

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Transportation

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
3rd Reading Unamended
April 27, 2006

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, as
3 amended by Senate Bill 06-078, enacted at the Second Regular Session
4 of the Sixty-fifth General Assembly, is REPEALED AND
5 REENACTED, WITH AMENDMENTS, to read:

6 **ARTICLE 45**

7 **Toll Road Companies**

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

18 (2) THE SECRETARY OF STATE SHALL MAINTAIN A LIST OF ALL TOLL
19 ROAD AND TOLL HIGHWAY COMPANIES AND SHALL MAKE THE LIST AND
20 THE FILED FORMATION DOCUMENTS FOR ALL TOLL ROAD AND TOLL
21 HIGHWAY COMPANIES AVAILABLE TO THE PUBLIC. TO ALLOW THE
22 SECRETARY OF STATE TO EFFICIENTLY COMPILE AND MAINTAIN AN
23 ACCESSIBLE LIST, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL

1 INCLUDE THE DESIGNATION "PTR" IN ITS OFFICIAL NAME AS SPECIFIED IN
2 ITS FILED FORMATION DOCUMENT.

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

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

22 **7-45-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

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

1 (2) "ASSOCIATED SERVICE AREA" MEANS A GAS STATION,
2 RESTAURANT, OR OTHER TRAVEL-RELATED SERVICE THAT SERVES
3 MOTORISTS USING A TOLL ROAD OR TOLL HIGHWAY.

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

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

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

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

1 (7) "FILED FORMATION DOCUMENT" MEANS ARTICLES OF
2 INCORPORATION, ARTICLES OF ORGANIZATION, A CERTIFICATE OF LIMITED
3 PARTNERSHIP, ARTICLES OF ASSOCIATION, A STATEMENT OF
4 REGISTRATION, OR ANY OTHER DOCUMENT OF SIMILAR IMPORT FILED BY
5 AN ENTITY WITH THE SECRETARY OF STATE UNDER WHICH THE ENTITY IS
6 FORMED OR OBTAINS ITS LEGAL STATUS IN THIS STATE.

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

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

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

27 **7-45-103. Deadline to commence work - maintenance of effort**

1 **requirement.** A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL
2 COMMENCE WORK, INCLUDING BUT NOT LIMITED TO PLANNING, DESIGN,
3 ENVIRONMENTAL, MITIGATION, AND OTHER PRECONSTRUCTION WORK, ON
4 THE TOLL ROAD OR TOLL HIGHWAY PROPOSED IN THE FILED FORMATION
5 DOCUMENT NO LATER THAN THREE YEARS AFTER THE FILING OF THE
6 DOCUMENT, OR WITHIN ONE YEAR AFTER RECEIVING ALL NECESSARY
7 APPROVALS FOR CONSTRUCTION. IF ANY NECESSARY APPROVAL IS THE
8 SUBJECT OF ADMINISTRATIVE OR JUDICIAL REVIEW, THEN THE ONE-YEAR
9 PERIOD SHALL BE AUTOMATICALLY EXTENDED UNTIL ONE YEAR AFTER ALL
10 ADMINISTRATIVE OR JUDICIAL REVIEW HAS BEEN CONCLUDED. THE TOLL
11 ROAD OR TOLL HIGHWAY COMPANY AND ANY SUCCESSOR TOLL ROAD OR
12 TOLL HIGHWAY COMPANY SHALL CONTINUE THE WORK FROM DAY TO DAY
13 UNTIL AT LEAST FIVE HUNDRED THOUSAND DOLLARS HAVE BEEN
14 EXPENDED ON THE TOLL ROAD OR TOLL HIGHWAY. IF THE TOLL ROAD OR
15 TOLL HIGHWAY COMPANY FAILS TO PERFORM THE REQUIRED WORK, IT
16 SHALL FORFEIT ALL RIGHTS ACQUIRED UNDER ITS FILED FORMATION
17 DOCUMENT AND BE ADMINISTRATIVELY DISSOLVED. IF THE TOLL ROAD OR
18 TOLL HIGHWAY COMPANY PERFORMS THE REQUIRED WORK, IT SHALL HAVE
19 THE EXCLUSIVE RIGHT TO DEVELOP OR SEEK APPROVAL TO DEVELOP A
20 TOLL ROAD OR TOLL HIGHWAY WITHIN THE THREE-MILE CORRIDOR
21 SPECIFIED IN ITS FILED FORMATION DOCUMENT AS REQUIRED BY SECTION
22 7-45-101 (1).

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

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

1 DEPARTMENT MAY NOT SELL OR OTHERWISE TRANSFER OWNERSHIP OF
2 PROPERTY OR RIGHTS-OF-WAY ACQUIRED THROUGH THE EXERCISE OF THE
3 POWER OF EMINENT DOMAIN AS AUTHORIZED BY THIS SECTION TO A TOLL
4 ROAD OR TOLL HIGHWAY COMPANY.

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

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

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

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

24 (3) (a) AT THE DISCRETION OF A METROPOLITAN PLANNING
25 ORGANIZATION OR REGIONAL PLANNING COMMISSION, A REGIONAL PLAN
26 MAY INITIALLY BE AMENDED TO INCLUDE ONLY ENVIRONMENTAL AND
27 PRECONSTRUCTION ACTIVITIES, EXCLUDING RIGHT-OF-WAY ACQUISITION,

1 RELATING TO A TOLL ROAD OR TOLL HIGHWAY PROJECT AND MAY LATER
2 BE AMENDED TO INCLUDE ACTUAL CONSTRUCTION AND RIGHT-OF-WAY
3 ACQUISITION OF THE PROJECT FOLLOWING AGREEMENT BY THE
4 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING
5 COMMISSION THAT ACCEPTABLE ENVIRONMENTAL MITIGATION ACTIVITIES
6 AND COMMITMENTS TO OFFSET INCREMENTAL COSTS OF PUBLIC SERVICES
7 ARE INCLUDED IN THE PROJECT PLANS.

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

17 **7-45-106. Environmental standards and review.**

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

1 IMPLEMENT MITIGATION MEASURES THAT ARE INCLUDED IN THE PROJECT
2 OR HAVE BEEN PREVIOUSLY RECOMMENDED IN WRITING BY THE
3 COMMENTING STATE AGENCIES OR AN AFFECTED METROPOLITAN
4 PLANNING ORGANIZATION OR REGIONAL TRANSPORTATION COMMISSION
5 AND COMPLY WITH FEDERAL AND STATE AIR AND WATER QUALITY
6 STANDARDS, APPROVALS, AND PERMITS.

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

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

1 DOCUMENTATION AND SHALL MAKE THE ANALYSES AVAILABLE TO THE
2 PUBLIC.

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

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

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

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

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

26 (I) NECESSARY TO MEET THE TRANSPORTATION NEEDS OF THE
27 STATE;

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

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

4 (IV) IN THE PUBLIC INTEREST.

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

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

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

- 1 (a) THE NEED FOR FAST, SAFE, AND EFFICIENT TRANSPORTATION;
- 2 (b) PUBLIC SERVICES;
- 3 (c) THE COSTS OF ELIMINATING OR MINIMIZING THE ADVERSE
- 4 EFFECTS FOR WHICH THE MITIGATION MEASURES ARE PROPOSED;
- 5 (d) ENVIRONMENTAL, SOCIAL, AND ECONOMIC VALUES; AND
- 6 (e) THE FINANCIAL FEASIBILITY OF THE TOLL ROAD, TOLL
- 7 HIGHWAY, OR PROJECT.

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

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

- 17 (a) CAUSE WRITTEN NOTICE TO BE SENT TO AND RECORDED BY THE
- 18 CLERK AND RECORDER OF EACH COUNTY THAT INCLUDES TERRITORY THAT
- 19 IS INCLUDED WITHIN THE THREE-MILE CORRIDOR SPECIFIED IN THE FILED
- 20 FORMATION DOCUMENT OF THE INTENT OF THE TOLL ROAD OR TOLL
- 21 HIGHWAY COMPANY TO CONSTRUCT A TOLL ROAD, TOLL HIGHWAY, OR
- 22 TOLL ROAD OR TOLL HIGHWAY PROJECT WITHIN THAT CORRIDOR AND
- 23 SHALL MAIL THE WRITTEN NOTICE TO EACH PERSON WHO OWNS REAL
- 24 PROPERTY WITHIN THE THREE-MILE CORRIDOR. THE TOLL ROAD OR TOLL
- 25 HIGHWAY COMPANY SHALL SEND THE NOTICE BY CERTIFIED MAIL AND
- 26 SHALL GENERALLY DESCRIBE THE PROPOSED TOLL ROAD, TOLL HIGHWAY,
- 27 OR PROJECT, INCLUDING ITS LOCATION, TERMINI, IMPROVEMENTS, AND

1 OPERATION. THE NOTICE SHALL ALSO EXPLAIN THAT THE PROJECT MAY
2 NOT GO FORWARD UNTIL THE PROCESS FOR APPROVING THE PROJECT
3 REQUIRED BY THIS ARTICLE HAS BEEN COMPLETED, SUMMARIZE THE
4 APPROVAL PROCESS, IDENTIFY OPPORTUNITIES DURING THE PROCESS FOR
5 PUBLIC INVOLVEMENT, AND PROVIDE A CONTACT FOR ADDITIONAL
6 INFORMATION.

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

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

24 (3) COMPLIANCE WITH THE NOTIFICATION AND FILING
25 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL
26 CONSTITUTE COMPLIANCE WITH THE NOTIFICATION, FILING, AND
27 RECORDING REQUIREMENTS OF SECTION 38-2-101 (2), C.R.S., AS ENACTED

1 BY SENATE BILL 06-115, ENACTED AT THE SECOND REGULAR SESSION OF
2 THE SIXTY-FIFTH GENERAL ASSEMBLY.

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

27 **7-45-110. Sale of interest in or assets of a toll road or toll**

1 **highway company.** (1) IF ANY INTEREST IN A TOLL ROAD OR TOLL
2 HIGHWAY COMPANY IS SOLD OR TRANSFERRED, THE TOLL ROAD OR TOLL
3 HIGHWAY COMPANY SHALL CONTINUE TO COMPLY WITH THE LIMITATIONS
4 SET FORTH IN SECTION 7-45-109.

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

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

26 **7-45-111. Public-private initiatives.** NOTHING CONTAINED IN
27 THIS ARTICLE SHALL PROHIBIT A TOLL ROAD OR TOLL HIGHWAY COMPANY

1 FROM ENTERING INTO A PUBLIC-PRIVATE INITIATIVE WITH THE
2 DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE PROVISIONS
3 OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S., FOR THE PURPOSE OF
4 ENABLING THE CONSTRUCTION OF A TOLL ROAD, TOLL HIGHWAY, OR
5 PROJECT. ANY SUCH PROJECT SHALL COMPLY WITH THE REQUIREMENTS
6 OF THIS ARTICLE.

7 SECTION 2. 38-2-101 (2), (3), and (4), Colorado Revised
8 Statutes, as enacted by Senate Bill 06-115, enacted at the Second Regular
9 Session of the Sixty-fifth General Assembly, are amended, and the said
10 38-2-101 is further amended BY THE ADDITION OF A NEW
11 SUBSECTION, to read:

12 38-2-101. Who may condemn real estate, rights-of-way, or
13 other rights - additional requirements for private toll roads and toll
14 highways. (2) Notwithstanding the provisions of subsection (1) of this
15 section, a corporation formed for the purpose of constructing a private toll
16 road or toll highway COMPANY may not condemn real estate or
17 right-of-way, but the department of transportation may exercise, subject
18 to the conditions and limitations set forth in sections 7-45-104 and
19 43-1-1202 (1) (f), C.R.S., the power of eminent domain in connection
20 with a toll road or toll highway project FOR PURPOSES OF ACQUIRING
21 PROPERTY AND RIGHTS-OF-WAY NECESSARY FOR THE COMPLETION OF A
22 TOLL ROAD OR TOLL HIGHWAY OPEN TO THE PUBLIC THAT IS
23 INCORPORATED INTO THE COMPREHENSIVE STATEWIDE TRANSPORTATION
24 PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5), C.R.S., AND IS
25 being undertaken as a public-private initiative between the department
26 and such a corporation THE COMPANY. Such a corporation TOLL ROAD OR
27 TOLL HIGHWAY COMPANY shall, within six months after the date of its

1 incorporation FILING OF ITS FILED FORMATION DOCUMENT, file and record
2 with the county clerk and recorder of each county through which any
3 portion of the proposed toll road or toll highway will pass a map or survey
4 of the proposed route of the toll road or toll highway. The corporation
5 TOLL ROAD OR TOLL HIGHWAY COMPANY shall include with the map or
6 survey a statement of the proposed route of the toll road or toll highway,
7 within three miles, and a listing of all property over or across which the
8 proposed toll road or toll highway will be constructed, and shall file and
9 record supplementary maps, surveys, statements, and listings upon any
10 lawful change of the proposed route of the toll road or toll highway.

11 (3) Nothing in this section shall be construed to authorize any
12 corporation TOLL ROAD OR TOLL HIGHWAY COMPANY to construct a
13 private toll road or toll highway through, in, upon, under, or over any
14 street or alley of any city, incorporated town, county, or city and county
15 without first obtaining the consent of the municipal or county authorities
16 having power to give the consent of the city, incorporated town, county,
17 or city and county.

18 (4) (a) A political subdivision may levy a tax, fee, or charge ON A
19 TOLL ROAD OR TOLL HIGHWAY COMPANY for any right or privilege of
20 constructing or operating a private toll road or toll highway such as a
21 street or public highway construction permit fee or an impact fee or other
22 similar development charge designed to fund expenditures by the political
23 subdivision on capital facilities needed to serve the toll road or toll
24 highway, but shall only levy a construction permit fee to the extent that
25 the permit fee applies to all persons seeking a construction permit.

26 (b) All permit fees, impact fees, or other similar development
27 charges levied by a political subdivision on a corporation TOLL ROAD OR

1 TOLL HIGHWAY COMPANY constructing or operating a private toll road or
2 toll highway shall be no greater than necessary to defray the costs directly
3 incurred by the political subdivision in providing services, and, in the case
4 of impact fees or other development charges, shall be no greater than
5 necessary to defray impacts directly related to the toll road or toll
6 highway. The fees and charges shall also be reasonably related in time to
7 the incurrence of the impacts or costs. In any controversy concerning the
8 appropriateness of a fee or charge, the political subdivision shall have the
9 burden of proving that the fee or charge is no greater than necessary to
10 defray the direct impacts or costs incurred by the political subdivision.
11 All costs of construction shall be borne by the corporation TOLL ROAD OR
12 TOLL HIGHWAY COMPANY constructing or operating the toll road or toll
13 highway.

14 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "FILED FORMATION DOCUMENT" SHALL HAVE THE MEANING SET
17 FORTH IN SECTION 7-45-102 (7), C.R.S.

18 (b) "TOLL ROAD OR TOLL HIGHWAY" SHALL HAVE THE MEANING
19 SET FORTH IN SECTION 7-45-102 (8), C.R.S.

20 (c) "TOLL ROAD OR TOLL HIGHWAY COMPANY" SHALL HAVE THE
21 MEANING SET FORTH IN SECTION 7-45-102 (9), C.R.S.

22 **SECTION 3.** Part 3 of article 3 of title 43, Colorado Revised
23 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,
24 to read:

25 **PART 3**

26 **TOLL ROADS AND TOLL HIGHWAYS - PRIVATE**

27 **43-3-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

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

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

6 **43-3-302. Traffic laws - toll collection - definitions.** (1)(a) THE
7 TRANSPORTATION COMMISSION SHALL REVIEW A TOLL ROAD OR TOLL
8 HIGHWAY COMPANY'S TOLL SCHEDULE AS PART OF THE PROJECT
9 DESCRIPTION SUBMITTED FOR APPROVAL AS PART OF THE STATEWIDE
10 TRANSPORTATION PLAN AND EVERY FIVE YEARS THEREAFTER IF EMINENT
11 DOMAIN IS USED BY THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE
12 ANY PART OF THE RIGHT-OF-WAY FOR A TOLL ROAD OR TOLL HIGHWAY.
13 THE REVIEW SHALL BE LIMITED TO DETERMINING WHETHER A REDUCED
14 TOLL MAY BE IMPOSED ON HIGH OCCUPANCY VEHICLES AND PUBLIC MASS
15 TRANSIT VEHICLES IN ORDER TO ENCOURAGE THE USE OF SUCH VEHICLES
16 ON THE TOLL ROAD OR TOLL HIGHWAY.

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

18 (I) "HIGH OCCUPANCY VEHICLES" MEANS VEHICLES THAT CARRY
19 AT LEAST THE NUMBER OF PERSONS SPECIFIED BY THE TRANSPORTATION
20 COMMISSION.

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

23 (A) ARE OPERATED BY OR UNDER CONTRACT WITH THE REGIONAL
24 TRANSPORTATION DISTRICT CREATED PURSUANT TO ARTICLE 9 OF TITLE
25 32, C.R.S., OR A REGIONAL TRANSPORTATION AUTHORITY CREATED
26 PURSUANT TO PART 6 OF ARTICLE 4 OF THIS TITLE; AND

27 (B) PROVIDE REGULAR AND CONTINUING GENERAL OR SPECIAL

1 TRANSPORTATION TO THE PUBLIC.

2 (c) IN DETERMINING WHETHER A REDUCED TOLL MAY BE IMPOSED
3 ON HIGH OCCUPANCY VEHICLES AND PUBLIC MASS TRANSIT VEHICLES, THE
4 TRANSPORTATION COMMISSION SHALL ENSURE THAT THE REDUCED TOLL
5 DOES NOT LIMIT OR PRECLUDE A TOLL ROAD OR TOLL HIGHWAY
6 COMPANY'S:

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

9 (II) REPAYMENT OF THE COMPANY'S CAPITAL OUTLAY COSTS FOR
10 THE PROJECT AND RECOVERY OF A REASONABLE RETURN ON THE
11 COMPANY'S INVESTMENT.

12 (2) STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE
13 AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL ENFORCEMENT
14 AGREEMENTS WITH A TOLL ROAD OR TOLL HIGHWAY COMPANY. ANY
15 FUNDS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY PURSUANT
16 TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO ANNUAL
17 APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW ENFORCEMENT
18 AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO
19 THE AGREEMENT.

20 (3) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY ADOPT RULES
21 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND EVASION
22 AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY
23 ESTABLISHED BY A TOLL ROAD OR TOLL HIGHWAY COMPANY FOR ANY
24 TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN
25 TWO HUNDRED FIFTY DOLLARS, IN ADDITION TO ANY COSTS IMPOSED BY A
26 COURT. A COMPANY MAY USE STATE OF THE ART TECHNOLOGY,
27 INCLUDING BUT NOT LIMITED TO AUTOMATIC VEHICLE IDENTIFICATION

1 PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT
2 OF TOLL VIOLATIONS. THE USE OF STATE OF THE ART TECHNOLOGY TO AID
3 IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY
4 THIS SECTION.

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

12 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE
13 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN
14 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE
15 OR A MUNICIPAL SUMMONS AND COMPLAINT. IF A CIVIL PENALTY
16 ASSESSMENT IS ISSUED, THE NOTICE SHALL BE TENDERED BY A PEACE
17 OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., AND SHALL
18 CONTAIN THE NAME AND ADDRESS OF THE PERSON, THE LICENSE NUMBER
19 OF THE MOTOR VEHICLE INVOLVED, THE NUMBER OF THE PERSON'S
20 DRIVER'S LICENSE, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE
21 PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A
22 PLACE FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE
23 PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE
24 FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY
25 FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE
26 REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO
27 APPEAR FOR ADJUDICATION OF TOLL EVASION PURSUANT TO THIS SECTION

1 IF THE PRESCRIBED TOLL, FEE, AND CIVIL PENALTY ARE NOT PAID WITHIN
2 TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED
3 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY
4 ASSESSMENT NOTICE.

5 (c) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT
6 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON
7 CITED SHALL PAY THE TOLL, FEE, AND CIVIL PENALTY AUTHORIZED BY THE
8 TOLL ROAD OR TOLL HIGHWAY COMPANY INVOLVED AT THE OFFICE OF THE
9 COMPANY, EITHER IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN
10 TWENTY DAYS OF THE CITATION. IF THE PERSON CITED DOES NOT PAY THE
11 PRESCRIBED TOLL, FEE, AND CIVIL PENALTY WITHIN TWENTY DAYS OF THE
12 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A
13 COMPLAINT TO APPEAR FOR ADJUDICATION OF TOLL EVASION IN COURT OR
14 IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE
15 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
16 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE
17 MANNER SPECIFIED IN THE NOTICE.

18 (d) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE
19 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT
20 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO
21 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF
22 SUCH A SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON
23 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL
24 EVASION EXCEED THE LIMIT ESTABLISHED IN SUBSECTION (3) OF THIS
25 SECTION.

26 (5) (a) THE RESPECTIVE COURTS OF THE MUNICIPALITIES,
27 COUNTIES, AND CITIES AND COUNTIES ARE GIVEN JURISDICTION TO TRY ALL

1 CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS
2 GOVERNING THE USE OF A TOLL ROAD OR TOLL HIGHWAY OPERATED BY A
3 TOLL ROAD OR TOLL HIGHWAY COMPANY AND ARISING UNDER THE TOLL
4 EVASION CIVIL PENALTY REGULATIONS ENACTED BY A TOLL ROAD OR TOLL
5 HIGHWAY COMPANY. VENUE FOR SUCH CASES SHALL BE IN THE
6 MUNICIPALITY, COUNTY, OR CITY AND COUNTY WHERE THE ALLEGED
7 VIOLATION OF MUNICIPAL ORDINANCE OR STATE LAW OR OF THE
8 CORPORATE REGULATION OCCURRED.

9 (b) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, A TOLL ROAD
10 OR TOLL HIGHWAY COMPANY SHALL CONSIDER ESTABLISHING AN
11 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,
12 ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
13 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
14 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN
15 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
16 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
17 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
18 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

19 (c) IF A TOLL ROAD OR TOLL HIGHWAY COMPANY ESTABLISHES AN
20 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A
21 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION
22 TO HEAR TOLL EVASION CASES ARISING ON A PUBLIC HIGHWAY OPERATED
23 BY THE COMPANY.

24 (d) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL
25 HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT
26 TO THIS SECTION AND THE RULES PROMULGATED BY A TOLL ROAD OR TOLL
27 HIGHWAY COMPANY. THE HEARING OFFICER SHALL BE AN INDEPENDENT

1 CONTRACTOR OF THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

2 (e) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY FILE A
3 CERTIFIED COPY OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY
4 THAT IS ENTERED BY THE HEARING OFFICER IN AN ADJUDICATION OF A
5 TOLL EVASION WITH THE CLERK OF THE COUNTY COURT IN THE COUNTY IN
6 WHICH THE VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS
7 ENTERED. THE CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK
8 OF THE COURT AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER
9 SHALL HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT, AND THE
10 COURT MAY EXECUTE THE ORDER AS IN THE OTHER CASES.

11 (f) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY A
12 TOLL ROAD OR TOLL HIGHWAY COMPANY IS SUBJECT TO JUDICIAL REVIEW.
13 THE ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS
14 OF LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE
15 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD
16 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

17 (g) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS
18 SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL HAVE EVERY
19 REMEDY AVAILABLE UNDER THE LAW TO ENFORCE UNPAID TOLLS AND FEES
20 AS DEBTS OWED TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

21 (6) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT
22 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT
23 TO RULES AUTHORIZED IN SUBSECTION (3) OF THIS SECTION SHALL BE
24 REMITTED TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY IN WHOSE
25 NAME THE CIVIL PENALTY ASSESSMENT NOTICE WAS ISSUED AND SHALL BE
26 APPLIED BY THE COMPANY TO DEFRAY THE COSTS AND EXPENSES OF
27 ENFORCING THE LAWS OF THE STATE AND THE RULES OF THE COMPANY. IF

1 A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED, THE AGGREGATE
2 PENALTY SHALL BE APPORTIONED PURSUANT TO THE TERMS OF ANY
3 ENFORCEMENT AGREEMENT.

4 (7) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE
5 PROVIDED FOR IN SUBSECTION (4) OF THIS SECTION, WHERE AN INSTANCE
6 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION
7 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,
8 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY
9 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN
10 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS
11 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO
12 DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TOLL ROAD OR TOLL
13 HIGHWAY COMPANY TO THE REGISTERED OWNER OF THE MOTOR VEHICLE
14 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE
15 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF
16 THE VEHICLE INVOLVED, THE TIME AND LOCATION OF THE VIOLATION, THE
17 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR
18 THE REGISTERED OWNER OF THE VEHICLE TO EXECUTE A SIGNED
19 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH
20 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE
21 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL
22 EVASION CIVIL PENALTY ASSESSMENT. THE REGISTERED OWNER OF THE
23 VEHICLE INVOLVED IN A TOLL EVASION SHALL BE LIABLE FOR THE TOLL,
24 FEE, AND CIVIL PENALTY IMPOSED BY THE COMPANY, EXCEPT AS
25 OTHERWISE PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (7).

26 (b) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS
27 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE

1 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR
2 PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT,
3 AT THE DISCRETION OF THE OWNER:

4 (I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION
5 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED
6 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A
7 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT ON TO THE
8 TOLL ROAD OR TOLL HIGHWAY COMPANY; OR

9 (II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL
10 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR
11 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT
12 THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR
13 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE
14 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER
15 RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH
16 TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY AN AFFIDAVIT
17 CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER
18 OF THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE. AS
19 A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION
20 VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR
21 RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE
22 LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT TO THE
23 REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE
24 VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL
25 PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR
26 LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE
27 NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE

1 THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE
2 NUMBER SHALL BE FURNISHED TO THE TOLL ROAD OR TOLL HIGHWAY
3 COMPANY WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED
4 DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

5 (c) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY
6 DAYS, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, A
7 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL SEND A SECOND PENALTY
8 ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR
9 BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE
10 UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO
11 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH RESPECT TO RECEIPT
12 VERIFICATION AND DELIVERY SPEED, RELIABILITY, AND PRICE, CONTAINING
13 THE SAME INFORMATION AS IS SPECIFIED IN PARAGRAPH (a) OF THIS
14 SUBSECTION (7). THE NOTICE SHALL SPECIFY THAT THE REGISTERED
15 OWNER OF THE VEHICLE MAY PAY THE SAME PENALTY ASSESSMENT AT
16 ANY TIME PRIOR TO THE SCHEDULED HEARING. IF THE REGISTERED OWNER
17 OF THE VEHICLE DOES NOT PAY THE PRESCRIBED TOLL, FEE, AND CIVIL
18 PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL PENALTY
19 ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO APPEAR FOR
20 ADJUDICATION OF A TOLL EVASION IN COURT OR IN AN ADMINISTRATIVE
21 TOLL ENFORCEMENT PROCEEDING AND THE REGISTERED OWNER OF THE
22 VEHICLE SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY
23 ASSESSMENT NOTICE, FILE AN ANSWER TO THE COMPLAINT IN THE MANNER
24 SPECIFIED IN THE NOTICE. IF THE REGISTERED OWNER OF THE VEHICLE
25 FAILS TO PAY IN FULL THE OUTSTANDING TOLL, FEE, AND CIVIL PENALTY
26 SET FORTH IN THE NOTICE OR TO APPEAR AND ANSWER THE NOTICE AS
27 SPECIFIED IN THE NOTICE, THE REGISTERED OWNER OF THE VEHICLE SHALL

1 BE DEEMED TO HAVE ADMITTED LIABILITY AND TO HAVE WAIVED THE
2 RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY IN DEFAULT
3 AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE ENTERED.

4 (8) A COURT WITH JURISDICTION IN A TOLL EVASION CASE
5 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION OR A
6 TOLL ROAD OR TOLL HIGHWAY COMPANY WITH JURISDICTION IN A TOLL
7 EVASION CASE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (5) OF THIS
8 SECTION MAY REPORT TO THE DEPARTMENT OF REVENUE ANY
9 OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE
10 TOLL, FEE, AND CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF
11 A CERTIFIED REPORT FROM A COURT OR A TOLL ROAD OR TOLL HIGHWAY
12 COMPANY STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS
13 FAILED TO PAY A TOLL, FEE, AND CIVIL PENALTY RESULTING FROM A FINAL
14 ORDER ENTERED BY THE TOLL ROAD OR TOLL HIGHWAY COMPANY, THE
15 DEPARTMENT SHALL NOT RENEW THE VEHICLE REGISTRATION OF THE
16 VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY ARE PAID IN FULL. THE
17 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL CONTRACT WITH AND
18 COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR THE DIRECT
19 COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE REGISTRATION
20 PURSUANT TO THIS SUBSECTION (8). THE DEPARTMENT HAS NO
21 AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
22 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
23 TOLL EVASION.

24 **43-3-303. Toll roads must be kept in repair.** IT IS THE DUTY OF
25 ALL OWNERS OR OPERATORS OF ROADS UPON WHICH TOLLS ARE CHARGED
26 TO KEEP THEIR ROADS IN GOOD REPAIR AT ALL POINTS, AND THE
27 CONDITION OF THE ROADS SHALL BE DETERMINED BY THE GRADE THEREOF

1 AND THE SEASON OF THE YEAR IN WHICH THEY ARE USED.

2 **43-3-304. Noncompete agreements.** A TOLL ROAD OR TOLL
3 HIGHWAY COMPANY MAY NOT ENTER INTO A NONCOMPETE AGREEMENT
4 WITH A PUBLIC ENTITY IF THE AGREEMENT WOULD DEGRADE AN EXISTING
5 ROADWAY OR EITHER DELAY OR PREVENT THE CONSTRUCTION OR
6 UPGRADING OF A ROAD OR HIGHWAY THAT IS INCLUDED IN THE FISCALLY
7 CONSTRAINED REGIONAL TRANSPORTATION PLAN REQUIRED BY SECTION
8 43-1-1103 (1) OR THE FISCALLY CONSTRAINED COMPREHENSIVE
9 STATEWIDE TRANSPORTATION PLAN REQUIRED BY SECTION 43-1-1103 (5).

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.