

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 06-0168.01 Jason Gelender

HOUSE BILL 06-1003

HOUSE SPONSORSHIP

Pommer, Borodkin, Green, Hefley, Larson, and McFadyen

SENATE SPONSORSHIP

Williams, Isgar, and Wiens

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PRIVATE TOLL ROADS AND TOLL HIGHWAYS, AND, IN**
102 **CONNECTION THEREWITH, SPECIFYING REQUIREMENTS THAT**
103 **MUST BE MET BEFORE A CORPORATION CAN CONSTRUCT A**
104 **PRIVATE TOLL ROAD OR TOLL HIGHWAY.**

Bill Summary

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

Transportation Legislation Review Committee. Requires a corporation formed for the purposes of constructing a private toll road or toll highway (corporation) to:

Specify in its certificate of incorporation a proposed route

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.

HOUSE
Amended 2nd Reading
April 26, 2006

for the toll road or toll highway within 3 miles;
Commence work on the toll road or toll highway within 3 years after incorporating and continue the work until it has expended at least \$500,000 or forfeit all rights acquired under its certificate of incorporation and be administratively dissolved;
Comply with all department of transportation (department) standards for state transportation projects when planning, constructing, and maintaining a toll highway;
Before constructing and operating a toll road or toll highway, undertake, at its own expense, the analysis and receive the approvals that would be required for any new segment of a federal interstate highway, including but not limited to: Certification by the executive director of the department (executive director) that all applicable required regional transportation and statewide transportation plans approved by the transportation commission (commission) include the toll road or toll highway and that the corporation has prepared an environmental, economic, and social impact analysis that meets all substantive and approval requirements imposed by specified federal laws and regulations; identification and implementation of all mitigation measures required by specified federal regulations; and transportation planning region approval with attendant incorporation into regional and statewide transportation plans of the proposed toll road or toll highway and the mitigation and financial plans prepared by the corporation;
Bear the responsibility for defending any legal challenge filed in a court to the adequacy of an impact analysis;
Within 45 days following its incorporation, send written notice of its incorporation, its intent to construct a toll road or toll highway, and the route of the toll road or toll highway as specified within its certificate of incorporation to the executive director and to the board of directors of each metropolitan planning organization through which the route of the toll road or toll highway will pass;
Within 45 days following its incorporation, provide written individual notice through a specified process to each person who owns real property within the route specified in the certificate of incorporation of the intent of the corporation to construct a toll road or toll highway and, if applicable, to acquire the person's real property, and record the notice with the office of the clerk and recorder of the county that includes the real property;

File a disclaimer of interest with the clerk and recorder's office in the county of residence of each person to whom the corporation provided written notice that expressly states that the certificate of incorporation does not effect an interest in the person's real property within the route specified in the certificate of incorporation;
Comply with certain standards, procedures, and other requirements specified in the act; and
Obtain plan and land use approval from the board of county commissioners of the county in which property to be affected by the construction is located.

Specifies that a toll road or toll highway shall be included by amendment in an applicable regional and statewide transportation plan only if:

The corporation has complied with all planning, construction, maintenance, and environmental mitigation standards and requirements specified in or developed in accordance with the act;

The applicable transportation planning region and the department certify that the taxpayers of the state or any county will not bear any direct or indirect costs resulting from the construction, operation, or maintenance of the toll road or toll highway; and

The corporation establishes to the satisfaction of the commission that the proposed toll road or toll highway is financially viable and the corporation has or can obtain sufficient financial resources to construct, operate, and maintain the toll road or toll highway.

Requires a corporation that has previously filed a certificate of incorporation that does not comply with the new notice and disclaimer of interest requirements of the act to file a new or amended certificate of incorporation within 30 days of the date the new requirements take effect that certifies that the corporation will satisfy the requirements. Specifies that if a corporation is sold or sells its interest in a toll road or toll highway or real property obtained for the purpose of constructing or operating a toll road or toll highway, the purchaser shall use any real property purchased only for the purpose of constructing or operating a toll road or toll highway.

Allows the executive director to charge a fee to a corporation to cover the reasonable expenses incurred by the executive director and the department in determining whether to grant any approval or certification required to be obtained from the executive director. Requires a corporation to provide written notification to the commission of its intent to sell a property interest in a toll road or toll highway. Allows the commission, within 45 days following notification, to adopt a resolution

that prohibits the corporation from completing the sale of the property interest, and allows the corporation to complete the sale of the property interest if the commission does not adopt such a resolution.

Makes legislative finding and declarations.

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

2 **SECTION 1.** Article 45 of title 7, Colorado Revised Statutes, is
3 **REPEALED AND REENACTED, WITH AMENDMENTS, to read:**

4 **ARTICLE 45**

5 **Toll Road Companies**

6 **7-45-101. Formation of toll road or toll highway company -**
7 **description of corridor.** (1) A TOLL ROAD OR TOLL HIGHWAY COMPANY
8 SHALL BE FORMED UNDER COLORADO LAW, AND ITS FILED FORMATION
9 DOCUMENT SHALL SPECIFY AND MAP A THREE-MILE CORRIDOR WITHIN
10 WHICH A TOLL ROAD OR TOLL HIGHWAY OR A TOLL ROAD OR TOLL
11 HIGHWAY PROJECT WILL BE LOCATED AND IDENTIFY THE GENERAL
12 LOCATION OF THE TERMINI WITHIN THE CORRIDOR. IF A TOLL ROAD OR
13 TOLL HIGHWAY COMPANY COMPLIES WITH THE PROVISIONS OF THIS
14 ARTICLE, IT SHALL HAVE THE POWER TO ERECT TOLL GATES AND SET AND
15 COLLECT TOLLS.

16 (2) THE SECRETARY OF STATE SHALL MAINTAIN A LIST OF ALL TOLL
17 ROAD AND TOLL HIGHWAY COMPANIES AND SHALL MAKE THE LIST AND
18 THE FILED FORMATION DOCUMENTS FOR ALL TOLL ROAD AND TOLL
19 HIGHWAY COMPANIES AVAILABLE TO THE PUBLIC. TO ALLOW THE
20 SECRETARY OF STATE TO EFFICIENTLY COMPILE AND MAINTAIN AN
21 ACCESSIBLE LIST, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL
22 INCLUDE THE DESIGNATION "PTR" IN ITS OFFICIAL NAME AS SPECIFIED IN
23 ITS FILED FORMATION DOCUMENT.

1 (3) NOTHING IN ARTICLES 30 TO 52, 101 TO 117, OR 121 TO 137 OF
2 THIS TITLE SHALL BE CONSTRUED TO AUTHORIZE A TOLL ROAD OR TOLL
3 HIGHWAY COMPANY TO LOCATE ALL OR ANY PART OF ITS THREE-MILE
4 CORRIDOR, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, UPON ANY
5 EXISTING TOLL ROAD, TOLL HIGHWAY, OR PUBLIC HIGHWAY THAT IS, AT
6 THE TIME OF THE FORMATION OF THE COMPANY, USED AS SUCH, OR WITHIN
7 FIVE MILES OF THE ROUTE OR CORRIDOR FOR A FUTURE TOLL ROAD, TOLL
8 HIGHWAY, OR TOLL ROAD OR TOLL HIGHWAY PROJECT THAT HAS BEEN
9 DESIGNATED IN ANY PREVIOUSLY FILED FORMATION DOCUMENT EXCEPT
10 AS NECESSARY TO CROSS THE TOLL ROAD, TOLL HIGHWAY, PROJECT,
11 ROUTE, OR CORRIDOR.

12 (4) UPON THE EFFECTIVE DATE OF THIS SUBSECTION (4), ANY TOLL
13 ROAD OR TOLL HIGHWAY COMPANY WHOSE EXISTING CERTIFICATE OF
14 INCORPORATION SPECIFIES THE ROUTE OF A FUTURE TOLL ROAD OR TOLL
15 HIGHWAY OR THE LOCATION OF A FUTURE TOLL ROAD OR TOLL HIGHWAY
16 PROJECT, OR ANY AFFILIATE OF SUCH A COMPANY, SHALL HAVE THE
17 EXCLUSIVE RIGHT FOR A PERIOD OF NINETY DAYS TO FILE NEW OR
18 AMENDED FORMATION DOCUMENTS THAN ENCOMPASS LAND WITHIN THE
19 SPECIFIED ROUTE.

20 **7-45-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "ASSOCIATED RAIL CORRIDOR" MEANS A CORRIDOR FOR A
23 PROPOSED RAIL LINE AND ANY RELATED RAIL FACILITIES NECESSARY FOR
24 THE OPERATION OF A RAIL LINE THAT ARE TO BE LOCATED IN THE
25 RIGHT-OF-WAY OF A TOLL ROAD OR TOLL HIGHWAY.

26 (2) "ASSOCIATED SERVICE AREA" MEANS A GAS STATION,
27 RESTAURANT, OR OTHER TRAVEL-RELATED SERVICE THAT SERVES

1 MOTORISTS USING A TOLL ROAD OR TOLL HIGHWAY.

2 (3) "ASSOCIATED UTILITY CORRIDOR" MEANS A UTILITY LINE OR
3 SYSTEM AND ANY RELATED INFRASTRUCTURE USED TO CONVEY GAS,
4 ELECTRICITY, WATER, SEWAGE, TELECOMMUNICATIONS SIGNALS, DATA, OR
5 OTHER MEDIA LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF A
6 TOLL ROAD OR TOLL HIGHWAY.

7 (4) "COMMENTING STATE AGENCIES" MEANS THE DEPARTMENT OF
8 TRANSPORTATION, THE DEPARTMENT OF PUBLIC HEALTH AND
9 ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, THE
10 DEPARTMENT OF AGRICULTURE, AND THE DEPARTMENT OF LOCAL AFFAIRS.

11 (5) "COMMERCIAL, RESIDENTIAL, AND INDUSTRIAL DEVELOPMENT"
12 MEANS THE DEVELOPMENT OF OFFICES, SHOPS, STORES, HOTELS,
13 RESTAURANTS, BARS, WAREHOUSES, FACTORIES, HOUSES, APARTMENTS,
14 CONDOMINIUMS, AND OTHER BUILDINGS AND STRUCTURES USED FOR THE
15 SALE AND RENTAL OF GOODS OR SERVICES, FOR THE MANUFACTURE,
16 FABRICATION, ASSEMBLY, OR STORAGE OF PRODUCTS, OR FOR SLEEPING OR
17 DWELLING.

18 (6) "COMPANY" MEANS A DOMESTIC CORPORATION, GENERAL
19 PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY COMPANY,
20 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY LIMITED
21 PARTNERSHIP, LIMITED PARTNERSHIP ASSOCIATION, NONPROFIT
22 ASSOCIATION, NONPROFIT CORPORATION, COOPERATIVE, OR OTHER
23 ORGANIZATION OR ASSOCIATION THAT IS CREATED UNDER A STATUTE OR
24 COMMON LAW OF THIS STATE AND THAT IS RECOGNIZED UNDER THE LAW
25 OF THIS STATE AS A SEPARATE LEGAL ENTITY.

26 (7) "FILED FORMATION DOCUMENT" MEANS ARTICLES OF
27 INCORPORATION, ARTICLES OF ORGANIZATION, A CERTIFICATE OF LIMITED

1 PARTNERSHIP, ARTICLES OF ASSOCIATION, A STATEMENT OF
2 REGISTRATION, OR ANY OTHER DOCUMENT OF SIMILAR IMPORT FILED BY
3 AN ENTITY WITH THE SECRETARY OF STATE UNDER WHICH THE ENTITY IS
4 FORMED OR OBTAINS ITS LEGAL STATUS IN THIS STATE.

5 (8) "TOLL ROAD" OR "TOLL HIGHWAY" MEANS A SERIES OF
6 IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO PAVING, GRADING,
7 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
8 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, FRONTAGE ROADS,
9 ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES, MASS TRANSIT
10 LANES, PARK AND RIDE FACILITIES, TOLL COLLECTION FACILITIES,
11 ADMINISTRATIVE OR MAINTENANCE FACILITIES, AND EMERGENCY
12 RESPONSE AND LAW ENFORCEMENT SERVICES. NOTHING IN THIS ARTICLE
13 SHALL BE CONSTRUED TO AFFECT ANY COMMON CARRIER, AS DEFINED IN
14 SECTION 40-1-102 (3), C.R.S., INCLUDING, BUT NOT LIMITED TO, ANY
15 RAILROAD. ANY UTILITY LINE, SYSTEM, OR INFRASTRUCTURE SHALL BE
16 SUBJECT TO A REASONABLE FEE AND REASONABLE RELOCATION
17 PROVISIONS.

18 (9) "TOLL ROAD OR TOLL HIGHWAY COMPANY" MEANS A COMPANY
19 THAT PROPOSES TO CONSTRUCT A TOLL ROAD OR TOLL HIGHWAY IN THIS
20 STATE UNDER THE PROVISIONS OF THIS ARTICLE.

21 (10) "TOLL ROAD OR TOLL HIGHWAY PROJECT" OR "PROJECT"
22 MEANS A PROPOSED TOLL ROAD OR TOLL HIGHWAY TOGETHER WITH ANY
23 ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED
24 UTILITY CORRIDOR.

25 **7-45-103. Deadline to commence work - maintenance of effort**
26 **requirement.** A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL
27 COMMENCE WORK, INCLUDING BUT NOT LIMITED TO PLANNING, DESIGN,

1 ENVIRONMENTAL, MITIGATION, AND OTHER PRECONSTRUCTION WORK, ON
2 THE TOLL ROAD OR TOLL HIGHWAY PROPOSED IN THE FILED FORMATION
3 DOCUMENT NO LATER THAN THREE YEARS AFTER THE FILING OF THE
4 DOCUMENT, OR WITHIN ONE YEAR AFTER RECEIVING ALL NECESSARY
5 APPROVALS FOR CONSTRUCTION. IF ANY NECESSARY APPROVAL IS THE
6 SUBJECT OF ADMINISTRATIVE OR JUDICIAL REVIEW, THEN THE ONE-YEAR
7 PERIOD SHALL BE AUTOMATICALLY EXTENDED UNTIL ONE YEAR AFTER ALL
8 ADMINISTRATIVE OR JUDICIAL REVIEW HAS BEEN CONCLUDED. THE TOLL
9 ROAD OR TOLL HIGHWAY COMPANY AND ANY SUCCESSOR TOLL ROAD OR
10 TOLL HIGHWAY COMPANY SHALL CONTINUE THE WORK FROM DAY TO DAY
11 UNTIL AT LEAST FIVE HUNDRED THOUSAND DOLLARS HAVE BEEN
12 EXPENDED ON THE TOLL ROAD OR TOLL HIGHWAY. IF THE TOLL ROAD OR
13 TOLL HIGHWAY COMPANY FAILS TO PERFORM THE REQUIRED WORK, IT
14 SHALL FORFEIT ALL RIGHTS ACQUIRED UNDER ITS FILED FORMATION
15 DOCUMENT AND BE ADMINISTRATIVELY DISSOLVED. IF THE TOLL ROAD OR
16 TOLL HIGHWAY COMPANY PERFORMS THE REQUIRED WORK, IT SHALL HAVE
17 THE EXCLUSIVE RIGHT TO DEVELOP OR SEEK APPROVAL TO DEVELOP A
18 TOLL ROAD OR TOLL HIGHWAY WITHIN THE THREE-MILE CORRIDOR
19 SPECIFIED IN ITS FILED FORMATION DOCUMENT AS REQUIRED BY SECTION
20 7-45-101 (1).

21 **7-45-104. Acquisition of right-of-way.** (1) NOTWITHSTANDING
22 THE PROVISIONS OF SECTION 38-2-101, C.R.S., ON AND AFTER THE
23 EFFECTIVE DATE OF THIS SECTION, A TOLL ROAD OR TOLL HIGHWAY
24 COMPANY SHALL NOT HAVE THE POWER TO EXERCISE THE RIGHT OF
25 EMINENT DOMAIN TO ACQUIRE ANY PART OF THE RIGHT-OF-WAY OF THE
26 THREE-MILE CORRIDOR OF A PROPOSED TOLL ROAD OR TOLL HIGHWAY
27 SPECIFIED IN THE FILED FORMATION DOCUMENT OF THE COMPANY AS

1 REQUIRED BY SECTION 7-45-101 (1). NOTHING HEREIN SHALL PROHIBIT A
2 TOLL ROAD OR TOLL HIGHWAY COMPANY FROM ENTERING INTO A
3 PUBLIC-PRIVATE INITIATIVE WITH THE DEPARTMENT OF TRANSPORTATION
4 IN ACCORDANCE WITH THE PROVISIONS OF PART 12 OF ARTICLE 1 OF TITLE
5 43, C.R.S., AND AS AUTHORIZED IN SECTION 7-45-111 FOR THE PURPOSE
6 OF ENABLING THE CONSTRUCTION OF SUCH A TOLL ROAD OR TOLL
7 HIGHWAY, BUT IN SUCH A CASE THE POWER OF EMINENT DOMAIN SHALL
8 NOT BE EXERCISED BY THE TOLL ROAD OR TOLL HIGHWAY COMPANY AND
9 MAY BE EXERCISED BY THE DEPARTMENT ONLY FOR PURPOSES OF
10 ACQUIRING PROPERTY AND RIGHTS-OF-WAY NECESSARY FOR THE
11 COMPLETION OF A TOLL ROAD OR TOLL HIGHWAY OPEN TO THE PUBLIC
12 THAT IS INCORPORATED INTO THE COMPREHENSIVE STATEWIDE
13 TRANSPORTATION PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5),
14 C.R.S. THE DEPARTMENT MAY NOT USE THE POWER OF EMINENT DOMAIN
15 PROVIDED IN THIS SECTION TO ACQUIRE A CEMETERY, AS DEFINED IN
16 SECTION 10-15-102 (2), C.R.S., OR PROPERTY OWNED BY OR PRIMARILY
17 USED BY A RELIGIOUS ORGANIZATION. IN EXERCISING THE POWER OF
18 EMINENT DOMAIN, THE DEPARTMENT SHALL COMPLY WITH ALL LAWS AND
19 ADMINISTRATIVE RULES THAT GOVERN THE DEPARTMENT'S USE OF
20 EMINENT DOMAIN FOR STATE HIGHWAY PROJECTS, AND THE
21 RIGHTS-OF-WAY ACQUIRED SHALL FORM A CORRIDOR NO LARGER THAN
22 THAT APPROVED BY ALL AFFECTED METROPOLITAN PLANNING
23 ORGANIZATIONS, REGIONAL PLANNING COMMISSIONS, AND THE
24 TRANSPORTATION COMMISSION PURSUANT TO SECTIONS 7-45-105 AND
25 7-45-106. IN ACCORDANCE WITH SECTION 43-1-1204, (3) (b), C.R.S., THE
26 DEPARTMENT MAY NOT SELL OR OTHERWISE TRANSFER OWNERSHIP OF
27 PROPERTY OR RIGHTS-OF-WAY ACQUIRED THROUGH THE EXERCISE OF THE

1 POWER OF EMINENT DOMAIN AS AUTHORIZED BY THIS SECTION TO A TOLL
2 ROAD OR TOLL HIGHWAY COMPANY.

3 (2) AS USED IN THIS SECTION, "RELIGIOUS ORGANIZATION" MEANS
4 ANY ORGANIZATION, CHURCH, BODY OF COMMICANTS, OR GROUP, NOT
5 FOR PECUNIARY PROFIT, GATHERED IN COMMON MEMBERSHIP FOR MUTUAL
6 SUPPORT AND EDIFICATION IN PIETY, WORSHIP, AND RELIGIOUS
7 OBSERVANCES OR A SOCIETY, NOT FOR PECUNIARY PROFIT, OF INDIVIDUALS
8 UNITED FOR RELIGIOUS PURPOSES AT A DEFINITE PLACE.

9 **7-45-105. Planning standards and project review.** (1) A TOLL
10 ROAD OR TOLL HIGHWAY COMPANY SHALL NOT COMMENCE THE
11 CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY OR OF ANY OTHER
12 ELEMENT OF A TOLL ROAD OR TOLL HIGHWAY PROJECT UNTIL THE TOLL
13 ROAD OR TOLL HIGHWAY OR OTHER ELEMENT HAS BEEN REVIEWED BY
14 EVERY METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING
15 COMMISSION THAT IS LOCATED IN WHOLE OR IN PART WITHIN THE
16 THREE-MILE CORRIDOR DESIGNATED BY THE TOLL ROAD OR TOLL HIGHWAY
17 COMPANY AS REQUIRED BY SECTION 7-45-101 (1) AND HAS BEEN
18 INCLUDED IN THE REGIONAL TRANSPORTATION PLAN IN EFFECT FOR THE
19 REGION PURSUANT TO SECTION 43-1-1103, C.R.S., AND IN THE
20 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN REQUIRED PURSUANT
21 TO SECTION 43-1-1103 (5), C.R.S. IN DESIGNATED NONATTAINMENT
22 AREAS FOR ANY POLLUTANT PURSUANT TO THE FEDERAL "CLEAN AIR
23 ACT", 42 U.S.C. SEC. 7401 ET SEQ., AS AMENDED, A METROPOLITAN
24 PLANNING ORGANIZATION OR REGIONAL PLANNING COMMISSION SHALL
25 NOT INCLUDE A TOLL ROAD OR TOLL HIGHWAY PROJECT IN THE REGIONAL
26 TRANSPORTATION PLAN UNLESS THE ORGANIZATION OR COMMISSION HAS
27 PERFORMED AN EMISSIONS ANALYSIS THAT DEMONSTRATES THAT

1 REGIONAL EMISSIONS AND LOCAL PROJECT EMISSIONS WILL CONTINUE TO
2 CONFORM TO THE STATE IMPLEMENTATION PLAN IF THE PROJECT IS ADDED
3 TO THE REGIONAL TRANSPORTATION PLAN. THE TOLL ROAD OR TOLL
4 HIGHWAY COMPANY SHALL PAY THE REASONABLE ACTUAL COSTS FOR THE
5 EMISSIONS ANALYSIS. EACH ORGANIZATION OR COMMISSION MAY
6 CONDITION ITS ADDITION OF A TOLL ROAD OR TOLL HIGHWAY PROJECT
7 INTO THE REGIONAL TRANSPORTATION PLAN UPON ACCEPTABLE
8 ENVIRONMENTAL MITIGATION ACTIVITIES AND COMMITMENTS TO OFFSET
9 INCREMENTAL COSTS OF PUBLIC SERVICES THAT WILL BE NECESSARY AS A
10 RESULT OF DEVELOPMENT OF THE PROJECT WITHIN THE PLANNING REGION.

11 (2) AT LEAST THIRTY DAYS BEFORE A METROPOLITAN PLANNING
12 ORGANIZATION OR REGIONAL PLANNING COMMISSION MAY AMEND ITS
13 REGIONAL TRANSPORTATION PLAN PURSUANT TO SUBSECTION (1) OF THIS
14 SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PROVIDE THE
15 ORGANIZATION OR COMMISSION INFORMATION ON THE TOLL ROAD OR TOLL
16 HIGHWAY PROJECT BEING CONSIDERED FOR ADDITION TO THE PLAN THAT
17 INCLUDES THE FINAL ENVIRONMENTAL DOCUMENTATION REQUIRED BY
18 SECTION 7-45-106 (1) (b) (IV), THE OPERATING PLAN FOR THE PROJECT,
19 THE TECHNOLOGY TO BE UTILIZED, AN ASSESSMENT OF PROJECT
20 FEASIBILITY, AND AN ASSESSMENT OF THE LONG-TERM VIABILITY OF THE
21 PROJECT.

22 (3) (a) AT THE DISCRETION OF A METROPOLITAN PLANNING
23 ORGANIZATION OR REGIONAL PLANNING COMMISSION, A REGIONAL PLAN
24 MAY INITIALLY BE AMENDED TO INCLUDE ONLY ENVIRONMENTAL AND
25 PRECONSTRUCTION ACTIVITIES, EXCLUDING RIGHT-OF-WAY ACQUISITION,
26 RELATING TO A TOLL ROAD OR TOLL HIGHWAY PROJECT AND MAY LATER
27 BE AMENDED TO INCLUDE ACTUAL CONSTRUCTION AND RIGHT-OF-WAY

1 ACQUISITION OF THE PROJECT FOLLOWING AGREEMENT BY THE
2 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING
3 COMMISSION THAT ACCEPTABLE ENVIRONMENTAL MITIGATION ACTIVITIES
4 AND COMMITMENTS TO OFFSET INCREMENTAL COSTS OF PUBLIC SERVICES
5 ARE INCLUDED IN THE PROJECT PLANS.

6 (b) UPON REQUEST OF A LOCAL GOVERNMENT LOCATED IN WHOLE
7 OR IN PART WITHIN THE THREE-MILE CORRIDOR OF A PROPOSED TOLL ROAD
8 OR TOLL HIGHWAY OR TOLL ROAD OR TOLL HIGHWAY PROJECT AS
9 SPECIFIED PURSUANT TO SECTION 7-45-101 (1), A TOLL ROAD OR TOLL
10 HIGHWAY COMPANY SHALL CONSULT WITH REPRESENTATIVES FROM THE
11 LOCAL GOVERNMENT AND SHALL CONSIDER AVAILABLE MITIGATION OF
12 DEMONSTRABLE NEGATIVE IMPACTS ON THE LOCAL GOVERNMENT OR ITS
13 CITIZENS THAT WOULD RESULT FROM THE CONSTRUCTION, OPERATION, OR
14 FINANCING OF THE TOLL ROAD OR TOLL HIGHWAY OR PROJECT.

15 **7-45-106. Environmental standards and review.**

16 (1) (a) BEFORE CONSTRUCTING AND OPERATING A TOLL ROAD OR TOLL
17 HIGHWAY OR ANY OTHER ELEMENT OF A TOLL ROAD OR TOLL HIGHWAY
18 PROJECT, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PREPARE, AT
19 ITS OWN EXPENSE, ENVIRONMENTAL DOCUMENTATION THAT COMPLIES
20 WITH THE ENVIRONMENTAL STEWARDSHIP GUIDE APPROVED BY THE
21 TRANSPORTATION COMMISSION IN MAY 2005. THE DOCUMENTATION
22 SHALL DESCRIBE THE ENVIRONMENTAL, SOCIAL, AND ECONOMIC EFFECTS
23 OF THE PROPOSED TOLL ROAD, TOLL HIGHWAY, OR PROJECT, IDENTIFY
24 FEASIBLE MEASURES TO AVOID OR OTHERWISE MITIGATE THE ADVERSE
25 EFFECTS OF THE PROJECT, AND ESTIMATE THE FINANCIAL COSTS TO
26 IMPLEMENT MITIGATION MEASURES THAT ARE INCLUDED IN THE PROJECT
27 OR HAVE BEEN PREVIOUSLY RECOMMENDED IN WRITING BY THE

1 COMMENTING STATE AGENCIES OR AN AFFECTED METROPOLITAN
2 PLANNING ORGANIZATION OR REGIONAL TRANSPORTATION COMMISSION
3 AND COMPLY WITH FEDERAL AND STATE AIR AND WATER QUALITY
4 STANDARDS, APPROVALS, AND PERMITS.

5 (b) (I) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL NOT
6 BEGIN WORK ON ENVIRONMENTAL DOCUMENTATION REQUIRED BY
7 PARAGRAPH (a) OF THIS SUBSECTION (1) UNTIL IT HAS OBTAINED
8 PRELIMINARY APPROVAL FROM THE EXECUTIVE DIRECTOR OF THE
9 DEPARTMENT OF TRANSPORTATION THAT THE SCOPE OF THE PLANNED
10 ENVIRONMENTAL DOCUMENTATION IS CONSISTENT WITH THE
11 ENVIRONMENTAL STEWARDSHIP GUIDE ISSUED BY THE DEPARTMENT IN
12 MAY 2005 AND ALL OTHER REQUIREMENTS OF PARAGRAPH (a) OF THIS
13 SUBSECTION (1).

14 (II) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PROVIDE A
15 COPY OF ANY DRAFT ENVIRONMENTAL DOCUMENTATION IT PREPARES AS
16 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE
17 COMMENTING STATE AGENCIES, AFFECTED METROPOLITAN PLANNING
18 ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND AFFECTED
19 LOCAL GOVERNMENTS. THE TOLL ROAD OR TOLL HIGHWAY COMPANY
20 SHALL ALSO MAKE THE DRAFT ENVIRONMENTAL DOCUMENTATION
21 ELECTRONICALLY OR OTHERWISE AVAILABLE TO THE PUBLIC. THE
22 COMMENTING STATE AGENCIES MAY, WITHIN SIXTY DAYS, PROVIDE THE
23 TOLL ROAD OR TOLL HIGHWAY COMPANY AND AFFECTED METROPOLITAN
24 PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS WITH
25 THEIR ANALYSES OF THE ADEQUACY OF THE ENVIRONMENTAL
26 DOCUMENTATION AND SHALL MAKE THE ANALYSES AVAILABLE TO THE
27 PUBLIC.

1 (III) EACH OF THE COMMENTING AGENCIES MAY CHARGE A FEE TO
2 A TOLL ROAD OR TOLL HIGHWAY COMPANY TO COVER THE REASONABLE
3 EXPENSES THAT IT INCURRED IN FULFILLING THE REQUIREMENTS OF
4 SUBPARAGRAPHS (I) AND (II), AS APPLICABLE, OF THIS PARAGRAPH (b).

5 (IV) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PREPARE
6 FINAL ENVIRONMENTAL DOCUMENTATION THAT ADDRESSES COMMENTS
7 RECEIVED FROM THE COMMENTING STATE AGENCIES, METROPOLITAN
8 PLANNING ORGANIZATIONS, REGIONAL PLANNING COMMISSIONS, AND
9 OTHER INTERESTED PARTIES. THE FINAL ENVIRONMENTAL
10 DOCUMENTATION SHALL BE MADE AVAILABLE TO THE DEPARTMENT OF
11 TRANSPORTATION AND THE PUBLIC AT LEAST THIRTY DAYS PRIOR TO
12 PUBLICATION OF ANY NOTICE OF HEARING SCHEDULED BY THE
13 COMMISSION PURSUANT TO SUBSECTION (2) OF THIS SECTION.

14 (2) THE TRANSPORTATION COMMISSION CREATED IN SECTION
15 43-1-106, C.R.S., SHALL NOT REVISE THE COMPREHENSIVE STATEWIDE
16 TRANSPORTATION PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5),
17 C.R.S., TO INCLUDE TOLL ROAD, TOLL HIGHWAY, OR A TOLL ROAD OR
18 TOLL HIGHWAY PROJECT SUBJECT TO THE REQUIREMENTS OF THIS SECTION
19 UNLESS THE COMMISSION, AFTER HOLDING A PUBLIC HEARING,
20 DETERMINES THAT:

21 (a) THE REQUIREMENTS OF SECTION 7-45-105 AND SUBSECTION (1)
22 OF THIS SECTION HAVE BEEN MET;

23 (b) THE TOLL ROAD, TOLL HIGHWAY, OR PROJECT IS:

24 (I) NECESSARY TO MEET THE TRANSPORTATION NEEDS OF THE
25 STATE;

26 (II) CONSISTENT WITH SECTION 43-1-1103 (5), C.R.S., AND THE
27 POLICIES OF THE TRANSPORTATION COMMISSION;

1 (III) CONSISTENT WITH SECTION 23 U.S.C. SEC. 135; AND

2 (IV) IN THE PUBLIC INTEREST.

3 (c) THE TOLL ROAD, TOLL HIGHWAY, OR PROJECT SPONSOR HAS
4 ESTABLISHED A RESERVE FUND, PERFORMANCE BOND, OR OTHER
5 APPROPRIATE MECHANISM TO ENSURE FULL PAYMENT OF THE COSTS OF
6 COMPLIANCE WITH FEDERAL AND STATE AIR AND WATER QUALITY
7 STANDARDS, OTHER FEDERAL AND STATE ENVIRONMENTAL
8 REQUIREMENTS, AND MITIGATION MEASURES INCLUDED IN THE TOLL
9 ROAD, TOLL HIGHWAY, OR PROJECT OR REQUIRED BY THE
10 TRANSPORTATION COMMISSION, A METROPOLITAN PLANNING
11 ORGANIZATION, OR A REGIONAL PLANNING COMMISSION; AND

12 (d) THE TOLL ROAD, TOLL HIGHWAY, OR PROJECT SPONSOR HAS
13 ENTERED INTO ENFORCEABLE AGREEMENTS WITH THE DEPARTMENT OF
14 TRANSPORTATION, OR AGREEMENTS WITH AFFECTED LOCAL
15 GOVERNMENTS THAT ARE ACCEPTABLE TO THE TRANSPORTATION
16 COMMISSION, TO ENSURE THAT MITIGATION MEASURES INCLUDED IN THE
17 PROJECT OR REQUIRED BY THE TRANSPORTATION COMMISSION, A
18 METROPOLITAN PLANNING ORGANIZATION, OR A REGIONAL PLANNING
19 COMMISSION WILL BE IMPLEMENTED.

20 (3) THE TRANSPORTATION COMMISSION MAY CONDITION ITS
21 ADDITION OF A TOLL ROAD OR TOLL HIGHWAY OR A TOLL ROAD OR TOLL
22 HIGHWAY PROJECT INTO THE COMPREHENSIVE STATEWIDE
23 TRANSPORTATION PLAN UPON ADDITIONAL MITIGATION MEASURES IF THE
24 COMMISSION DETERMINES THAT THE MITIGATION MEASURES ARE IN THE
25 BEST OVERALL PUBLIC INTEREST TAKING INTO CONSIDERATION:

26 (a) THE NEED FOR FAST, SAFE, AND EFFICIENT TRANSPORTATION;

27 (b) PUBLIC SERVICES;

- 1 (c) THE COSTS OF ELIMINATING OR MINIMIZING THE ADVERSE
- 2 EFFECTS FOR WHICH THE MITIGATION MEASURES ARE PROPOSED;
- 3 (d) ENVIRONMENTAL, SOCIAL, AND ECONOMIC VALUES; AND
- 4 (e) THE FINANCIAL FEASIBILITY OF THE TOLL ROAD, TOLL
- 5 HIGHWAY, OR PROJECT.

6 **7-45-107. Construction safety standards.** WHEN CONSTRUCTING
7 AND MAINTAINING A TOLL ROAD OR TOLL HIGHWAY OR ANY OTHER
8 ELEMENT OF A TOLL ROAD OR TOLL HIGHWAY PROJECT, A TOLL ROAD OR
9 TOLL HIGHWAY COMPANY SHALL COMPLY WITH ALL DEPARTMENT OF
10 TRANSPORTATION SAFETY STANDARDS FOR STATE TRANSPORTATION
11 PROJECTS.

12 **7-45-108. County clerk notification.** (1) WITHIN NINETY DAYS
13 OF FILING A FORMATION DOCUMENT PURSUANT TO SECTION 7-45-101, A
14 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL:

- 15 (a) CAUSE WRITTEN NOTICE TO BE SENT TO THE CLERK AND
- 16 RECORDER OF EACH COUNTY THAT INCLUDES TERRITORY THAT IS
- 17 INCLUDED WITHIN THE THREE-MILE CORRIDOR SPECIFIED IN THE FILED
- 18 FORMATION DOCUMENT OF THE INTENT OF THE TOLL ROAD OR TOLL
- 19 HIGHWAY COMPANY TO CONSTRUCT A TOLL ROAD, TOLL HIGHWAY, OR
- 20 TOLL ROAD OR TOLL HIGHWAY PROJECT WITHIN THAT CORRIDOR AND
- 21 SHALL MAIL THE WRITTEN NOTICE TO EACH PERSON WHO OWNS REAL
- 22 PROPERTY WITHIN THE THREE-MILE CORRIDOR. THE TOLL ROAD OR TOLL
- 23 HIGHWAY COMPANY SHALL SEND THE NOTICE BY CERTIFIED MAIL AND
- 24 SHALL GENERALLY DESCRIBE THE PROPOSED TOLL ROAD, TOLL HIGHWAY,
- 25 OR PROJECT, INCLUDING ITS LOCATION, TERMINI, IMPROVEMENTS, AND
- 26 OPERATION. THE NOTICE SHALL ALSO EXPLAIN THAT THE PROJECT MAY
- 27 NOT GO FORWARD UNTIL THE PROCESS FOR APPROVING THE PROJECT

1 REQUIRED BY THIS ARTICLE HAS BEEN COMPLETED, SUMMARIZE THE
2 APPROVAL PROCESS, IDENTIFY OPPORTUNITIES DURING THE PROCESS FOR
3 PUBLIC INVOLVEMENT, AND PROVIDE A CONTACT FOR ADDITIONAL
4 INFORMATION.

5 (b) FILE A DISCLAIMER OF INTEREST WITH THE CLERK AND
6 RECORDER'S OFFICE IN THE COUNTY OF RESIDENCE OF EACH PERSON TO
7 WHOM THE COMPANY PROVIDED WRITTEN NOTICE PURSUANT TO
8 PARAGRAPH (a) OF THIS SUBSECTION (1) THAT EXPRESSLY STATES THAT
9 THE FILED FORMATION DOCUMENT DOES NOT EFFECT AN INTEREST IN THE
10 PERSON'S REAL PROPERTY WITHIN THE THREE-MILE CORRIDOR SPECIFIED
11 IN THE FILED FORMATION DOCUMENT.

12 (2) A TOLL ROAD OR TOLL HIGHWAY COMPANY THAT HAS FILED A
13 FORMATION DOCUMENT PRIOR TO THE EFFECTIVE DATE OF THIS
14 SUBSECTION (2) AND THAT HAS NOT SATISFIED THE NOTICE REQUIREMENTS
15 OF SUBSECTION (1) OF THIS SECTION SHALL FILE A NEW OR AMENDED
16 FORMATION DOCUMENT WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF
17 THIS SUBSECTION (2) THAT INCLUDES THE INFORMATION REQUIRED BY
18 SECTION 7-45-101 (1) AND THAT CERTIFIES THAT THE COMPANY HAS
19 COMPLIED WITH OR WILL COMPLY WITH THE REQUIREMENTS OF SAID
20 SUBSECTION (1) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS
21 SUBSECTION (2).

22 (3) COMPLIANCE WITH THE NOTIFICATION AND FILING
23 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL
24 CONSTITUTE COMPLIANCE WITH THE NOTIFICATION, FILING, AND
25 RECORDING REQUIREMENTS OF SECTION 38-2-101 (2), C.R.S., AS ENACTED
26 BY SENATE BILL 06-115, ENACTED AT THE SECOND REGULAR SESSION OF
27 THE SIXTY-FIFTH GENERAL ASSEMBLY.

1 **7-45-109. Use of land by toll road or toll highway company -**
2 **right to repurchase unneeded condemned property.** ANY INTEREST IN
3 REAL PROPERTY THAT IS OBTAINED BY A TOLL ROAD OR TOLL HIGHWAY
4 COMPANY, OTHER THAN A LEASEHOLD INTEREST IN PROPERTY OR
5 RIGHTS-OF-WAY ACQUIRED AND OWNED BY THE DEPARTMENT OF
6 TRANSPORTATION AS AUTHORIZED IN SECTION 7-45-104, WITHIN THE
7 THREE-MILE CORRIDOR SPECIFIED IN ITS FILED FORMATION DOCUMENT AND
8 THAT IS NOT USED FOR A TOLL ROAD OR TOLL HIGHWAY SHALL NOT BE
9 USED FOR COMMERCIAL, RESIDENTIAL, OR INDUSTRIAL DEVELOPMENT;
10 EXCEPT THAT, THIS LIMITATION ON USE SHALL APPLY ONLY DURING THE
11 PERIOD IN WHICH THE TOLL ROAD OR TOLL HIGHWAY COMPANY IS
12 DEVELOPING OR OPERATING A TOLL ROAD OR TOLL HIGHWAY WITHIN THE
13 CORRIDOR. IF THE DEVELOPMENT OR OPERATION OF A TOLL ROAD OR TOLL
14 HIGHWAY CEASES AFTER THE DEPARTMENT HAS EXERCISED THE POWER OF
15 EMINENT DOMAIN TO ACQUIRE PROPERTY DEEMED AT THE TIME OF
16 ACQUISITION TO BE NECESSARY FOR THE COMPLETION OF THE TOLL ROAD
17 OR TOLL HIGHWAY AS AUTHORIZED IN SECTION 7-45-104, A PERSON FROM
18 WHOM THE DEPARTMENT ACQUIRED PROPERTY THROUGH THE EXERCISE OF
19 EMINENT DOMAIN HAS AN EXCLUSIVE OPTION TO REPURCHASE THE
20 PROPERTY ACQUIRED AT THE PRICE PAID FOR THE PROPERTY AS JUST
21 COMPENSATION BY THE DEPARTMENT. THE PERSON MAY EXERCISE THE
22 OPTION WITHIN EIGHTEEN MONTHS FOLLOWING THE CESSATION OF THE
23 DEVELOPMENT OR OPERATION OF THE TOLL ROAD OR TOLL HIGHWAY.

24 **7-45-110. Sale of interest in or assets of a toll road or toll**
25 **highway company.** (1) IF ANY INTEREST IN A TOLL ROAD OR TOLL
26 HIGHWAY COMPANY IS SOLD OR TRANSFERRED, THE TOLL ROAD OR TOLL
27 HIGHWAY COMPANY SHALL CONTINUE TO COMPLY WITH THE LIMITATIONS

1 SET FORTH IN SECTION 7-45-109.

2 (2) IF A TOLL ROAD OR TOLL HIGHWAY COMPANY SELLS OR
3 TRANSFERS ANY INTEREST IN ITS REAL PROPERTY WITHIN THE THREE-MILE
4 CORRIDOR SPECIFIED IN ITS FILED FORMATION DOCUMENT THAT IS NOT
5 USED FOR THE TOLL ROAD OR TOLL HIGHWAY, THEN THE PURCHASER
6 SHALL COMPLY WITH THE LIMITATIONS SET FORTH IN SECTION 7-45-109.

7 (3) IF A TOLL ROAD, TOLL HIGHWAY, OR TOLL ROAD OR TOLL
8 HIGHWAY PROJECT IS INCLUDED IN THE COMPREHENSIVE STATEWIDE
9 TRANSPORTATION PLAN REQUIRED PURSUANT TO SECTION 43-1-1103 (5),
10 C.R.S., BEFORE THE TOLL ROAD OR TOLL HIGHWAY COMPANY COMPLETES
11 A SUBSEQUENT SALE OR TRANSFER OF ASSETS OR RIGHTS GENERATING
12 MORE THAN TWENTY PERCENT OF THE CURRENT REVENUE FROM THE TOLL
13 ROAD, TOLL HIGHWAY, OR PROJECT, THE PURCHASER MUST DEMONSTRATE
14 TO THE TRANSPORTATION COMMISSION, AND THE COMMISSION MUST
15 DETERMINE, THAT FOLLOWING THE SALE OR TRANSFER THE RESOURCES
16 NEEDED TO COMPLY WITH FEDERAL AND STATE WATER QUALITY
17 STANDARDS AND OTHER FEDERAL AND STATE ENVIRONMENTAL
18 REQUIREMENTS AND TO IMPLEMENT MITIGATION MEASURES THAT WERE
19 INCLUDED IN THE TOLL ROAD OR TOLL HIGHWAY PROJECT DESCRIPTION OR
20 REQUIRED BY A METROPOLITAN PLANNING ORGANIZATION, A REGIONAL
21 PLANNING COMMISSION, OR THE TRANSPORTATION COMMISSION WILL STILL
22 BE AVAILABLE FOR THOSE PURPOSES.

23 **7-45-111. Public-private initiatives.** NOTHING CONTAINED IN
24 THIS ARTICLE SHALL PROHIBIT A TOLL ROAD OR TOLL HIGHWAY COMPANY
25 FROM ENTERING INTO A PUBLIC-PRIVATE INITIATIVE WITH THE
26 DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE PROVISIONS
27 OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S., FOR THE PURPOSE OF

1 ENABLING THE CONSTRUCTION OF A TOLL ROAD, TOLL HIGHWAY, OR
2 PROJECT. ANY SUCH PROJECT SHALL COMPLY WITH THE REQUIREMENTS
3 OF THIS ARTICLE.

4 **SECTION 2.** Part 3 of article 3 of title 43, Colorado Revised
5 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,
6 to read:

7 **PART 3**

8 **TOLL ROADS AND TOLL HIGHWAYS - PRIVATE**

9 **43-3-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "TOLL ROAD" OR "TOLL HIGHWAY" SHALL HAVE THE MEANING
12 AS SET FORTH IN SECTION 7-45-102 (8), C.R.S.

13 (2) "TOLL ROAD OR TOLL HIGHWAY COMPANY" SHALL HAVE THE
14 MEANING AS SET FORTH IN SECTION 7-45-102 (9), C.R.S.

15 **43-3-302. Traffic laws - toll collection - definitions.** (1)(a) THE
16 TRANSPORTATION COMMISSION SHALL REVIEW A TOLL ROAD OR TOLL
17 HIGHWAY COMPANY'S TOLL SCHEDULE AS PART OF THE PROJECT
18 DESCRIPTION SUBMITTED FOR APPROVAL AS PART OF THE STATEWIDE
19 TRANSPORTATION PLAN AND EVERY FIVE YEARS THEREAFTER IF EMINENT
20 DOMAIN IS USED BY THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE
21 ANY PART OF THE RIGHT-OF-WAY FOR A TOLL ROAD OR TOLL HIGHWAY.
22 THE REVIEW SHALL BE LIMITED TO DETERMINING WHETHER A REDUCED
23 TOLL MAY BE IMPOSED ON HIGH OCCUPANCY VEHICLES AND PUBLIC MASS
24 TRANSIT VEHICLES IN ORDER TO ENCOURAGE THE USE OF SUCH VEHICLES
25 ON THE TOLL ROAD OR TOLL HIGHWAY.

26 (b) AS USED IN THIS SUBSECTION (1):

27 (I) "HIGH OCCUPANCY VEHICLES" MEANS VEHICLES THAT CARRY

1 AT LEAST THE NUMBER OF PERSONS SPECIFIED BY THE TRANSPORTATION
2 COMMISSION.

3 (II) "PUBLIC MASS TRANSIT VEHICLES" MEANS VEHICLES OTHER
4 THAN CHARTER OR SIGHTSEEING VEHICLES THAT:

5 (A) ARE OPERATED BY OR UNDER CONTRACT WITH THE REGIONAL
6 TRANSPORTATION DISTRICT CREATED PURSUANT TO ARTICLE 9 OF TITLE
7 32, C.R.S., OR A REGIONAL TRANSPORTATION AUTHORITY CREATED
8 PURSUANT TO PART 6 OF ARTICLE 4 OF THIS TITLE; AND

9 (B) PROVIDE REGULAR AND CONTINUING GENERAL OR SPECIAL
10 TRANSPORTATION TO THE PUBLIC.

11 (c) IN DETERMINING WHETHER A REDUCED TOLL MAY BE IMPOSED
12 ON HIGH OCCUPANCY VEHICLES AND PUBLIC MASS TRANSIT VEHICLES, THE
13 TRANSPORTATION COMMISSION SHALL ENSURE THAT THE REDUCED TOLL
14 DOES NOT LIMIT OR PRECLUDE A TOLL ROAD OR TOLL HIGHWAY
15 COMPANY'S:

16 (I) RECOVERY OF THE COSTS ASSOCIATED WITH OPERATIONS, TOLL
17 COLLECTION, AND ADMINISTRATION; AND

18 (II) REPAYMENT OF THE COMPANY'S CAPITAL OUTLAY COSTS FOR
19 THE PROJECT AND RECOVERY OF A REASONABLE RETURN ON THE
20 COMPANY'S INVESTMENT.

21 (2) STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE
22 AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT
23 AGREEMENTS WITH A TOLL ROAD OR TOLL HIGHWAY COMPANY. ANY
24 FUNDS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT
25 TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL
26 APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW ENFORCEMENT
27 AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO

1 THE AGREEMENT.

2 (3) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY ADOPT RULES
3 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND EVASION
4 AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY
5 ESTABLISHED BY A TOLL ROAD OR TOLL HIGHWAY COMPANY FOR ANY
6 TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN
7 TWO HUNDRED FIFTY DOLLARS, IN ADDITION TO ANY COSTS IMPOSED BY A
8 COURT. A COMPANY MAY USE STATE OF THE ART TECHNOLOGY,
9 INCLUDING BUT NOT LIMITED TO AUTOMATIC VEHICLE IDENTIFICATION
10 PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT
11 OF TOLL VIOLATIONS. THE USE OF STATE OF THE ART TECHNOLOGY TO AID
12 IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY
13 THIS SECTION.

14 (4) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY A TOLL
15 ROAD OR TOLL HIGHWAY COMPANY SHALL BE SUBJECT TO THE CIVIL
16 PENALTY ESTABLISHED BY THAT COMPANY FOR TOLL EVASION. ANY
17 PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE
18 THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS OR MUNICIPAL
19 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL
20 ORDINANCE FOR THE TOLL EVASION.

21 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE
22 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN
23 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE
24 OR A MUNICIPAL SUMMONS AND COMPLAINT. IF A CIVIL PENALTY
25 ASSESSMENT IS ISSUED, THE NOTICE SHALL BE TENDERED BY A PEACE
26 OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., AND SHALL
27 CONTAIN THE NAME AND ADDRESS OF THE PERSON, THE LICENSE NUMBER

1 OF THE MOTOR VEHICLE INVOLVED, THE NUMBER OF THE PERSON'S
2 DRIVER'S LICENSE, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE
3 PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A
4 PLACE FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE
5 PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE
6 FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY
7 FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE
8 REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO
9 APPEAR FOR ADJUDICATION OF TOLL EVASION PURSUANT TO THIS SECTION
10 IF THE PRESCRIBED TOLL, FEE, AND CIVIL PENALTY ARE NOT PAID WITHIN
11 TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED
12 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY
13 ASSESSMENT NOTICE.

14 (c) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT
15 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON
16 CITED SHALL PAY THE TOLL, FEE, AND CIVIL PENALTY AUTHORIZED BY THE
17 TOLL ROAD OR TOLL HIGHWAY COMPANY INVOLVED AT THE OFFICE OF THE
18 COMPANY, EITHER IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN
19 TWENTY DAYS OF THE CITATION. IF THE PERSON CITED DOES NOT PAY THE
20 PRESCRIBED TOLL, FEE, AND CIVIL PENALTY WITHIN TWENTY DAYS OF THE
21 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A
22 COMPLAINT TO APPEAR FOR ADJUDICATION OF TOLL EVASION IN COURT OR
23 IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE
24 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
25 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE
26 MANNER SPECIFIED IN THE NOTICE.

27 (d) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE

1 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT
2 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO
3 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF
4 SUCH A SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON
5 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL
6 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (3) OF THIS
7 SECTION.

8 (5) (a) THE RESPECTIVE COURTS OF THE MUNICIPALITIES,
9 COUNTIES, AND CITIES AND COUNTIES ARE GIVEN JURISDICTION TO TRY ALL
10 CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS
11 GOVERNING THE USE OF A TOLL ROAD OR TOLL HIGHWAY OPERATED BY A
12 TOLL ROAD OR TOLL HIGHWAY COMPANY AND ARISING UNDER THE TOLL
13 EVASION CIVIL PENALTY REGULATIONS ENACTED BY A TOLL ROAD OR TOLL
14 HIGHWAY COMPANY. VENUE FOR SUCH CASES SHALL BE IN THE
15 MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED
16 VIOLATION OF MUNICIPAL ORDINANCE OR STATE LAW OR OF THE
17 CORPORATE REGULATION OCCURRED.

18 (b) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, A TOLL ROAD
19 OR TOLL HIGHWAY COMPANY SHALL CONSIDER ESTABLISHING AN
20 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,
21 ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
22 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
23 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN
24 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
25 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
26 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
27 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

1 (c) IF A TOLL ROAD OR TOLL HIGHWAY COMPANY ESTABLISHES AN
2 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A
3 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION
4 TO HEAR TOLL EVASION CASES ARISING ON A PUBLIC HIGHWAY OPERATED
5 BY THE COMPANY.

6 (d) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL
7 HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT
8 TO THIS SECTION AND THE RULES PROMULGATED BY A TOLL ROAD OR TOLL
9 HIGHWAY COMPANY. THE HEARING OFFICER SHALL BE AN INDEPENDENT
10 CONTRACTOR OF THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

11 (e) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY FILE A
12 CERTIFIED COPY OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY
13 THAT IS ENTERED BY THE HEARING OFFICER IN AN ADJUDICATION OF A
14 TOLL EVASION WITH THE CLERK OF THE COUNTY COURT IN THE COUNTY IN
15 WHICH THE VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS
16 ENTERED. THE CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK
17 OF THE COURT AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER
18 SHALL HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT, AND THE
19 COURT MAY EXECUTE THE ORDER AS IN THE OTHER CASES.

20 (f) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY A
21 TOLL ROAD OR TOLL HIGHWAY COMPANY IS SUBJECT TO JUDICIAL REVIEW.
22 THE ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS
23 OF LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE
24 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD
25 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

26 (g) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS
27 SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL HAVE EVERY

1 REMEDY AVAILABLE UNDER THE LAW TO ENFORCE UNPAID TOLLS AND FEES
2 AS DEBTS OWED TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

3 (6) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT
4 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT
5 TO RULES AUTHORIZED IN SUBSECTION (3) OF THIS SECTION SHALL BE
6 REMITTED TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY IN WHOSE
7 NAME THE CIVIL PENALTY ASSESSMENT NOTICE WAS ISSUED AND SHALL BE
8 APPLIED BY THE COMPANY TO DEFRAY THE COSTS AND EXPENSES OF
9 ENFORCING THE LAWS OF THE STATE AND THE RULES OF THE COMPANY. IF
10 A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE
11 PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY
12 ENFORCEMENT AGREEMENT.

13 (7) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE
14 PROVIDED FOR IN SUBSECTION (4) OF THIS SECTION, WHERE AN INSTANCE
15 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION
16 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,
17 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY
18 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN
19 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS
20 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO
21 DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TOLL ROAD OR TOLL
22 HIGHWAY COMPANY TO THE REGISTERED OWNER OF THE MOTOR VEHICLE
23 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE
24 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF
25 THE VEHICLE INVOLVED, THE TIME AND LOCATION OF THE VIOLATION, THE
26 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR
27 THE REGISTERED OWNER OF THE VEHICLE TO EXECUTE A SIGNED

1 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH
2 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE
3 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL
4 EVASION CIVIL PENALTY ASSESSMENT. THE REGISTERED OWNER OF THE
5 VEHICLE INVOLVED IN A TOLL EVASION SHALL BE LIABLE FOR THE TOLL,
6 FEE, AND CIVIL PENALTY IMPOSED BY THE COMPANY, EXCEPT AS
7 OTHERWISE PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (7).

8 (b) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS
9 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE
10 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR
11 PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT,
12 AT THE DISCRETION OF THE OWNER:

13 (I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION
14 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED
15 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A
16 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT ON TO THE
17 TOLL ROAD OR TOLL HIGHWAY COMPANY; OR

18 (II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL
19 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR
20 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT
21 THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR
22 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE
23 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER
24 RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH
25 TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY AN AFFIDAVIT
26 CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER
27 OF THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE. AS

1 A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION
2 VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR
3 RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE
4 LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT TO THE
5 REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE
6 VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL
7 PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR
8 LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE
9 NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE
10 THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE
11 NUMBER SHALL BE FURNISHED TO THE TOLL ROAD OR TOLL HIGHWAY
12 COMPANY WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED
13 DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

14 (c) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY
15 DAYS, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, A
16 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL SEND A SECOND PENALTY
17 ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR
18 BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE
19 UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO
20 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH RESPECT TO RECEIPT
21 VERIFICATION AND DELIVERY SPEED, RELIABILITY, AND PRICE, CONTAINING
22 THE SAME INFORMATION AS IS SPECIFIED IN PARAGRAPH (a) OF THIS
23 SUBSECTION (7). THE NOTICE SHALL SPECIFY THAT THE REGISTERED
24 OWNER OF THE VEHICLE MAY PAY THE SAME PENALTY ASSESSMENT AT
25 ANY TIME PRIOR TO THE SCHEDULED HEARING. IF THE REGISTERED OWNER
26 OF THE VEHICLE DOES NOT PAY THE PRESCRIBED TOLL, FEE, AND CIVIL
27 PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY

1 ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR
2 ADJUDICATION OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE
3 TOLL ENFORCEMENT PROCEEDING AND THE REGISTERED OWNER OF THE
4 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
5 ASSESSMENT NOTICE, FILE AN ANSWER TO THE COMPLAINT IN THE MANNER
6 SPECIFIED IN THE NOTICE. IF THE REGISTERED OWNER OF THE VEHICLE
7 FAILS TO PAY IN FULL THE OUTSTANDING TOLL, FEE, AND CIVIL PENALTY
8 SET FORTH IN THE NOTICE OR TO APPEAR AND ANSWER THE NOTICE AS
9 SPECIFIED IN THE NOTICE, THE REGISTERED OWNER OF THE VEHICLE SHALL
10 BE DEEMED TO HAVE ADMITTED LIABILITY AND TO HAVE WAIVED THE
11 RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY IN DEFAULT
12 AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE ENTERED.

13 (8) A COURT WITH JURISDICTION IN A TOLL EVASION CASE
14 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION OR A
15 TOLL ROAD OR TOLL HIGHWAY COMPANY WITH JURISDICTION IN A TOLL
16 EVASION CASE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (5) OF THIS
17 SECTION MAY REPORT TO THE DEPARTMENT OF REVENUE ANY
18 OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE
19 TOLL, FEE, AND CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF
20 A CERTIFIED REPORT FROM A COURT OR A TOLL ROAD OR TOLL HIGHWAY
21 COMPANY STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS
22 FAILED TO PAY A TOLL, FEE, AND CIVIL PENALTY RESULTING FROM A FINAL
23 ORDER ENTERED BY THE TOLL ROAD OR TOLL HIGHWAY COMPANY, THE
24 DEPARTMENT SHALL NOT RENEW THE VEHICLE REGISTRATION OF THE
25 VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY ARE PAID IN FULL. THE
26 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL CONTRACT WITH AND
27 COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR THE DIRECT

1 COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE REGISTRATION
2 PURSUANT TO THIS SUBSECTION (8). THE DEPARTMENT HAS NO
3 AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
4 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
5 TOLL EVASION.

6 **43-3-303. Toll roads must be kept in repair.** IT IS THE DUTY OF
7 ALL OWNERS OR OPERATORS OF ROADS UPON WHICH TOLLS ARE CHARGED
8 TO KEEP THEIR ROADS IN GOOD REPAIR AT ALL POINTS, AND THE
9 CONDITION OF THE ROADS SHALL BE DETERMINED BY THE GRADE THEREOF
10 AND THE SEASON OF THE YEAR IN WHICH THEY ARE USED.

11 **43-3-304. Noncompete agreements.** A TOLL ROAD OR TOLL
12 HIGHWAY COMPANY MAY NOT ENTER INTO A NONCOMPETE AGREEMENT
13 WITH A PUBLIC ENTITY IF THE AGREEMENT WOULD DEGRADE AN EXISTING
14 ROADWAY OR EITHER DELAY OR PREVENT THE CONSTRUCTION OR
15 UPGRADING OF A ROAD OR HIGHWAY THAT IS INCLUDED IN THE FISCALLY
16 CONSTRAINED REGIONAL TRANSPORTATION PLAN REQUIRED BY SECTION
17 43-1-1103 (1) OR THE FISCALLY CONSTRAINED COMPREHENSIVE
18 STATEWIDE TRANSPORTATION PLAN REQUIRED BY SECTION 43-1-1103 (5).

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.