

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 19, 2006  
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB06-1003 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

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4 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 **ARTICLE 45**

6 **Toll Road Companies**

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

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 OR  
8 TOLL HIGHWAY THAT HAS BEEN DESIGNATED IN ANY PREVIOUSLY FILED  
9 FORMATION DOCUMENT EXCEPT AS NECESSARY TO CROSS THE TOLL ROAD,  
10 TOLL HIGHWAY, ROUTE, OR CORRIDOR.

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

18 **7-45-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "ASSOCIATED RAIL CORRIDOR" MEANS A CORRIDOR FOR A RAIL  
21 LINE TO BE THAT IS LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF  
22 A TOLL ROAD OR TOLL HIGHWAY.

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

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

31 (4) "COMMENTING STATE AGENCIES" MEANS THE DEPARTMENT OF  
32 TRANSPORTATION, THE DEPARTMENT OF PUBLIC HEALTH AND  
33 ENVIRONMENT, THE DEPARTMENT OF NATURAL RESOURCES, THE  
34 DEPARTMENT OF AGRICULTURE, AND THE DEPARTMENT OF LOCAL AFFAIRS.

35 (5) "COMMERCIAL, RESIDENTIAL, AND INDUSTRIAL DEVELOPMENT"

1 MEANS THE DEVELOPMENT OF OFFICES, SHOPS, STORES, HOTELS,  
2 RESTAURANTS, BARS, WAREHOUSES, FACTORIES, HOUSES, APARTMENTS,  
3 CONDOMINIUMS, AND OTHER BUILDINGS AND STRUCTURES USED FOR THE  
4 SALE AND RENTAL OF GOODS OR SERVICES, FOR THE MANUFACTURE,  
5 FABRICATION, ASSEMBLY, OR STORAGE OF PRODUCTS, OR FOR SLEEPING OR  
6 DWELLING.

7 (6) "COMPANY" MEANS A DOMESTIC CORPORATION, GENERAL  
8 PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY COMPANY,  
9 LIMITED LIABILITY PARTNERSHIP, LIMITED LIABILITY LIMITED  
10 PARTNERSHIP, LIMITED PARTNERSHIP ASSOCIATION, NONPROFIT  
11 ASSOCIATION, NONPROFIT CORPORATION, COOPERATIVE, OR OTHER  
12 ORGANIZATION OR ASSOCIATION THAT IS CREATED UNDER A STATUTE OR  
13 COMMON LAW OF THIS STATE AND THAT IS RECOGNIZED UNDER THE LAW  
14 OF THIS STATE AS A SEPARATE LEGAL ENTITY.

15 (7) "FILED FORMATION DOCUMENT" MEANS ARTICLES OF  
16 INCORPORATION, ARTICLES OF ORGANIZATION, A CERTIFICATE OF LIMITED  
17 PARTNERSHIP, ARTICLES OF ASSOCIATION, A STATEMENT OF  
18 REGISTRATION, OR ANY OTHER DOCUMENT OF SIMILAR IMPORT FILED BY  
19 AN ENTITY WITH THE SECRETARY OF STATE UNDER WHICH THE ENTITY IF  
20 FORMED OR OBTAINS ITS LEGAL STATUS IN THIS STATE.

21 (8) "TOLL ROAD" OR "TOLL HIGHWAY" MEANS A SERIES OF  
22 IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO PAVING, GRADING,  
23 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,  
24 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, FRONTAGE ROADS,  
25 ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES, MASS TRANSIT  
26 LANES, PARK AND RIDE FACILITIES, TOLL COLLECTION FACILITIES,  
27 ADMINISTRATIVE OR MAINTENANCE FACILITIES, AND EMERGENCY  
28 RESPONSE AND LAW ENFORCEMENT SERVICES. NOTHING IN THIS ARTICLE  
29 SHALL BE CONSTRUED TO AFFECT ANY COMMON CARRIER, AS DEFINED IN  
30 SECTION 40-1-102 (3), C.R.S., INCLUDING, BUT NOT LIMITED TO, ANY  
31 RAILROAD. ANY UTILITY LINE, SYSTEM, OR INFRASTRUCTURE SHALL BE  
32 SUBJECT TO A REASONABLE FEE AND REASONABLE RELOCATION  
33 PROVISIONS.

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

37 **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.** NOTWITHSTANDING THE  
24 PROVISIONS OF SECTION 38-2-101, C.R.S., ON AND AFTER THE EFFECTIVE  
25 DATE OF THIS SECTION, A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL  
26 NOT HAVE THE POWER TO EXERCISE THE RIGHT OF EMINENT DOMAIN TO  
27 ACQUIRE ANY PART OF THE RIGHT-OF-WAY OF THE THREE-MILE CORRIDOR  
28 OF A PROPOSED TOLL ROAD OR TOLL HIGHWAY SPECIFIED IN THE FILED  
29 FORMATION DOCUMENT OF THE COMPANY AS REQUIRED BY SECTION  
30 7-45-101 (1). NOTHING HEREIN SHALL PROHIBIT A TOLL ROAD OR TOLL  
31 HIGHWAY COMPANY FROM ENTERING INTO A PUBLIC-PRIVATE INITIATIVE  
32 WITH THE DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE  
33 PROVISIONS OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S., AND AS  
34 AUTHORIZED IN SECTION 7-45-111 FOR THE PURPOSE OF ENABLING THE  
35 CONSTRUCTION OF SUCH A TOLL ROAD OR TOLL HIGHWAY, BUT IN SUCH A  
36 CASE THE POWER OF EMINENT DOMAIN SHALL NOT BE EXERCISED BY THE  
37 TOLL ROAD OR TOLL HIGHWAY COMPANY AND MAY BE EXERCISED BY THE  
38 DEPARTMENT ONLY FOR PURPOSES OF ACQUIRING PROPERTY AND  
39 RIGHTS-OF-WAY NECESSARY FOR THE COMPLETION OF A TOLL ROAD OR  
40 TOLL HIGHWAY OPEN TO THE PUBLIC THAT IS INCORPORATED INTO THE  
41 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN PREPARED PURSUANT

1 TO SECTION 43-1-1103 (5), C.R.S. IN EXERCISING THE POWER OF EMINENT  
2 DOMAIN, THE DEPARTMENT SHALL COMPLY WITH ALL LAWS AND  
3 ADMINISTRATIVE RULES THAT GOVERN THE DEPARTMENT'S USE OF  
4 EMINENT DOMAIN FOR STATE HIGHWAY PROJECTS, AND THE  
5 RIGHTS-OF-WAY ACQUIRED SHALL FORM A CORRIDOR NO LARGER THAN  
6 THAT APPROVED BY ALL AFFECTED METROPOLITAN PLANNING  
7 ORGANIZATIONS, REGIONAL PLANNING COMMISSIONS, AND THE  
8 TRANSPORTATION COMMISSION PURSUANT TO SECTIONS 7-45-105 AND  
9 7-45-106. IN ACCORDANCE WITH SECTION 43-1-1204, (3) (b), C.R.S., THE  
10 DEPARTMENT MAY NOT SELL OR OTHERWISE TRANSFER OWNERSHIP OF  
11 PROPERTY OR RIGHTS-OF-WAY ACQUIRED THROUGH THE EXERCISE OF THE  
12 POWER OF EMINENT DOMAIN AS AUTHORIZED BY THIS SECTION TO A TOLL  
13 ROAD OR TOLL HIGHWAY COMPANY.

14 **7-45-105. Planning standards and project review.** (1) A TOLL  
15 ROAD OR TOLL HIGHWAY COMPANY SHALL NOT COMMENCE THE  
16 CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY, OR ANY ASSOCIATED  
17 RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY  
18 CORRIDOR, UNTIL THE TOLL ROAD OR TOLL HIGHWAY OR THE ASSOCIATED  
19 RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY  
20 CORRIDOR HAS BEEN REVIEWED BY EVERY METROPOLITAN PLANNING  
21 ORGANIZATION OR REGIONAL PLANNING COMMISSION THAT IS LOCATED IN  
22 WHOLE OR IN PART WITHIN THE THREE-MILE CORRIDOR DESIGNATED BY  
23 THE TOLL ROAD OR TOLL HIGHWAY COMPANY AS REQUIRED BY SECTION  
24 7-45-101 (1) AND HAS BEEN INCLUDED IN THE REGIONAL TRANSPORTATION  
25 PLAN IN EFFECT FOR THE REGION PURSUANT TO SECTION 43-1-1103,  
26 C.R.S., AND IN THE COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN  
27 REQUIRED PURSUANT TO SECTION 43-1-1103 (5), C.R.S. IN DESIGNATED  
28 NONATTAINMENT AREAS FOR ANY POLLUTANT PURSUANT TO THE FEDERAL  
29 "CLEAN AIR ACT", 42 U.S.C. SEC. 7401 ET SEQ., AS AMENDED, A  
30 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL PLANNING  
31 COMMISSION SHALL NOT INCLUDE A TOLL ROAD OR TOLL HIGHWAY  
32 PROJECT, INCLUDING ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED  
33 SERVICE AREA, OR ASSOCIATED UTILITY CORRIDOR, IN THE REGIONAL  
34 TRANSPORTATION PLAN UNLESS THE ORGANIZATION OR COMMISSION HAS  
35 PERFORMED AN EMISSIONS ANALYSIS THAT DEMONSTRATES THAT  
36 REGIONAL EMISSIONS AND LOCAL PROJECT EMISSIONS WILL CONTINUE TO  
37 CONFORM TO THE STATE IMPLEMENTATION PLAN IF THE PROJECT IS ADDED  
38 TO THE REGIONAL TRANSPORTATION PLAN. THE TOLL ROAD OR TOLL  
39 HIGHWAY COMPANY SHALL PAY THE REASONABLE ACTUAL COSTS FOR THE  
40 EMISSIONS ANALYSIS. EACH ORGANIZATION OR COMMISSION MAY  
41 CONDITION ITS ADDITION OF A TOLL ROAD OR TOLL HIGHWAY PROJECT

1 INTO THE REGIONAL TRANSPORTATION PLAN UPON ACCEPTABLE  
2 ENVIRONMENTAL MITIGATION ACTIVITIES AND COMMITMENTS TO OFFSET  
3 INCREMENTAL COSTS OF PUBLIC SERVICES THAT WILL BE NECESSARY AS A  
4 RESULT OF DEVELOPMENT OF THE PROJECT WITHIN THE PLANNING REGION.

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

19 (3) (a) AT THE DISCRETION OF A METROPOLITAN PLANNING  
20 ORGANIZATION OR REGIONAL PLANNING COMMISSION, A REGIONAL PLAN  
21 MAY INITIALLY BE AMENDED TO INCLUDE ONLY ENVIRONMENTAL AND  
22 PRECONSTRUCTION ACTIVITIES, EXCLUDING RIGHT-OF-WAY ACQUISITION,  
23 RELATING TO A TOLL ROAD OR TOLL HIGHWAY PROJECT, INCLUDING ANY  
24 ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED  
25 UTILITY CORRIDOR, AND MAY LATER BE AMENDED TO INCLUDE ACTUAL  
26 CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION OF THE PROJECT  
27 FOLLOWING AGREEMENT BY THE METROPOLITAN PLANNING  
28 ORGANIZATION OR REGIONAL PLANNING COMMISSION THAT ACCEPTABLE  
29 ENVIRONMENTAL MITIGATION ACTIVITIES AND COMMITMENTS TO OFFSET  
30 INCREMENTAL COSTS OF PUBLIC SERVICES ARE INCLUDED IN THE PROJECT  
31 PLANS.

32 (b) UPON REQUEST OF A LOCAL GOVERNMENT LOCATED IN WHOLE  
33 OR IN PART WITHIN THE THREE-MILE CORRIDOR OF A PROPOSED TOLL ROAD  
34 OR TOLL HIGHWAY AS SPECIFIED PURSUANT TO SECTION 7-45-101 (1), A  
35 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL CONSULT WITH  
36 REPRESENTATIVES FROM THE LOCAL GOVERNMENT AND SHALL CONSIDER  
37 AVAILABLE MITIGATION OF DEMONSTRABLE NEGATIVE IMPACTS ON THE  
38 LOCAL GOVERNMENT OR ITS CITIZENS THAT WOULD RESULT FROM THE  
39 CONSTRUCTION, OPERATION, OR FINANCING OF THE TOLL ROAD OR TOLL

1 HIGHWAY OR ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE  
2 AREA, OR ASSOCIATED UTILITY CORRIDOR.

3 **7-45-106. Environmental standards and review.**

4 (1) (a) BEFORE CONSTRUCTING AND OPERATING A TOLL ROAD OR TOLL  
5 HIGHWAY OR ANY ASSOCIATED RAIL CORRIDOR, ASSOCIATED SERVICE  
6 AREA, OR ASSOCIATED UTILITY CORRIDOR, A TOLL ROAD OR TOLL  
7 HIGHWAY COMPANY SHALL PREPARE, AT ITS OWN EXPENSE,  
8 ENVIRONMENTAL DOCUMENTATION THAT COMPLIES WITH THE  
9 ENVIRONMENTAL STEWARDSHIP GUIDE APPROVED BY THE  
10 TRANSPORTATION COMMISSION IN MAY 2005. THE DOCUMENTATION  
11 SHALL DESCRIBE THE ENVIRONMENTAL, SOCIAL, AND ECONOMIC EFFECTS  
12 OF THE PROPOSED TOLL ROAD OR TOLL HIGHWAY OR ASSOCIATED RAIL  
13 CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY  
14 CORRIDOR, IDENTIFY FEASIBLE MEASURES TO AVOID OR OTHERWISE  
15 MITIGATE THE ADVERSE EFFECTS OF THE PROJECT, AND ESTIMATE THE  
16 FINANCIAL COSTS TO IMPLEMENT MITIGATION MEASURES THAT ARE  
17 INCLUDED IN THE PROJECT OR HAVE BEEN PREVIOUSLY RECOMMENDED IN  
18 WRITING BY THE COMMENTING STATE AGENCIES OR AN AFFECTED  
19 METROPOLITAN PLANNING ORGANIZATION OR REGIONAL TRANSPORTATION  
20 COMMISSION AND COMPLY WITH FEDERAL AND STATE AIR AND WATER  
21 QUALITY STANDARDS, APPROVALS, AND PERMITS.

22 (b) (I) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL NOT  
23 BEGIN WORK ON ENVIRONMENTAL DOCUMENTATION REQUIRED BY  
24 PARAGRAPH (a) OF THIS SUBSECTION (1) UNTIL IT HAS OBTAINED  
25 PRELIMINARY APPROVAL FROM THE EXECUTIVE DIRECTOR OF THE  
26 DEPARTMENT OF TRANSPORTATION THAT THE SCOPE OF THE PLANNED  
27 ENVIRONMENTAL DOCUMENTATION IS CONSISTENT WITH THE  
28 ENVIRONMENTAL STEWARDSHIP GUIDE ISSUED BY THE DEPARTMENT IN  
29 MAY 2005 AND ALL OTHER REQUIREMENTS OF PARAGRAPH (a) OF THIS  
30 SUBSECTION (1).

31 (II) A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL PROVIDE A  
32 COPY OF ANY DRAFT ENVIRONMENTAL DOCUMENTATION IT PREPARES AS  
33 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) TO THE  
34 COMMENTING STATE AGENCIES, AFFECTED METROPOLITAN PLANNING  
35 ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND AFFECTED  
36 LOCAL GOVERNMENTS. THE TOLL ROAD OR TOLL HIGHWAY COMPANY  
37 SHALL ALSO MAKE THE DRAFT ENVIRONMENTAL DOCUMENTATION  
38 ELECTRONICALLY OR OTHERWISE AVAILABLE TO THE PUBLIC. THE  
39 COMMENTING STATE AGENCIES MAY, WITHIN SIXTY DAYS, PROVIDE THE

1 TOLL ROAD OR TOLL HIGHWAY COMPANY AND AFFECTED METROPOLITAN  
2 PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS WITH  
3 THEIR ANALYSES OF THE ADEQUACY OF THE ENVIRONMENTAL  
4 DOCUMENTATION AND SHALL MAKE THE ANALYSES AVAILABLE TO THE  
5 PUBLIC.

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

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

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

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

27 (b) THE PROJECT IS:

28 (I) NECESSARY TO MEET THE TRANSPORTATION NEEDS OF THE  
29 STATE;

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

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

33 (IV) IN THE PUBLIC INTEREST.

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

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

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

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

24 (b) PUBLIC SERVICES;

25 (c) THE COSTS OF ELIMINATING OR MINIMIZING THE ADVERSE  
26 EFFECTS FOR WHICH THE MITIGATION MEASURES ARE PROPOSED;

27 (d) ENVIRONMENTAL, SOCIAL, AND ECONOMIC VALUES; AND

28 (e) THE FINANCIAL FEASIBILITY OF THE PROJECT.

29 **7-45-107. Construction safety standards.** WHEN CONSTRUCTING  
30 AND MAINTAINING A TOLL ROAD OR TOLL HIGHWAY OR ANY ASSOCIATED  
31 RAIL CORRIDOR, ASSOCIATED SERVICE AREA, OR ASSOCIATED UTILITY  
32 CORRIDOR A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL COMPLY  
33 WITH ALL DEPARTMENT OF TRANSPORTATION SAFETY STANDARDS FOR  
34 STATE TRANSPORTATION PROJECTS.

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

4           (a) CAUSE WRITTEN NOTICE TO BE SENT TO THE CLERK AND  
5 RECORDER OF EACH COUNTY THAT INCLUDES TERRITORY THAT IS  
6 INCLUDED WITHIN THE THREE-MILE CORRIDOR SPECIFIED IN THE FILED  
7 FORMATION DOCUMENT OF THE INTENT OF THE TOLL ROAD OR TOLL  
8 HIGHWAY COMPANY TO CONSTRUCT A TOLL ROAD OR TOLL HIGHWAY  
9 WITHIN THAT CORRIDOR AND SHALL MAIL THE WRITTEN NOTICE TO EACH  
10 PERSON WHO OWNS REAL PROPERTY WITHIN THE THREE-MILE CORRIDOR.  
11 THE TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL SEND THE NOTICE BY  
12 CERTIFIED MAIL AND SHALL GENERALLY DESCRIBE THE PROPOSED TOLL  
13 ROAD OR TOLL HIGHWAY PROJECT, INCLUDING ITS LOCATION, TERMINI,  
14 IMPROVEMENTS, AND OPERATION. THE NOTICE SHALL ALSO EXPLAIN THAT  
15 THE PROJECT MAY NOT GO FORWARD UNTIL THE PROCESS FOR APPROVING  
16 THE PROJECT REQUIRED BY THIS ARTICLE HAS BEEN COMPLETED,  
17 SUMMARIZE THE APPROVAL PROCESS, IDENTIFY OPPORTUNITIES DURING  
18 THE PROCESS FOR PUBLIC INVOLVEMENT, AND PROVIDE A CONTACT FOR  
19 ADDITIONAL INFORMATION.

20           (b) FILE A DISCLAIMER OF INTEREST WITH THE CLERK AND  
21 RECORDER'S OFFICE IN THE COUNTY OF RESIDENCE OF EACH PERSON TO  
22 WHOM THE COMPANY PROVIDED WRITTEN NOTICE PURSUANT TO  
23 PARAGRAPH (a) OF THIS SUBSECTION (1) THAT EXPRESSLY STATES THAT  
24 THE FILED FORMATION DOCUMENT DOES NOT EFFECT AN INTEREST IN THE  
25 PERSON'S REAL PROPERTY WITHIN THE THREE-MILE CORRIDOR SPECIFIED  
26 IN THE FILED FORMATION DOCUMENT.

27           (2) A TOLL ROAD OR TOLL HIGHWAY COMPANY THAT HAS FILED A  
28 FORMATION DOCUMENT PRIOR TO THE EFFECTIVE DATE OF THIS  
29 SUBSECTION (2) AND THAT HAS NOT SATISFIED THE NOTICE REQUIREMENTS  
30 OF SUBSECTION (1) OF THIS SECTION SHALL FILE A NEW OR AMENDED  
31 FORMATION DOCUMENT WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF  
32 THIS SUBSECTION (2) THAT INCLUDES THE INFORMATION REQUIRED BY  
33 SECTION 7-45-101 (1) AND THAT CERTIFIES THAT THE COMPANY HAS  
34 COMPLIED WITH OR WILL COMPLY WITH THE REQUIREMENTS OF SAID  
35 SUBSECTION (1) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS  
36 SUBSECTION (2).

37           **7-45-109. Use of land by toll road or toll highway company -**  
38 **right to repurchase unneeded condemned property.** ANY INTEREST IN

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

22 **7-45-110. Sale of interest in or assets of a toll road or toll**  
23 **highway company.** (1) IF ANY INTEREST IN A TOLL ROAD OR TOLL  
24 HIGHWAY COMPANY IS SOLD OR TRANSFERRED, THE TOLL ROAD OR TOLL  
25 HIGHWAY COMPANY SHALL CONTINUE TO COMPLY WITH THE LIMITATIONS  
26 SET FORTH IN SECTION 7-45-109.

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

32 (3) IF A TOLL ROAD OR TOLL HIGHWAY IS INCLUDED IN THE  
33 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN REQUIRED PURSUANT  
34 TO SECTION 43-1-1103 (5), C.R.S., BEFORE THE TOLL ROAD OR TOLL  
35 HIGHWAY COMPANY COMPLETES A SUBSEQUENT SALE OR TRANSFER OF  
36 ASSETS OR RIGHTS GENERATING MORE THAN TWENTY PERCENT OF THE  
37 CURRENT REVENUE FROM THE TOLL ROAD OR TOLL HIGHWAY, THE  
38 PURCHASER MUST DEMONSTRATE TO THE TRANSPORTATION COMMISSION,  
39 AND THE COMMISSION MUST DETERMINE, THAT FOLLOWING THE SALE OR

1 TRANSFER THE RESOURCES NEEDED TO COMPLY WITH FEDERAL AND STATE  
2 WATER QUALITY STANDARDS AND OTHER FEDERAL AND STATE  
3 ENVIRONMENTAL REQUIREMENTS AND TO IMPLEMENT MITIGATION  
4 MEASURES THAT WERE INCLUDED IN THE TOLL ROAD OR TOLL HIGHWAY  
5 PROJECT DESCRIPTION OR REQUIRED BY A METROPOLITAN PLANNING  
6 ORGANIZATION, A REGIONAL PLANNING COMMISSION, OR THE  
7 TRANSPORTATION COMMISSION WILL STILL BE AVAILABLE FOR THOSE  
8 PURPOSES.

9 **7-45-111. Public-private initiatives.** NOTHING CONTAINED IN  
10 THIS ARTICLE SHALL PROHIBIT A TOLL ROAD OR TOLL HIGHWAY COMPANY  
11 FROM ENTERING INTO A PUBLIC-PRIVATE INITIATIVE WITH THE  
12 DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE PROVISIONS  
13 OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S., FOR THE PURPOSE OF  
14 ENABLING THE CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY. ANY  
15 SUCH PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

16 **SECTION 2.** Part 3 of article 3 of title 43, Colorado Revised  
17 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,  
18 to read:

19 **PART 3**

20 **TOLL ROADS AND TOLL HIGHWAYS - PRIVATE**

21 **43-3-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
22 CONTEXT OTHERWISE REQUIRES:

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

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

27 **43-3-302. Traffic laws - toll collection - definitions.** (1)(a) THE  
28 TRANSPORTATION COMMISSION SHALL REVIEW A TOLL ROAD OR TOLL  
29 HIGHWAY COMPANY'S TOLL SCHEDULE AS PART OF THE PROJECT  
30 DESCRIPTION SUBMITTED FOR APPROVAL AS PART OF THE STATEWIDE  
31 TRANSPORTATION PLAN AND EVERY FIVE YEARS THEREAFTER. THE  
32 REVIEW SHALL BE LIMITED TO ENSURING THAT A REDUCED TOLL IS  
33 IMPOSED ON HIGH OCCUPANCY VEHICLES AND PUBLIC MASS TRANSIT  
34 VEHICLES IN ORDER TO ENCOURAGE THE USE OF SUCH VEHICLES ON THE

1 TOLL ROAD OR TOLL HIGHWAY.

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

3 (I) "HIGH OCCUPANCY VEHICLES" MEANS VEHICLES THAT CARRY  
4 AT LEAST THE NUMBER OF PERSONS SPECIFIED BY THE TRANSPORTATION  
5 COMMISSION.

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

8 (A) ARE OPERATED BY OR UNDER CONTRACT WITH THE REGIONAL  
9 TRANSPORTATION DISTRICT CREATED PURSUANT TO ARTICLE 9 OF TITLE  
10 32, C.R.S., OR A REGIONAL TRANSPORTATION AUTHORITY CREATED  
11 PURSUANT TO PART 6 OF ARTICLE 4 OF THIS TITLE; AND

12 (B) PROVIDE REGULAR AND CONTINUING GENERAL OR SPECIAL  
13 TRANSPORTATION TO THE PUBLIC.

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

22 (3) A TOLL ROAD OR TOLL HIGHWAY COMPANY MAY ADOPT RULES  
23 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND EVASION  
24 AND PROVIDING A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY  
25 ESTABLISHED BY A TOLL ROAD OR TOLL HIGHWAY COMPANY FOR ANY  
26 TOLL EVASION SHALL BE NOT LESS THAN TEN DOLLARS NOR MORE THAN  
27 TWO HUNDRED FIFTY DOLLARS, IN ADDITION TO ANY COSTS IMPOSED BY A  
28 COURT. A COMPANY MAY USE STATE OF THE ART TECHNOLOGY,  
29 INCLUDING BUT NOT LIMITED TO AUTOMATIC VEHICLE IDENTIFICATION  
30 PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT  
31 OF TOLL VIOLATIONS. THE USE OF STATE OF THE ART TECHNOLOGY TO AID  
32 IN ENFORCEMENT OF TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY  
33 THIS SECTION.

34 (4) (a) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY A TOLL

1 ROAD OR TOLL HIGHWAY COMPANY SHALL BE SUBJECT TO THE CIVIL  
2 PENALTY ESTABLISHED BY THAT COMPANY FOR TOLL EVASION. ANY  
3 PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE  
4 THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS OR MUNICIPAL  
5 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL  
6 ORDINANCE FOR THE TOLL EVASION.

7 (b) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE  
8 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN  
9 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE  
10 OR A MUNICIPAL SUMMONS AND COMPLAINT. IF A CIVIL PENALTY  
11 ASSESSMENT IS ISSUED, THE NOTICE SHALL BE TENDERED BY A PEACE  
12 OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., AND SHALL  
13 CONTAIN THE NAME AND ADDRESS OF THE PERSON, THE LICENSE NUMBER  
14 OF THE MOTOR VEHICLE INVOLVED, THE NUMBER OF THE PERSON'S  
15 DRIVER'S LICENSE, THE NATURE OF THE VIOLATION, THE AMOUNT OF THE  
16 PENALTY PRESCRIBED FOR THE VIOLATION, THE DATE OF THE NOTICE, A  
17 PLACE FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF THE  
18 PERSON'S RECEIPT OF THE CIVIL PENALTY ASSESSMENT NOTICE, A PLACE  
19 FOR THE PERSON TO EXECUTE A SIGNED ACKNOWLEDGMENT OF LIABILITY  
20 FOR THE CITED VIOLATION, AND SUCH OTHER INFORMATION AS MAY BE  
21 REQUIRED BY LAW TO CONSTITUTE THE NOTICE AS A COMPLAINT TO  
22 APPEAR FOR ADJUDICATION OF TOLL EVASION PURSUANT TO THIS SECTION  
23 IF THE PRESCRIBED TOLL, FEE, AND CIVIL PENALTY ARE NOT PAID WITHIN  
24 TWENTY DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED  
25 ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY  
26 ASSESSMENT NOTICE.

27 (c) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT  
28 THE TIME THE CITED PERSON PAYS THE PRESCRIBED PENALTY. THE PERSON  
29 CITED SHALL PAY THE TOLL, FEE, AND CIVIL PENALTY AUTHORIZED BY THE  
30 TOLL ROAD OR TOLL HIGHWAY COMPANY INVOLVED AT THE OFFICE OF THE  
31 COMPANY, EITHER IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN  
32 TWENTY DAYS OF THE CITATION. IF THE PERSON CITED DOES NOT PAY THE  
33 PRESCRIBED TOLL, FEE, AND CIVIL PENALTY WITHIN TWENTY DAYS OF THE  
34 NOTICE, THE CIVIL PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A  
35 COMPLAINT TO APPEAR FOR ADJUDICATION OF TOLL EVASION IN COURT OR  
36 IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING, AND THE  
37 PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN THE CIVIL PENALTY  
38 ASSESSMENT NOTICE, FILE AN ANSWER TO THIS COMPLAINT IN THE  
39 MANNER SPECIFIED IN THE NOTICE.

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

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

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

29 (c) IF A TOLL ROAD OR TOLL HIGHWAY COMPANY ESTABLISHES AN  
30 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A  
31 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION  
32 TO HEAR TOLL EVASION CASES ARISING ON A PUBLIC HIGHWAY OPERATED  
33 BY THE COMPANY.

34 (d) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL  
35 HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT  
36 TO THIS SECTION AND THE RULES PROMULGATED BY A TOLL ROAD OR TOLL  
37 HIGHWAY COMPANY. THE HEARING OFFICER SHALL BE AN INDEPENDENT  
38 CONTRACTOR OF THE TOLL ROAD OR TOLL HIGHWAY COMPANY.

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

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

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

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

30 (7) (a) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE  
31 PROVIDED FOR IN SUBSECTION (4) OF THIS SECTION, WHERE AN INSTANCE  
32 OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE IDENTIFICATION  
33 PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING A PEACE OFFICER,  
34 A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY  
35 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN  
36 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS  
37 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO  
38 DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TOLL ROAD OR TOLL

1 HIGHWAY COMPANY TO THE REGISTERED OWNER OF THE MOTOR VEHICLE  
2 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE  
3 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF  
4 THE VEHICLE INVOLVED, THE TIME AND LOCATION OF THE VIOLATION, THE  
5 AMOUNT OF THE PENALTY PRESCRIBED FOR THE VIOLATION, A PLACE FOR  
6 THE REGISTERED OWNER OF THE VEHICLE TO EXECUTE A SIGNED  
7 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH  
8 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE  
9 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL  
10 EVASION CIVIL PENALTY ASSESSMENT. THE REGISTERED OWNER OF THE  
11 VEHICLE INVOLVED IN A TOLL EVASION SHALL BE LIABLE FOR THE TOLL,  
12 FEE, AND CIVIL PENALTY IMPOSED BY THE COMPANY, EXCEPT AS  
13 OTHERWISE PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (7).

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

19 (I) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION  
20 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED  
21 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A  
22 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT ON TO THE  
23 TOLL ROAD OR TOLL HIGHWAY COMPANY; OR

24 (II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL  
25 EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR  
26 RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT  
27 THE TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR  
28 RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE  
29 OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER  
30 RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH  
31 TO THE TOLL ROAD OR TOLL HIGHWAY COMPANY AN AFFIDAVIT  
32 CONTAINING THE NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER  
33 OF THE PERSON OR COMPANY WHO LEASED OR RENTED THE VEHICLE. AS  
34 A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION  
35 VIOLATION CIVIL PENALTY, ANY PERSON OR COMPANY WHO LEASES OR  
36 RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE  
37 LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT TO THE  
38 REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR LEASING THE  
39 VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL

1 PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR  
2 LEASING THE VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE  
3 NOTICE SHALL INFORM THE PERSON RENTING OR LEASING THE VEHICLE  
4 THAT THE PERSON'S NAME, ADDRESS, AND STATE DRIVER'S LICENSE  
5 NUMBER SHALL BE FURNISHED TO THE TOLL ROAD OR TOLL HIGHWAY  
6 COMPANY WHEN A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED  
7 DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

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

34 (8) A COURT WITH JURISDICTION IN A TOLL EVASION CASE  
35 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION OR A  
36 TOLL ROAD OR TOLL HIGHWAY COMPANY WITH JURISDICTION IN A TOLL  
37 EVASION CASE PURSUANT TO PARAGRAPH (b) OF SUBSECTION (5) OF THIS  
38 SECTION MAY REPORT TO THE DEPARTMENT OF REVENUE ANY  
39 OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE  
40 TOLL, FEE, AND CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF

1 A CERTIFIED REPORT FROM A COURT OR A TOLL ROAD OR TOLL HIGHWAY  
2 COMPANY STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS  
3 FAILED TO PAY A TOLL, FEE, AND CIVIL PENALTY RESULTING FROM A FINAL  
4 ORDER ENTERED BY THE TOLL ROAD OR TOLL HIGHWAY COMPANY, THE  
5 DEPARTMENT SHALL NOT RENEW THE VEHICLE REGISTRATION OF THE  
6 VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY ARE PAID IN FULL. THE  
7 TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL CONTRACT WITH AND  
8 COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR THE DIRECT  
9 COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE REGISTRATION  
10 PURSUANT TO THIS SUBSECTION (8). THE DEPARTMENT HAS NO  
11 AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION  
12 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY  
13 TOLL EVASION.

14 **43-3-303. Toll roads must be kept in repair.** IT IS THE DUTY OF  
15 ALL OWNERS OR OPERATORS OF ROADS UPON WHICH TOLLS ARE CHARGED  
16 TO KEEP THEIR ROADS IN GOOD REPAIR AT ALL POINTS, AND THE  
17 CONDITION OF THE ROADS SHALL BE DETERMINED BY THE GRADE THEREOF  
18 AND THE SEASON OF THE YEAR IN WHICH THEY ARE USED.

19 **43-3-304. Noncompete agreements.** A TOLL ROAD OR TOLL  
20 HIGHWAY COMPANY MAY NOT ENTER INTO A NONCOMPETE AGREEMENT  
21 WITH A PUBLIC ENTITY IF THE AGREEMENT WOULD DEGRADE AN EXISTING  
22 ROADWAY OR EITHER DELAY OR PREVENT THE CONSTRUCTION OR  
23 UPGRADING OF A ROAD OR HIGHWAY THAT IS INCLUDED IN THE FISCALLY  
24 CONSTRAINED REGIONAL TRANSPORTATION PLAN REQUIRED BY SECTION  
25 43-1-1103 (1) OR THE FISCALLY CONSTRAINED COMPREHENSIVE  
26 STATEWIDE TRANSPORTATION PLAN REQUIRED BY SECTION 43-1-1103 (5).

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

\*\* \*\*\* \*\* \*\*\* \*\*