 20 (4) (b) of article X of the state constitution shall take effect
3 unless first submitted to a vote of the registered electors residing within
4 the boundaries of the authority; except that no such vote is required for
5 obligations of ~~rural~~ REGIONAL transportation activity enterprises
6 established under section 43-4-606 or for obligations of any other
7 enterprise under section 20 (2) (d) of article X of the state constitution.

8 **SECTION 13.** 43-4-614 (1) (a) and (3) (a), Colorado Revised
9 Statutes, are amended to read:

10 **43-4-614. Notice - coordination of information.** (1) (a) At least
11 forty-five days prior to the creation of any authority pursuant to this part
12 6, a notice containing the proposed boundaries of the authority and the
13 methods proposed for financing ~~rural~~ REGIONAL transportation systems
14 in the authority shall be sent to the division and to the department of
15 revenue.

16 (3) (a) The division shall file an annual report with the state
17 auditor and transportation commission concerning the activities of
18 authorities created pursuant to this part 6. The report shall detail how
19 many authorities have been created, describe their boundaries, and
20 specify the ~~rural~~ REGIONAL transportation systems that are being provided
21 and how they are being financed.

22 **SECTION 14.** 43-4-616, Colorado Revised Statutes, is amended
23 to read:

24 **43-4-616. Investments.** An authority may invest or deposit any
25 funds in the manner provided by part 6 of article 75 of title 24, C.R.S. In
26 addition, an authority may direct a corporate trustee that holds funds of
27 the authority to invest or deposit the funds in investments or deposits

1 other than those specified by said part 6 if the board determines, by
2 resolution, that the investment or deposit meets the standard established
3 in section 15-1-304, C.R.S., the income is at least comparable to income
4 available on investments or deposits specified by said part 6, and the
5 investment will assist the authority in the financing, construction,
6 operation, or maintenance of ~~rural~~ REGIONAL transportation systems.

7 **SECTION 15.** 24-72-202 (5), Colorado Revised Statutes, is
8 amended to read:

9 **24-72-202. Definitions.** As used in this part 2, unless the context
10 otherwise requires:

11 (5) "Political subdivision" means and includes every county, city
12 and county, city, town, school district, special district, public highway
13 authority, ~~rural~~ REGIONAL transportation authority, and housing authority
14 within this state.

15 **SECTION 16.** 39-21-201 (2), Colorado Revised Statutes, is
16 amended to read:

17 **39-21-201. Program established.** (2) A taxpayer eligible to
18 participate in the tax amnesty program shall include any taxpayer liable
19 for payment of income taxes imposed pursuant to article 22 of this title,
20 estate taxes imposed pursuant to article 23.5 of this title, inheritance taxes
21 imposed pursuant to article 24 of this title, gift taxes imposed pursuant to
22 article 25 of this title, sales and use taxes imposed pursuant to article 26
23 of this title, gasoline and special fuel taxes imposed pursuant to article 27
24 of this title, cigarette taxes imposed pursuant to article 28 of this title,
25 taxes on tobacco products imposed pursuant to article 28.5 of this title,
26 severance taxes imposed pursuant to article 29 of this title, waste tire fees
27 collected by the department pursuant to section 25-17-202, C.R.S.,

1 county or municipal sales taxes collected by the executive director
2 pursuant to article 2 of title 29, C.R.S., local marketing and promotion
3 taxes collected by the department pursuant to section 29-25-112, C.R.S.,
4 county lodging taxes collected by the department pursuant to section
5 30-11-107.5, C.R.S., county rental taxes collected by the department
6 pursuant to section 30-11-107.7, C.R.S., local improvement district sales
7 taxes collected by the department pursuant to section 30-20-604.5,
8 C.R.S., regional transportation district sales and use taxes imposed
9 pursuant to article 9 of title 32, C.R.S., Denver metropolitan scientific
10 and cultural facilities district sales and use taxes imposed pursuant to
11 article 13 of title 32, C.R.S., Denver metropolitan major league baseball
12 stadium district sales and use taxes imposed pursuant to article 14 of title
13 32, C.R.S., metropolitan football stadium district sales and use taxes
14 imposed pursuant to article 15 of title 32, C.R.S., and ~~rural~~ REGIONAL
15 transportation authority sales and use taxes collected by the department
16 pursuant to section 43-4-605 (1) (j), C.R.S.

17 **SECTION 17.** 42-4-613, Colorado Revised Statutes, is amended
18 to read:

19 **42-4-613. Failure to pay toll established by regional**
20 **transportation authority.** Any person who fails to pay a required fee,
21 toll, rate, or charge established by a ~~rural~~ REGIONAL transportation
22 authority created pursuant to part 6 of article 4 of title 43, C.R.S., for the
23 privilege of traveling on or using any property included in a ~~rural~~
24 REGIONAL transportation system pursuant to part 6 of article 4 of title 43,
25 C.R.S., commits a class A traffic infraction.

26 **SECTION 18.** 43-2-145 (1.9), Colorado Revised Statutes, is
27 amended to read:

1 **43-2-145. Transportation legislation review - committee.**

2 (1.9) The committee may review any phase of operations of any ~~rural~~
3 REGIONAL transportation authority created pursuant to part 6 of article 4
4 of this title, including the planning and construction of ~~rural~~ REGIONAL
5 transportation systems, prior to and during the completion of such
6 systems. The committee may also conduct a postoperation review of any
7 system to determine whether the system was completed in the most
8 cost-effective and efficient manner. The committee may require any ~~rural~~
9 REGIONAL transportation authority to prepare and adopt long-range plans
10 for the development of ~~rural~~ REGIONAL transportation systems, and the
11 committee shall monitor the progress of ~~such~~ THE plans. The committee
12 may also require financial or performance audits to be conducted.

13 **SECTION 19. Effective date.** (1) This act shall take effect
14 January 1, 2006.

15 (2) However, if a referendum petition is filed against this act or
16 an item, section, or part of this act during the 90-day period after final
17 adjournment of the general assembly that is allowed for submitting a
18 referendum petition pursuant to article V, section 1 (3) of the state
19 constitution, then the act, item, section, or part, shall not take effect
20 unless approved by the people at a biennial regular general election and
21 shall take effect on the date specified in subsection (1) or on the date of
22 the official declaration of the vote thereon by proclamation of the
23 governor, whichever is later.