

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

REENGROSSED

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

LLS NO. 09-0497.03 Jason Gelender

SENATE BILL 09-108

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Rice,

Senate Committees

Transportation
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPROVEMENT OF THE TRANSPORTATION SYSTEM**
102 **OF THE STATE, AND, IN CONNECTION THEREWITH, PROVIDING**
103 **ADDITIONAL SOURCES OF FUNDING FOR TRANSPORTATION AND**
104 **MODIFYING THE TRANSPORTATION PLANNING PROCESS.**

Bill Summary

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

On and after a specified date, imposes a road safety surcharge, a daily vehicle rental fee, a supplemental oversize, overweight, and longer vehicle combination surcharge, and a supplemental unregistered vehicle fine, and increases the amount of the fee for late motor vehicle

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 5, 2009

SENATE
Amended 2nd Reading
February 4, 2009

registration. Requires the revenues generated by the new or increased surcharges, fees, and fines to be credited to the highway users tax fund and allocated to the department of transportation (CDOT), counties, and municipalities in accordance with an existing distribution formula. Requires CDOT, counties, and municipalities to expend their allocated revenues for road safety projects, and specifically requires CDOT to spend a specified portion of its allocated revenues for transit-related projects that enhance the safety of state highways for transit users. Increases the amount of the fine for late registration of motor vehicles by new residents of the state.

Creates the statewide bridge enterprise (bridge enterprise) as a government-owned business within CDOT with the business purpose of completing designated bridge projects that involve the financing, repair, reconstruction, and replacement of bridges designated as structurally deficient, functionally obsolete, or rated as poor by CDOT. Specifies the governance of and general powers and duties of the bridge enterprise. On and after a specified date, authorizes the bridge enterprise to fund the completion of designated bridge projects by imposing a bridge safety surcharge and using revenues generated by the surcharge to directly pay for the projects or to repay revenue bonds it issues or loans from the state it contracts for to finance the projects. Authorizes the state, subject to specified approval requirements, to loan moneys to the bridge enterprise, to finance any loan made by entering into lease-purchase agreements involving state buildings or other state capital facilities, and to have any loan repaid by the bridge enterprise from bridge safety surcharge revenues.

Creates the high-performance transportation enterprise (transportation enterprise) as a government-owned business within CDOT with the business purpose of pursuing public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects other than designated bridge projects. Abolishes the statewide tolling enterprise, specifies that the transportation enterprise is the legal successor to the powers, duties, and functions of the tolling enterprise, and further specifies the general powers and duties of the transportation enterprise.

Specifically authorizes the transportation enterprise to enter into public-private partnerships and, subject to specified limitations, to impose user fees, directly or through a partner, for the privilege of using any surface transportation infrastructure that the transportation enterprise or its partner constructs or operates. Authorizes the transportation enterprise to issue revenue bonds to finance surface transportation infrastructure projects. Subject to specified requirements regarding both collaboration with affected local governments, transportation planning entities, and transportation services providers and federal and affected local government approval, authorizes the transportation enterprise to impose

user fees on highways or highway lanes that have previously served vehicular traffic on a user-fee free basis. Specifies that both the transportation enterprise and the bridge enterprise are exempt from specified state procurement laws but are subject to open records and open meetings laws and any labor standards that apply to CDOT.

Creates a temporary mileage-based revenue commission (MBR commission), and specifies the governance and general powers and duties of the commission. Requires the MBR commission to design, develop, and implement pilot programs to evaluate alternative mileage-based revenue systems, taking into consideration, at a minimum, technical, legal, financial, environmental, and social policy issues. Requires CDOT to provide financial and staff support to the MBR commission. Requires affected local government consent for implementation of any pilot program and prohibits the MBR commission from forcing any individual to participate in a pilot program. Specifies reporting requirements and pilot program implementation timelines for the MBR commission.

Requires the transportation commission to create a standing efficiency and accountability committee, and requires the committee to seek ways to maximize the efficiency of CDOT to allow increased investment in the transportation system over the short, medium, and long term. Specifies the membership of the committee and reporting requirements related to its activities and the implementation of its recommendations.

Requires specified information regarding specified policy goals to be included in any regional transportation plan.

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

2 **SECTION 1.** Part 8 of article 4 of title 43, Colorado Revised
3 Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS,
4 to read:

5 PART 8

6 FUNDING ADVANCEMENT FOR SURFACE

7 TRANSPORTATION AND ECONOMIC RECOVERY

8 **43-4-801. Short title.** THIS PART 8 SHALL BE KNOWN AND MAY BE
9 CITED AS THE "FUNDING ADVANCEMENTS FOR SURFACE TRANSPORTATION
10 AND ECONOMIC RECOVERY ACT OF 2009".

11 **43-4-802. Legislative declaration.** (1) THE GENERAL ASSEMBLY

1 HEREBY FINDS AND DECLARES THAT:

2 (a) THE CONTINUED PROSPERITY OF THE STATE AND ITS CITIZENS
3 REQUIRES A SAFE, WELL-MAINTAINED, INTEGRATED, MULTIMODAL, AND
4 SUSTAINABLE SURFACE TRANSPORTATION SYSTEM THAT IS ACCESSIBLE IN
5 ALL PARTS OF THE STATE AND THAT ALLOWS EFFICIENT MOVEMENT OF
6 PEOPLE, GOODS, AND INFORMATION;

7 (b) THE PRIMARY FUNDING SOURCES DEDICATED FOR SURFACE
8 TRANSPORTATION, STATE AND FEDERAL MOTOR FUEL TAXES, ARE FLAT
9 RATE PER GALLON TAXES THAT HAVE LOST AND WILL CONTINUE TO LOSE
10 MUCH OF THEIR PURCHASING POWER BECAUSE THEY ARE NOT INDEXED TO
11 INFLATION, HAVE NOT BEEN INCREASED IN NEARLY TWO DECADES, AND
12 GENERATE LESS REVENUE PER VEHICLE MILE TRAVELED AS MOTOR
13 VEHICLES BECOME MORE FUEL EFFICIENT;

14 (c) DUE TO THE DECLINE IN THE PURCHASING POWER OF THE
15 REVENUES GENERATED BY THE STATE AND FEDERAL MOTOR FUEL TAXES,
16 THE STATE AND LOCAL GOVERNMENTS HAVE BEEN UNABLE TO MAINTAIN,
17 REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE
18 TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND
19 EFFICIENT MANNER, WHICH HAS ALREADY CAUSED MANY BRIDGES IN THE
20 STATE TO BECOME STRUCTURALLY DEFICIENT OR FUNCTIONALLY
21 OBSOLETE AND WORSENE THE CONDITION OF ROAD SURFACES, DELAYED
22 CAPACITY EXPANSION PROJECTS, AND INCREASED TRAFFIC CONGESTION
23 AND GREENHOUSE GAS EMISSIONS; AND

24 (d) BECAUSE THIS DECLINE IN PURCHASING POWER IS ONGOING
25 AND BECOMES MORE SEVERE WITH EACH PASSING YEAR, THE STATE AND
26 LOCAL GOVERNMENTS WILL CONTINUE TO BE UNABLE TO MAINTAIN,
27 REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE

1 TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND
2 EFFICIENT MANNER, AND THE SAFETY, EFFICIENCY, AND ENVIRONMENTAL
3 IMPACT OF THE STATE'S SURFACE TRANSPORTATION SYSTEM WILL WORSEN
4 MORE QUICKLY IN THE FUTURE IF SUFFICIENT AND SUSTAINABLE FUNDING
5 SOURCES FOR SURFACE TRANSPORTATION CANNOT BE FOUND.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

7 (a) THE NATIONAL AND STATE ECONOMIC RECESSION AND
8 ATTENDANT RISE IN UNEMPLOYMENT REPRESENT ADDITIONAL SHORT- TO
9 MEDIUM-TERM CHALLENGES FOR THE STATE AND ALL COLORADANS;

10 (b) THERE IS AN URGENT PRESENT NEED TO REPAIR AND REPLACE
11 STRUCTURALLY DEFICIENT AND FUNCTIONALLY OBSOLETE BRIDGES AND
12 IMPROVE HIGHWAY SAFETY IN THE STATE;

13 (c) INCREASING FUNDING FOR DESIGNATED BRIDGE PROJECTS AND
14 ROAD SAFETY PROJECTS IN THE SHORT- AND MEDIUM-TERM THROUGH THE
15 IMPOSITION OF BRIDGE AND ROAD SAFETY SURCHARGES AND OTHER NEW
16 FEES WILL NOT ONLY PROVIDE FUNDING TO COMPLETE THE PROJECTS BUT
17 WILL ALSO ACCELERATE THE STATE'S ECONOMIC RECOVERY BY
18 INCREASING BRIDGE AND ROAD CONSTRUCTION, REPAIR,
19 RECONSTRUCTION, AND MAINTENANCE ACTIVITY, AS WELL AS RELATED
20 ECONOMIC ACTIVITY, AND BY EMPLOYING SIGNIFICANT NUMBERS OF
21 COLORADANS;

22 (d) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE
23 AUTHORIZED TO COMPLETE DESIGNATED BRIDGE PROJECTS, TO IMPOSE A
24 BRIDGE SAFETY SURCHARGE AND ISSUE REVENUE BONDS, AND, IF
25 REQUIRED APPROVALS ARE OBTAINED, TO CONTRACT WITH THE STATE TO
26 RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER
27 THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED

1 BY THIS PART 8 AND TO USE THE REVENUES GENERATED BY THE BRIDGE
2 SAFETY SURCHARGE TO REPAY ANY SUCH LOAN OR LOANS, WILL IMPROVE
3 THE SAFETY AND EFFICIENCY OF THE STATE TRANSPORTATION SYSTEM BY
4 ALLOWING THE STATE TO ACCELERATE THE REPAIR, RECONSTRUCTION,
5 AND REPLACEMENT OF STRUCTURALLY DEFICIENT, FUNCTIONALLY
6 OBSOLETE, OR RATED AS POOR BRIDGES;

7 (e) THE CREATION OF A HIGH-PERFORMANCE TRANSPORTATION
8 ENTERPRISE WITH THE AUTHORITY AND MISSION TO SEEK OUT
9 OPPORTUNITIES FOR INNOVATIVE AND EFFICIENT MEANS OF FINANCING
10 OTHER IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE
11 PROJECTS WILL ENSURE THAT SUCH PROJECTS ARE ALSO PROPERLY
12 PRIORITIZED AND ACCELERATED; AND

13 (f) GRANTING THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
14 ENTERPRISE BOTH RESPONSIBILITY FOR THE COMPLETION, RESPECTIVELY,
15 OF DESIGNATED BRIDGE PROJECTS AND OTHER IMPORTANT SURFACE
16 TRANSPORTATION PROJECTS AND THE FLEXIBILITY TO EXECUTE THEIR
17 RESPECTIVE MISSIONS IN A VARIETY OF INNOVATIVE WAYS WILL ENSURE
18 THAT AVAILABLE RESOURCES FOR SUCH PROJECTS ARE EFFICIENTLY AND
19 EFFECTIVELY LEVERAGED SO THAT BOTH THE PROJECTS AND THE STATE'S
20 ECONOMIC RECOVERY CAN BE COMPLETED AS QUICKLY AS POSSIBLE.

21 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

22 (a) WHILE IT IS NECESSARY, APPROPRIATE, AND IN THE BEST
23 INTERESTS OF THE STATE TO FUND DESIGNATED BRIDGE PROJECTS AND
24 HIGHWAY SAFETY PROJECTS AND STIMULATE ECONOMIC RECOVERY IN THE
25 SHORT- AND MEDIUM-TERM, THE STATE MUST ALSO DEVELOP A
26 LONG-TERM STRATEGY TO PROVIDE SUSTAINABLE LONG-TERM REVENUE
27 STREAMS DEDICATED FOR THE CONSTRUCTION OF IMPORTANT SURFACE

1 TRANSPORTATION INFRASTRUCTURE PROJECTS AND THE CONTINUING
2 MAINTENANCE, REPAIR, AND RECONSTRUCTION OF THE STATEWIDE
3 SURFACE TRANSPORTATION SYSTEM THAT WILL:

4 (I) ALLOW BOTH THE STATE AND LOCAL GOVERNMENTS TO
5 MAINTAIN, REPAIR, RECONSTRUCT, AND IMPROVE THEIR TRANSPORTATION
6 INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER; AND

7 (II) PROVIDE THE STATE AND LOCAL GOVERNMENTS WITH THE
8 RESOURCES AND FLEXIBILITY TO EXPLORE AND INVEST IN MODERN
9 MULTIMODAL AND DEMAND-SIDE TRANSPORTATION SOLUTIONS THAT WILL
10 HELP REDUCE TRAFFIC CONGESTION AND GREENHOUSE GAS EMISSIONS;

11

12 (b) THE SPECIFICATION OF ADDITIONAL POLICIES TO BE
13 CONSIDERED AT ALL STAGES OF THE STATEWIDE TRANSPORTATION
14 PLANNING PROCESS AND THE ESTABLISHMENT OF AN EFFICIENCY AND
15 ACCOUNTABILITY COMMITTEE WITHIN THE DEPARTMENT OF
16 TRANSPORTATION WILL HELP TO ENSURE THAT TRANSPORTATION
17 PLANNING IS THOROUGH, INTEGRATED, AND STRATEGIC AND THAT ALL
18 FUNDING DEDICATED FOR SURFACE TRANSPORTATION IS EXPENDED
19 EFFECTIVELY.

20 **43-4-803. Definitions.** AS USED IN THIS PART 8, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "AUTHORIZED AGENT" SHALL HAVE THE SAME MEANING AS SET
23 FORTH IN SECTION 42-1-102 (5), C.R.S.

24 (2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE,
25 COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS
26 OF EITHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE
27 AUTHORIZED BY THIS PART 8, INCLUDING, BUT NOT LIMITED TO, ANY

1 OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM
2 OR GUARANTEED BY THE UNITED STATES.

3 (3) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND
4 RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS,
5 INCLUDING, WITHOUT LIMITATION:

6 (a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST,
7 PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS SINKING
8 FUNDS, AND COSTS OF ISSUANCE;

9 (b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY
10 SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;

11 (c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR,
12 PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR
13 CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT
14 ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION
15 PROVIDER;

16 (d) COVERAGE REQUIREMENTS; AND

17 (e) OTHER COSTS, FEES, AND EXPENSES RELATED TO THE
18 FOREGOING AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT
19 TO THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF
20 THE BONDS.

21 (4) "BRIDGE ENTERPRISE" MEANS THE STATEWIDE BRIDGE
22 ENTERPRISE CREATED IN SECTION 43-4-805 (2).

23 (5) "BRIDGE ENTERPRISE BOARD" MEANS THE BOARD OF
24 DIRECTORS OF THE BRIDGE ENTERPRISE.

25 (6) "BRIDGE ENTERPRISE DIRECTOR" MEANS THE DIRECTOR OF THE
26 BRIDGE ENTERPRISE APPOINTED PURSUANT TO SECTION 43-4-805 (2) (a)
27 (I).

1 (7) "BRIDGE SPECIAL FUND" MEANS THE STATEWIDE BRIDGE
2 ENTERPRISE SPECIAL REVENUE FUND CREATED IN SECTION 43-4-805 (3)
3 (a).

4 (8) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
5 CREATED IN SECTION 43-1-106 (1).

6 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
7 CREATED IN SECTION 24-1-128.7, C.R.S.

8 (10) "DESIGNATED BRIDGE" MEANS EVERY BRIDGE, INCLUDING
9 ANY ROADWAYS, SIDEWALKS, OR OTHER INFRASTRUCTURE CONNECTED OR
10 ADJACENT TO OR REQUIRED FOR THE OPTIMAL FUNCTIONING OF THE
11 BRIDGE, THAT:

12 (a) IS PART OF THE STATE HIGHWAY SYSTEM, AS DESCRIBED IN
13 SECTION 43-2-101; AND

14 (b) HAS BEEN IDENTIFIED BY THE DEPARTMENT AS STRUCTURALLY
15 DEFICIENT OR FUNCTIONALLY OBSOLETE, AND HAS BEEN RATED BY THE
16 DEPARTMENT AS POOR, AS OF JANUARY 1, 2009, OR IS SUBSEQUENTLY SO
17 IDENTIFIED AND RATED BY THE DEPARTMENT.

18 (11) "DESIGNATED BRIDGE PROJECT" MEANS A PROJECT THAT
19 INVOLVES THE REPAIR, RECONSTRUCTION, REPLACEMENT, OR ONGOING
20 OPERATION OR MAINTENANCE, OR ANY COMBINATION THEREOF, OF A
21 DESIGNATED BRIDGE BY THE BRIDGE ENTERPRISE PURSUANT TO AN
22 AGREEMENT BETWEEN THE ENTERPRISE AND THE COMMISSION OR
23 DEPARTMENT AUTHORIZED BY SECTION 43-4-805 (5) (f).

24 (12) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
25 THE DEPARTMENT.

26 (13) (a) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER
27 DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL

1 GOVERNMENT IN THE STATE TO THE BRIDGE ENTERPRISE OR THE
2 TRANSPORTATION ENTERPRISE THAT IS NOT REQUIRED TO BE REPAYED.

3 (b) "GRANT" DOES NOT INCLUDE ANY OF THE FOLLOWING OR ANY
4 INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
5 THE FOLLOWING:

6 (I) ANY INDIRECT BENEFIT CONFERRED UPON THE BRIDGE
7 ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM THE STATE OR
8 ANY LOCAL GOVERNMENT IN THE STATE;

9 (II) ANY FEDERAL FUNDS RECEIVED BY THE BRIDGE ENTERPRISE OR
10 THE TRANSPORTATION ENTERPRISE, REGARDLESS OF WHETHER THE
11 FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT
12 IN THE STATE PRIOR TO RECEIPT BY THE ENTERPRISE;

13 (III) ANY REVENUES OF THE BRIDGE ENTERPRISE FROM THE BRIDGE
14 SAFETY SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION
15 43-4-805 (5) (g) OR REVENUES OF THE BRIDGE ENTERPRISE OR THE
16 TRANSPORTATION ENTERPRISE FROM ANY OTHER AUTHORIZED RATE, FEE,
17 ASSESSMENT, OR OTHER CHARGE IMPOSED BY EITHER ENTERPRISE FOR THE
18 PROVISION OF GOODS OR SERVICES BY THE ENTERPRISE;

19 (IV) ANY MONEYS PAID OR ADVANCED TO THE BRIDGE ENTERPRISE
20 OR THE TRANSPORTATION ENTERPRISE BY THE STATE, A LOCAL
21 GOVERNMENT OR GROUP OF LOCAL GOVERNMENTS, AN AUTHORITY, OR
22 ANY OTHER GOVERNMENT-OWNED BUSINESS OR GOVERNMENTAL ENTITY
23 IN EXCHANGE FOR AN AGREEMENT BY EITHER ENTERPRISE TO COMPLETE
24 A DESIGNATED BRIDGE PROJECT OR A SURFACE TRANSPORTATION
25 INFRASTRUCTURE PROJECT; OR

26 (V) ANY MONEYS LOANED BY THE COMMISSION TO THE BRIDGE
27 ENTERPRISE PURSUANT TO SECTION 43-4-805 (4) OR 43-4-805 (5) (r) OR

1 THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (4).

2 (14) "HIGHWAY" MEANS A ROAD AND RELATED IMPROVEMENTS
3 AND SERVICES. A HIGHWAY MAY CONSIST OF IMPROVEMENTS AND
4 SERVICES, INCLUDING, BUT NOT LIMITED TO, PAVING, GRADING,
5 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
6 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS,
7 SHOULDERS, FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES,
8 DRAINAGE FACILITIES, TRANSIT LANES AND SERVICES, PARK-AND-RIDE
9 FACILITIES, OTHER MULTIMODAL IMPROVEMENTS AND SERVICES, TOLL
10 COLLECTION FACILITIES, SERVICE AREAS, ADMINISTRATIVE OR
11 MAINTENANCE FACILITIES, GAS, ELECTRIC, WATER, SEWER, AND OTHER
12 UTILITIES LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF THE
13 HIGHWAY, AND OTHER REAL OR PERSONAL PROPERTY, INCLUDING
14 EASEMENTS, RIGHTS-OF-WAY, OPEN SPACE, AND OTHER INTERESTS
15 THEREIN, RELATING TO THE FINANCING, CONSTRUCTION, OPERATION, OR
16 MAINTENANCE OF THE HIGHWAY.

17 (15) "ISSUING ENTERPRISE" MEANS, WITH RESPECT TO THE
18 ISSUANCE OF BONDS AS AUTHORIZED BY THIS PART 8, EITHER THE BRIDGE
19 ENTERPRISE OR THE TRANSPORTATION ENTERPRISE.

20 (16) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR
21 CITY AND COUNTY.

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23 ==

24 (17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
25 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
26 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

27 (18) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT,

1 INCLUDING, BUT NOT LIMITED TO, AN OPERATING CONCESSION AGREEMENT
2 BETWEEN THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE
3 AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

4 (a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A SURFACE
5 TRANSPORTATION INFRASTRUCTURE PROJECT IN EXCHANGE FOR A PUBLIC
6 BENEFIT CONCERNING THE PROJECT OTHER THAN ONLY A MONEY
7 PAYMENT;

8 (b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING
9 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS; OR

10 (c) COOPERATION IN RESEARCHING, DEVELOPING, AND
11 IMPLEMENTING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.

12 (19) "PUBLIC TRANSPORTATION VEHICLE" MEANS A MOTOR
13 VEHICLE THAT IS PART OF VEHICULAR SERVICE THAT TRANSPORTS THE
14 GENERAL PUBLIC AND THAT IS PROVIDED BY A PUBLIC TRANSPORTATION
15 DISTRICT OR BY A LOCAL GOVERNMENT.

16 (20) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL
17 PLANNING COMMISSION FORMED UNDER THE PROVISIONS OF SECTION
18 30-28-105, C.R.S., THAT PREPARES AND SUBMITS A TRANSPORTATION
19 PLAN PURSUANT TO SECTION 43-1-1103.

20 (21) "ROAD SAFETY PROJECT" MEANS A CONSTRUCTION,
21 RECONSTRUCTION, OR MAINTENANCE PROJECT THAT THE COMMISSION
22 DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A STATE HIGHWAY,
23 A COUNTY DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A COUNTY
24 ROAD, OR A MUNICIPALITY DETERMINES IS NEEDED TO ENHANCE THE
25 SAFETY OF A CITY STREET.

26 (22) "SURFACE TRANSPORTATION INFRASTRUCTURE" MEANS A
27 HIGHWAY, A BRIDGE OTHER THAN A DESIGNATED BRIDGE, OR ANY OTHER

1 INFRASTRUCTURE, FACILITY, OR EQUIPMENT USED PRIMARILY OR IN LARGE
2 PART TO TRANSPORT PEOPLE ON SYSTEMS THAT OPERATE ON OR ARE
3 AFFIXED TO THE GROUND.

4 (23) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT"
5 MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
6 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION,
7 MAINTENANCE, OR OPERATION OF A DEFINED AMOUNT OF SURFACE
8 TRANSPORTATION INFRASTRUCTURE BY:

9 (a) THE TRANSPORTATION ENTERPRISE; OR

10 (b) A PARTNER OF THE TRANSPORTATION ENTERPRISE UNDER THE
11 TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

12 (24) "TRANSPORTATION ENTERPRISE" MEANS THE
13 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION
14 43-4-806 (2) (a).

15 (25) "TRANSPORTATION ENTERPRISE BOARD" MEANS THE BOARD
16 OF DIRECTORS OF THE TRANSPORTATION ENTERPRISE.

17 (26) "TRANSPORTATION ENTERPRISE DIRECTOR" MEANS THE
18 DIRECTOR OF THE TRANSPORTATION ENTERPRISE APPOINTED PURSUANT TO
19 SECTION 43-4-806 (2) (b).

20 (27) "USER FEE" MEANS COMPENSATION TO BE PAID TO THE
21 TRANSPORTATION ENTERPRISE OR A PARTNER OF THE TRANSPORTATION
22 ENTERPRISE FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION
23 INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE TRANSPORTATION
24 ENTERPRISE OR OPERATED BY ITS PARTNER UNDER THE TERMS OF A
25 PUBLIC-PRIVATE PARTNERSHIP.

26 (28) "VEHICLE" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION
27 42-1-102 (58), C.R.S.; EXCEPT THAT, FOR PURPOSES OF THE IMPOSITION OF

1 ANY SURCHARGE, FEE, OR FINE IMPOSED PURSUANT THIS PART 8 IN
2 CONNECTION WITH A VEHICLE REQUIRED TO BE REGISTERED PURSUANT TO
3 THE PROVISIONS OF ARTICLE 3 OF TITLE 42, C.R.S., "VEHICLE" ALSO
4 INCLUDES ANY VEHICLE WITHOUT MOTIVE POWER THAT IS REQUIRED TO BE
5 REGISTERED.

6 **43-4-804. Highway safety projects - surcharges and fees -**
7 **crediting of moneys to highway users tax fund.** (1) ON AND AFTER
8 JULY 1, 2009, THE FOLLOWING SURCHARGES, FEES, AND FINES SHALL BE
9 COLLECTED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED
10 IN SECTION 43-4-201 (1) (a) AND ALLOCATED TO THE STATE HIGHWAY
11 FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205
12 (6.3):

13 (a) (I) A ROAD SAFETY SURCHARGE, WHICH, EXCEPT AS OTHERWISE
14 PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), SHALL BE
15 IMPOSED UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A
16 REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART
17 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN
18 SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH (a), THE AMOUNT OF
19 THE SURCHARGE SHALL BE:

20 (A) SIXTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE,
21 MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN
22 SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO
23 THOUSAND POUNDS OR LESS;

24 (B) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS
25 MORE THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE
26 THOUSAND POUNDS;

27 (C) TWENTY-EIGHT DOLLARS FOR ANY VEHICLE THAT WEIGHS

1 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND
2 POUNDS;

3 (D) THIRTY-SEVEN DOLLARS FOR ANY VEHICLE THAT IS A
4 PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT
5 NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

6 (E) THIRTY-NINE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE
7 THAN SIXTEEN THOUSAND POUNDS.

8 (II) THE ROAD SAFETY SURCHARGE SHALL BE IMPOSED WHEN A
9 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.
10 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE
11 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME
12 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT OF REVENUE, ALL ROAD SAFETY SURCHARGES COLLECTED
14 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE
15 DEPARTMENT OF REVENUE SHALL FORWARD ALL ROAD SAFETY
16 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY ROAD SAFETY
17 SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO
18 THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE
19 HIGHWAY USERS TAX FUND.

20 (III) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
21 ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED
22 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

23 (IV) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED ON
24 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS
25 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF
26 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE
27 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) AND THE

1 PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION
2 APPORTIONED TO COLORADO.

3 (V) THE AMOUNT OF THE ROAD SAFETY SURCHARGE IMPOSED
4 PURSUANT TO THIS PARAGRAPH (a) SHALL BE ONE-HALF OF THE AMOUNT
5 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR ANY VEHICLE
6 THAT IS A TRUCK OR TRUCK TRACTOR THAT IS OWNED BY A FARMER OR
7 RANCHER AND IS USED COMMERCIALY ONLY:

8 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW
9 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY
10 RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING
11 OPERATIONS; OR

12 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY
13 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR
14 RANCHER'S FARMING OR RANCHING OPERATIONS.

15 (VI) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE
16 ROAD SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE
17 REGISTRATION FEES OR SURCHARGES IMPOSED.

18 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
19 THIS PARAGRAPH (b), A DAILY VEHICLE RENTAL FEE, WHICH SHALL BE
20 IMPOSED ON THE RENTAL OF ANY VEHICLE RENTED IN THE STATE AT THE
21 RATE OF TWO DOLLARS PER DAY. ANY PERSON WHO OWNS VEHICLES THAT
22 ARE BASED IN COLORADO FOR RENTAL PURPOSES OR WHO OWNS VEHICLES
23 THAT ARE BASED IN A STATE OTHER THAN COLORADO FOR RENTAL
24 PURPOSES BUT RENTS SUCH VEHICLES FROM A BUSINESS LOCATION IN
25 COLORADO AND WHOSE PRIMARY BUSINESS IS THE RENTAL OF SUCH
26 VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS, INCLUDING
27 RENEWALS, TO ANOTHER PERSON SHALL COLLECT THE DAILY VEHICLE

1 RENTAL FEE FROM THE RENTER OF EACH VEHICLE RENTED. THE RENTAL
2 INVOICE SHALL LIST THE DAILY VEHICLE RENTAL FEE SEPARATELY AS A
3 COLORADO ROAD SAFETY PROGRAM FEE.

4 (II) A PERSON WHO COLLECTS THE DAILY VEHICLE RENTAL FEE
5 IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND WHO PAYS
6 SPECIFIC OWNERSHIP TAX ON THE VEHICLES RENTED IN THE MANNER
7 SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR BOTH,
8 SHALL, NO LATER THAN THE TWENTIETH DAY OF EACH MONTH, SUBMIT TO
9 THE DEPARTMENT OF REVENUE A REPORT, USING FORMS FURNISHED BY THE
10 DEPARTMENT OF REVENUE, OF DAILY VEHICLE RENTAL FEES COLLECTED
11 FOR THE PRECEDING MONTH AND SHALL INCLUDE WITH THE REPORT THE
12 REMITTANCE OF ALL SUCH FEES. A PERSON WHO COLLECTS THE DAILY
13 VEHICLE RENTAL FEE IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH
14 (b) BUT DOES NOT PAY SPECIFIC OWNERSHIP TAX ON THE VEHICLES IN THE
15 MANNER SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR
16 BOTH, SHALL SUBMIT THE REPORT AND THE REMITTANCE OF FEES
17 COLLECTED IN THE SAME MANNER OR IN SUCH OTHER MANNER AS THE
18 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE
19 BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,
20 C.R.S. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
21 SHALL FORWARD ALL DAILY VEHICLE RENTAL FEES COLLECTED TO THE
22 STATE TREASURER, WHO SHALL CREDIT THE DAILY VEHICLE RENTAL FEES
23 TO THE HIGHWAY USERS TAX FUND.

24 (III) BECAUSE VEHICLE SHARING IS AN ALTERNATIVE TO PERSONAL
25 VEHICLE OWNERSHIP THAT REDUCES THE NUMBER OF VEHICLE MILES
26 TRAVELED ON THE HIGHWAYS OF THE STATE BY ENCOURAGING THE USE OF
27 TRANSIT AND REDUCING THE NUMBER OF TRIPS MADE IN PRIVATELY OWNED

1 VEHICLES AND THEREBY BENEFITS THE STATE BY REDUCING TRAFFIC
2 CONGESTION, GREENHOUSE GAS EMISSIONS, AND THE AMOUNT OF WEAR
3 AND TEAR ON THE HIGHWAYS, THE DAILY VEHICLE RENTAL FEE IMPOSED
4 PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE IMPOSED ON ANY
5 VEHICLE RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT IF:

6 (A) UNDER THE TERMS OF THE ARRANGEMENTS, AN ORGANIZATION
7 PROVIDES PASSENGER VEHICLES FOR THE USE OF MEMBERS OF THE
8 ORGANIZATION WHO HAVE PAID A MEMBERSHIP FEE TO THE ORGANIZATION
9 AND CHARGES AN ADDITIONAL FEE FOR EACH USE OF A PASSENGER
10 VEHICLE;

11 (B) A MEMBER OF THE ORGANIZATION IS NOT REQUIRED TO ENTER
12 INTO A SEPARATE WRITTEN AGREEMENT WITH THE ORGANIZATION EACH
13 TIME THE MEMBER RESERVES AND USES A PASSENGER VEHICLE;

14 (C) THE AVERAGE PAID USAGE PERIOD FOR ALL PASSENGER
15 VEHICLES PROVIDED BY THE ORGANIZATION DURING THE PRIOR CALENDAR
16 YEAR WAS TWELVE HOURS OR LESS; AND

17 (D) AT LEAST ONE-HALF OF ALL PASSENGER VEHICLE RENTALS
18 MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR IN EACH
19 MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES BUSINESS
20 WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN A
21 RESIDENCE WITHIN THE CITY OR COUNTY.

22 (c) (I) A SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE
23 SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT OF THE FEE CHARGED
24 PURSUANT TO SECTION 42-4-510 (11) (a), C.R.S., BY THE DEPARTMENT,
25 THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE,
26 OR THE COLORADO STATE PATROL FOR THE ISSUANCE OF THE SINGLE TRIP
27 PERMIT; EXCEPT THAT THE SURCHARGE SHALL NOT BE IMPOSED ON A

1 VEHICLE IF THE SINGLE TRIP PERMIT FEE WAS IMPOSED PURSUANT TO
2 SECTION 42-4-510 (11) (a) (VI) (B), C.R.S.

3 (II) THE AGENCY ISSUING AN OVERSIZE OR OVERWEIGHT VEHICLE
4 SINGLE TRIP PERMIT SHALL COLLECT THE SUPPLEMENTAL OVERSIZE AND
5 OVERWEIGHT VEHICLE SURCHARGE AT THE SAME TIME AS IT COLLECTS THE
6 SINGLE TRIP PERMIT FEE. THE AGENCY SHALL FORWARD ALL
7 SUPPLEMENTAL OVERSIZE AND OVERWEIGHT VEHICLE SURCHARGES TO THE
8 DEPARTMENT OF REVENUE, AND THE EXECUTIVE DIRECTOR OF THE
9 DEPARTMENT OF REVENUE SHALL FORWARD THE SUPPLEMENTAL
10 SURCHARGES TO THE STATE TREASURER, WHO SHALL CREDIT THE
11 SURCHARGES TO THE HIGHWAY USERS TAX FUND.

12 (d) (I) A SUPPLEMENTAL UNREGISTERED VEHICLE FINE IMPOSED IN
13 ADDITION TO THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3),
14 C.R.S., UPON CONVICTION OF A MISDEMEANOR FOR KNOWINGLY FAILING
15 TO REGISTER A VEHICLE WITHIN THIRTY DAYS OF BECOMING A RESIDENT OF
16 THIS STATE AS REQUIRED BY SECTION 42-3-103 (4) (a), C.R.S.

17 (II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE
18 COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO
19 SECTION 42-6-139 (3), C.R.S. THE AMOUNT OF THE SUPPLEMENTAL
20 UNREGISTERED VEHICLE FINE SHALL BE TWENTY-FIVE DOLLARS FOR EACH
21 MONTH OR PORTION OF A MONTH THAT THE VEHICLE REMAINED
22 UNREGISTERED FOLLOWING THE THIRTY-DAY PERIOD DURING WHICH
23 INITIAL REGISTRATION WAS REQUIRED; EXCEPT THAT THE AMOUNT OF THE
24 SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL NOT EXCEED ONE
25 HUNDRED DOLLARS. ALL SUPPLEMENTAL UNREGISTERED VEHICLE FINES
26 SHALL BE FORWARDED TO THE STATE TREASURER, WHO SHALL CREDIT THE
27 FINES TO THE HIGHWAY USERS TAX FUND.

1 (e) LATE REGISTRATION FEES REQUIRED TO BE CREDITED TO THE
2 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 42-3-112 (2), C.R.S.

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4 **43-4-805. Statewide bridge enterprise - creation - board - funds**
5 **- powers and duties - reporting requirements - legislative declaration.**

6 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

7 (a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS
8 ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS,
9 HAZARDS, INJURIES, AND FATALITIES;

10 (b) DUE TO THE LIMITED AVAILABILITY OF STATE AND FEDERAL
11 FUNDING AND THE NEED TO ACCOMPLISH THE FINANCING, REPAIR,
12 RECONSTRUCTION, AND REPLACEMENT OF DESIGNATED BRIDGES AS
13 PROMPTLY AND EFFICIENTLY AS POSSIBLE, IT IS NECESSARY TO CREATE A
14 STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:

15 (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE
16 DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE
17 DESIGNATED BRIDGES IN THE STATE; AND

18 (II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY
19 CALCULATED TO DEFRAY THE COSTS OF COMPLETING DESIGNATED BRIDGE
20 PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAYING THE COSTS IN AN
21 EQUITABLE MANNER AMONG PERSONS USING DESIGNATED BRIDGES,
22 RECEIVE AND EXPEND REVENUES GENERATED BY THE SURCHARGE AND
23 OTHER MONEYS, ISSUE REVENUE BONDS AND OTHER OBLIGATIONS,
24 CONTRACT WITH THE STATE, IF REQUIRED APPROVALS ARE OBTAINED, TO
25 RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER
26 THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED
27 BY THIS PART 8, EXPEND REVENUES GENERATED BY THE SURCHARGE TO

1 REPAY ANY SUCH LOAN OR LOANS RECEIVED, AND EXERCISE OTHER
2 POWERS NECESSARY AND APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

3 (c) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE IS IN THE
4 PUBLIC INTEREST AND WILL PROMOTE THE HEALTH, SAFETY, AND WELFARE
5 OF ALL COLORADANS AND VISITORS TO THE STATE BY PROVIDING BRIDGES
6 THAT INCORPORATE THE BENEFITS OF ADVANCED ENGINEERING DESIGN,
7 EXPERIENCE, AND SAFETY.

8 (2) (a) (I) THE STATEWIDE BRIDGE ENTERPRISE IS HEREBY
9 CREATED. THE BRIDGE ENTERPRISE SHALL BE AND SHALL OPERATE AS A
10 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT. THE
11 COMMISSION SHALL SERVE AS THE BRIDGE ENTERPRISE BOARD AND SHALL,
12 WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A BRIDGE
13 ENTERPRISE DIRECTOR WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY
14 BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD.
15 THE BRIDGE ENTERPRISE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL
16 RESPONSIBILITIES OF THE BRIDGE ENTERPRISE AND SHALL SERVE AT THE
17 PLEASURE OF THE BRIDGE ENTERPRISE BOARD.

18 (II) THE BRIDGE ENTERPRISE AND THE BRIDGE ENTERPRISE
19 DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AS
20 IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**
21 TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S.

22 (b) THE BUSINESS PURPOSE OF THE BRIDGE ENTERPRISE IS TO
23 FINANCE, REPAIR, RECONSTRUCT, AND REPLACE ANY DESIGNATED BRIDGE
24 IN THE STATE AND, AS AGREED UPON BY THE ENTERPRISE AND THE
25 COMMISSION, OR THE DEPARTMENT TO THE EXTENT AUTHORIZED BY THE
26 COMMISSION, TO MAINTAIN THE BRIDGES IT FINANCES, REPAIRS,
27 RECONSTRUCTS, AND REPLACES. TO ALLOW THE BRIDGE ENTERPRISE TO

1 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
2 THROUGH THE BRIDGE ENTERPRISE BOARD, THE BRIDGE ENTERPRISE MAY:

3 (I) IMPOSE A BRIDGE SAFETY SURCHARGE AS AUTHORIZED IN
4 PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION;

5 (II) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND
6 OTHER AVAILABLE MONEYS OF THE BRIDGE ENTERPRISE PLEDGED FOR
7 THEIR PAYMENT AS AUTHORIZED IN SECTION 43-4-807; AND

8 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR
9 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS,
10 INCLUDING, BUT NOT LIMITED TO, ONE OR MORE LOANS FROM THE STATE
11 OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE TERMS OF ONE OR
12 MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO
13 PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, TO BE USED TO
14 SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

15 (c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE
16 FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
17 SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
18 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS
19 FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO
20 LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH
21 (c), THE BRIDGE ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS
22 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. CONSISTENT
23 WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN *NICHOLL*
24 *v. E-470 PUBLIC HIGHWAY AUTHORITY*, 896 P.2d 859 (COLO. 1995), THAT
25 THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH "ENTERPRISE" STATUS
26 UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
27 GENERAL ASSEMBLY FINDS AND DECLARES THAT A BRIDGE SAFETY

1 SURCHARGE IMPOSED BY THE BRIDGE ENTERPRISE PURSUANT TO
2 PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION IS NOT A TAX BUT IS
3 INSTEAD A FEE IMPOSED BY THE BRIDGE ENTERPRISE TO DEFRAY THE COST
4 OF COMPLETING DESIGNATED BRIDGE PROJECTS THAT THE ENTERPRISE
5 PROVIDES AS A SPECIFIC SERVICE TO THE PERSONS UPON WHOM THE FEE IS
6 IMPOSED.

7 (3) (a) THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE
8 FUND, REFERRED TO IN THIS PART 8 AS THE "BRIDGE SPECIAL FUND", IS
9 HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES RECEIVED BY
10 THE BRIDGE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY REVENUES
11 FROM A BRIDGE SAFETY SURCHARGE COLLECTED PURSUANT TO PARAGRAPH
12 (g) OF SUBSECTION (5) OF THIS SECTION AND ANY MONEYS LOANED TO THE
13 ENTERPRISE BY THE STATE PURSUANT TO PARAGRAPH (r) OF SUBSECTION
14 (5) OF THIS SECTION, SHALL BE DEPOSITED INTO THE BRIDGE SPECIAL FUND.
15 THE BRIDGE ENTERPRISE BOARD MAY ESTABLISH SEPARATE ACCOUNTS
16 WITHIN THE BRIDGE SPECIAL FUND AS NEEDED IN CONNECTION WITH ANY
17 SPECIFIC DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE ALSO
18 MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE
19 BRIDGE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX
20 OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE
21 BRIDGE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH
22 THE BRIDGE ENTERPRISE BOARD, SHALL INVEST ANY MONEYS IN THE
23 BRIDGE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT
24 EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON
25 SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-807 (2), THAT ARE
26 NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE
27 TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112,

1 AND 24-36-113, C.R.S.

2 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
3 INVESTMENT OF MONEYS IN THE BRIDGE SPECIAL FUND SHALL BE CREDITED
4 TO THE BRIDGE SPECIAL FUND AND, IF APPLICABLE, TO THE APPROPRIATE
5 DESIGNATED BRIDGE PROJECT ACCOUNT. MONEYS IN THE BRIDGE SPECIAL
6 FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE BRIDGE ENTERPRISE
7 FOR THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN
8 THE BRIDGE SPECIAL FUND SHALL REMAIN IN THE BRIDGE SPECIAL FUND
9 FOR THE PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE BRIDGE
10 SPECIAL FUND SHALL BE USED FOR ANY OTHER PURPOSE.

11 (c) THE BRIDGE ENTERPRISE MAY EXPEND MONEYS IN THE BRIDGE
12 SPECIAL FUND TO PAY BOND OR LOAN OBLIGATIONS, TO FUND THE
13 ADMINISTRATION, PLANNING, FINANCING, REPAIR, RECONSTRUCTION,
14 REPLACEMENT, OR MAINTENANCE OF DESIGNATED BRIDGES, AND FOR THE
15 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY
16 DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE MAY ALSO EXPEND
17 MONEYS IN THE BRIDGE SPECIAL FUND TO PAY ITS OPERATING COSTS AND
18 EXPENSES. THE BRIDGE ENTERPRISE BOARD SHALL HAVE EXCLUSIVE
19 AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF MONEYS IN
20 THE BRIDGE SPECIAL FUND.

21 (4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE
22 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE BRIDGE ENTERPRISE
23 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
24 PRIOR TO THE RECEIPT OF BOND PROCEEDS OR REVENUES BY THE
25 ENTERPRISE. THE BRIDGE ENTERPRISE MAY ACCEPT AND EXPEND ANY
26 MONEYS SO TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL
27 RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD

1 OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH
2 A TRANSFER SHALL CONSTITUTE A LOAN FROM THE COMMISSION TO THE
3 BRIDGE ENTERPRISE AND SHALL NOT BE CONSIDERED A GRANT FOR
4 PURPOSES OF SECTION 20 (2) (d) OF ARTICLE X OF THE STATE
5 CONSTITUTION. WHEN THE BRIDGE ENTERPRISE RECEIVES SUFFICIENT
6 BOND PROCEEDS OR REVENUES, THE ENTERPRISE SHALL REIMBURSE THE
7 STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY LOAN FROM THE
8 STATE HIGHWAY FUND MADE BY THE COMMISSION PLUS INTEREST AT A
9 RATE SET BY THE COMMISSION. ANY MONEYS LOANED FROM THE STATE
10 HIGHWAY FUND TO THE BRIDGE ENTERPRISE PURSUANT TO THIS SECTION
11 SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE
12 BRIDGE ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED,
13 AND SHALL NOT BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. MONEYS
14 FROM THE BRIDGE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE
15 THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN FROM THE
16 STATE HIGHWAY FUND OR ANY INTEREST THEREON.

17 (5) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
18 THIS SECTION, THE BRIDGE ENTERPRISE BOARD HAS THE FOLLOWING
19 POWERS AND DUTIES:

20 (a) TO SUPERVISE AND ADVISE THE BRIDGE ENTERPRISE DIRECTOR;

21 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
22 THE CONDUCT OF ITS BUSINESS;

23 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE
24 SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING,
25 REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING DESIGNATED
26 BRIDGES;

27 (d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND

1 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND
2 PERFORMANCE OF ITS DUTIES;

3 (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO
4 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY
5 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,
6 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED
7 PURPOSES;

8 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE
9 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER
10 WHICH THE BRIDGE ENTERPRISE AGREES TO FINANCE, REPAIR,
11 RECONSTRUCT, REPLACE, AND, IF ANY GIVEN AGREEMENT SO SPECIFIES,
12 MAINTAIN DESIGNATED BRIDGES AS SPECIFIED IN THE AGREEMENTS;

13 (g) (I) AS NECESSARY FOR THE ACHIEVEMENT OF ITS BUSINESS
14 PURPOSE, TO IMPOSE A BRIDGE SAFETY SURCHARGE, WHICH, EXCEPT AS
15 OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (g),
16 SHALL BE IMPOSED, ON AND AFTER JULY 1, 2009, OR ON AND AFTER SUCH
17 LATER DATE AS MAY BE DETERMINED BY THE BRIDGE ENTERPRISE, UPON
18 THE REGISTRATION OF ANY VEHICLE FOR WHICH A REGISTRATION FEE MUST
19 BE PAID PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE
20 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (IV), (V),
21 AND (VI) OF THIS PARAGRAPH (g), THE AMOUNT OF THE SURCHARGE SHALL
22 NOT EXCEED:

23 (A) THIRTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE,
24 MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN
25 SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO THOUSAND
26 POUNDS OR LESS;

27 (B) EIGHTEEN DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE

1 THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE THOUSAND
2 POUNDS;

3 (C) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS
4 MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND
5 POUNDS;

6 (D) TWENTY-NINE DOLLARS FOR ANY VEHICLE THAT IS A
7 PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT
8 NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

9 (E) THIRTY-TWO DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE
10 THAN SIXTEEN THOUSAND POUNDS.

11 (II) THE BRIDGE SAFETY SURCHARGE SHALL BE IMPOSED WHEN A
12 VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.
13 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE
14 NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME
15 AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
16 DEPARTMENT OF REVENUE, ALL BRIDGE SAFETY SURCHARGES COLLECTED
17 BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF REVENUE SHALL FORWARD ALL BRIDGE SAFETY
19 SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY BRIDGE SAFETY
20 SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO
21 THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE
22 BRIDGE SPECIAL FUND.

23 (III) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
24 ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED
25 PURSUANT TO SECTION 43-4-804 (1) (b).

26 (IV) THE AMOUNT OF THE BRIDGE SAFETY SURCHARGE IMPOSED ON
27 ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS

1 DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF
2 THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE
3 VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) AND THE
4 PERCENTAGE OF THE ITEM'S TOTAL APPORTIONED REGISTRATION
5 APPORTIONED TO COLORADO.

6
7 (V) THE MAXIMUM AMOUNT OF THE BRIDGE SAFETY SURCHARGE
8 THAT THE BRIDGE ENTERPRISE MAY IMPOSE PURSUANT TO SUBPARAGRAPH
9 (I) OF THIS PARAGRAPH (g) FOR ANY ANNUAL VEHICLE REGISTRATION
10 PERIOD COMMENCING DURING THE 2009-10 FISCAL YEAR SHALL BE
11 ONE-HALF OF THE MAXIMUM AMOUNT OF THE SURCHARGE SPECIFIED IN
12 SAID SUBPARAGRAPH (I).

13 (VI) THE AMOUNT OF ANY BRIDGE SAFETY SURCHARGE IMPOSED
14 PURSUANT TO THIS PARAGRAPH (g) SHALL BE ONE-HALF OF THE AMOUNT
15 OF THE SURCHARGE IMPOSED PURSUANT TO SUBPARAGRAPH (I) OF THIS
16 PARAGRAPH (g) FOR ANY VEHICLE THAT IS A TRUCK OR TRUCK TRACTOR
17 THAT IS OWNED BY A FARMER OR RANCHER AND IS USED COMMERCIALY
18 ONLY:

19 (A) TO TRANSPORT TO MARKET OR PLACE OF STORAGE RAW
20 AGRICULTURAL PRODUCTS ACTUALLY PRODUCED OR LIVESTOCK ACTUALLY
21 RAISED BY THE FARMER OR RANCHER IN FARMING OR RANCHING
22 OPERATIONS; OR

23 (B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY
24 THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR
25 RANCHER'S FARMING OR RANCHING OPERATIONS.

26 (VII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE
27 BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE

1 REGISTRATION FEES OR SURCHARGES IMPOSED.

2 (h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH
3 A PRIVATE ENTITY, TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT
4 TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

5 (I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE
6 OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,
7 MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A
8 DESIGNATED BRIDGE PROJECT; AND

9 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY
10 DESIGNS, DEVELOPS, CONSTRUCTS, RECONSTRUCTS, REPAIRS, OPERATES,
11 OR MAINTAINS ALL OR ANY PORTION OF A DESIGNATED BRIDGE PROJECT ON
12 BEHALF OF THE BRIDGE ENTERPRISE;

13 (i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR
14 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD
15 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND
16 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,
17 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS
18 POWERS AND PERFORMANCE OF ITS DUTIES;

19 (j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING
20 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO
21 CARRY OUT ITS POWERS AND DUTIES;

22 (k) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,
23 SPECIFICATIONS, OR ESTIMATES FOR ANY DESIGNATED BRIDGE PROJECT
24 WITHIN THE STATE;

25 (l) IN CONNECTION WITH ANY DESIGNATED BRIDGE PROJECT, TO
26 ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, AND
27 MAINTAIN ANY DESIGNATED BRIDGE WITHIN THE STATE;

1 (m) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE
2 BRIDGE ENTERPRISE;

3 (n) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,
4 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR
5 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS
6 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

7 (o) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR
8 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF
9 TITLE 11, C.R.S.;

10 (p) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,
11 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON
12 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING
13 A DESIGNATED BRIDGE PROJECT, TO ACCEPT THE ASSETS OF ANY SUCH
14 NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY
15 SUCH NONPROFIT ENTITY BY PAYING ITS BONDS, TO APPOINT OR APPROVE
16 THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH
17 NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING
18 BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE;

19 (q) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
20 BRIDGE ENTERPRISE TO THE DEPARTMENT TO THE EXTENT NECESSARY TO
21 IMPLEMENT THE FINANCING OF ANY DESIGNATED BRIDGE PROJECT OR FOR
22 ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

23 (r) (I) TO CONTRACT WITH THE STATE TO BORROW MONEYS
24 RECEIVED BY THE STATE FROM UNDER THE TERMS OF ONE OR MORE
25 LEASE-PURCHASE AGREEMENTS ENTERED INTO BY THE STATE PURSUANT
26 TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), TO EXPEND ANY MONEYS
27 BORROWED FROM THE STATE FOR THE PURPOSE OF COMPLETING

1 DESIGNATED BRIDGE PROJECTS AND FOR ANY OTHER AUTHORIZED PURPOSE
2 THAT CONSTITUTES THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE
3 OF THE PUBLIC HIGHWAYS OF THIS STATE FOR PURPOSES OF SECTION 18 OF
4 ARTICLE X OF THE STATE CONSTITUTION, AND TO USE REVENUES
5 GENERATED BY ANY BRIDGE SAFETY SURCHARGE IMPOSED PURSUANT TO
6 PARAGRAPH (g) OF THIS SUBSECTION (5) TO REPAY THE MONEYS
7 BORROWED.

8 (II) IF THE BRIDGE ENTERPRISE BOARD SEEKS TO ENTER INTO A
9 CONTRACT TO BORROW MONEYS FROM THE STATE AS AUTHORIZED BY
10 SUBPARAGRAPH (I) OF THIS PARAGRAPH (r), THE BOARD SHALL PROVIDE
11 THE GOVERNOR WITH A LIST OF DESIGNATED BRIDGE PROJECTS TO BE
12 FINANCED WITH THE BORROWED MONEYS AND A STATEMENT OF BOTH THE
13 TOTAL AMOUNT OF THE LOAN REQUESTED AND THE ESTIMATED AMOUNT
14 OF THE LOAN THAT WILL BE USED TO FUND EACH PROJECT ON THE LIST. IF
15 THE GOVERNOR DETERMINES, IN THE GOVERNOR'S SOLE DISCRETION, THAT
16 LENDING MONEYS TO THE BRIDGE ENTERPRISE AS REQUESTED BY THE
17 ENTERPRISE IS IN THE BEST INTEREST OF THE STATE, THE GOVERNOR, AFTER
18 CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
19 PERSONNEL, SHALL PREPARE AND PROVIDE TO THE STATE TREASURER A
20 LIST OF STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES THAT THE
21 STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY SELL AND
22 LEASE BACK PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE
23 AGREEMENTS THAT THE STATE, ACTING BY AND THROUGH THE STATE
24 TREASURER, MAY ENTER INTO PURSUANT TO SUBPARAGRAPH (III) OF THIS
25 PARAGRAPH (r).

26 (III) (A) IF THE STATE TREASURER, IN THE STATE TREASURER'S
27 SOLE DISCRETION, DETERMINES THAT LENDING STATE MONEYS TO THE

1 BRIDGE ENTERPRISE AS REQUESTED BY THE ENTERPRISE IS IN THE BEST
2 INTEREST OF THE STATE, THE STATE TREASURER, ACTING BY AND THROUGH
3 THE STATE TREASURER, MAY ENTER INTO A LOAN CONTRACT WITH THE
4 BRIDGE ENTERPRISE AND MAY RAISE THE MONEY NEEDED TO MAKE A LOAN
5 PURSUANT TO THE TERMS OF THE LOAN CONTRACT BY ENTERING INTO ONE
6 OR MORE LEASE-PURCHASE AGREEMENTS INVOLVING ONE OR MORE OF THE
7 STATE BUILDINGS OR OTHER STATE CAPITAL FACILITIES ON THE LIST
8 PROVIDED TO THE STATE TREASURER BY THE GOVERNOR PURSUANT TO
9 SUBPARAGRAPH (II) OF THIS PARAGRAPH (r). THE LOAN CONTRACT SHALL
10 REQUIRE THE ENTERPRISE TO PLEDGE ALL OR A PORTION OF THE REVENUES
11 OF ANY BRIDGE SURCHARGE IMPOSED PURSUANT TO PARAGRAPH (g) OF
12 THIS SUBSECTION (5) FOR THE REPAYMENT OF THE LOAN AND MAY ALSO
13 REQUIRE THE ENTERPRISE TO PLEDGE ANY OTHER LEGALLY AVAILABLE
14 REVENUES OF THE ENTERPRISE.

15 (B) THE STATE MAY ENTER INTO ONE OR MORE LEASE-PURCHASE
16 AGREEMENTS AUTHORIZED BY SUB-SUBPARAGRAPH (A) OF THIS
17 SUBPARAGRAPH (III) WITH ANY FOR-PROFIT OR NONPROFIT CORPORATION,
18 TRUST, OR COMMERCIAL BANK ACTING AS A TRUSTEE, AS THE LESSOR,
19 INCLUDING BUT NOT LIMITED TO THE NONPROFIT CORPORATION CREATED
20 PURSUANT TO SECTION 24-82-703, C.R.S.

21 (C) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
22 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE
23 THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT
24 SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN
25 ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

26 (D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT
27 TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL ALSO

1 PROVIDE THAT THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT
2 SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF
3 THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE
4 CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE
5 CREATION OF INDEBTEDNESS BY THE STATE, AND SHALL NOT CONSTITUTE
6 A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL
7 OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF
8 ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW
9 A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
10 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), THE SOLE SECURITY
11 AVAILABLE TO THE LESSOR SHALL BE THE PROPERTY THAT IS THE SUBJECT
12 OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

13 (IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED
14 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
15 PARAGRAPH (r) MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS
16 AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, MAY DEEM
17 APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH
18 LEASE-PURCHASE AGREEMENT SHALL SPECIFICALLY AUTHORIZE THE STATE
19 TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE
20 SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR TO THE
21 EXPIRATION OF THE TERMS OF THE AGREEMENT. ANY TITLE TO SUCH
22 PROPERTY RECEIVED BY THE STATE ON OR PRIOR TO THE EXPIRATION OF
23 THE TERMS OF THE LEASE-PURCHASE AGREEMENT SHALL BE HELD FOR THE
24 BENEFIT AND USE OF THE STATE.

25 (B) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
26 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
27 MAY PROVIDE FOR THE ISSUANCE, DISTRIBUTION, AND SALE OF

1 INSTRUMENTS EVIDENCING RIGHTS TO RECEIVE RENTALS AND OTHER
2 PAYMENTS MADE AND TO BE MADE UNDER THE LEASE-PURCHASE
3 AGREEMENT. THE INSTRUMENTS MAY BE ISSUED, DISTRIBUTED, OR SOLD
4 ONLY BY THE LESSOR OR ANY PERSON DESIGNATED BY THE LESSOR AND
5 NOT BY THE STATE. THE INSTRUMENTS SHALL NOT CREATE A
6 RELATIONSHIP BETWEEN THE PURCHASERS OF THE INSTRUMENTS AND THE
7 STATE OR CREATE ANY OBLIGATION ON THE PART OF THE STATE TO THE
8 PURCHASERS. THE INSTRUMENTS SHALL NOT BE NOTES, BONDS, OR ANY
9 OTHER EVIDENCE OF INDEBTEDNESS OF THE STATE WITHIN THE MEANING
10 OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAW OF THE STATE
11 CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS OF THE STATE
12 AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR
13 INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN
14 THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE
15 CONSTITUTION.

16 (C) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT
17 AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH
18 (III) OF THIS PARAGRAPH (r), INCLUDING INTEREST REPRESENTED BY THE
19 INSTRUMENTS, SHALL BE EXEMPT FROM STATE INCOME TAX.

20 (V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER,
21 MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED
22 NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE
23 AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF
24 SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED
25 TO DEEDS, GROUND LEASES, SUB-LEASES, EASEMENTS, OR OTHER
26 INSTRUMENTS RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES
27 ARE LOCATED OR AN AGREEMENT ENTERED INTO PURSUANT TO

1 SUBPARAGRAPH (VII) OF THIS SECTION.

2 (VI) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., SHALL
3 NOT APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO
4 SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r)
5 OR ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO PURSUANT
6 TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r). ANY PROVISION OF THE
7 FISCAL RULES PROMULGATED PURSUANT TO SECTION 24-30-202 (1) AND
8 (13), C.R.S., THAT THE STATE CONTROLLER DEEMS TO BE INCOMPATIBLE
9 OR INAPPLICABLE WITH RESPECT TO SUCH A LEASE-PURCHASE AGREEMENT
10 OR ANCILLARY AGREEMENT OR INSTRUMENT MAY BE WAIVED BY THE
11 CONTROLLER OR HIS OR HER DESIGNEE.

12 (VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT
13 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
14 PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE
15 INCREASES, THE STATE, ACTING BY AND THROUGH THE STATE TREASURER
16 AND AT THE DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN
17 INTEREST RATE EXCHANGE AGREEMENT PURSUANT TO ARTICLE 59.3 OF
18 TITLE 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO
19 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
20 PARAGRAPH (r) SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES
21 OF ARTICLE 59.3 OF TITLE 11, C.R.S.

22 (B) ANY AGREEMENT ENTERED INTO PURSUANT TO THIS
23 SUBPARAGRAPH (VII) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE
24 STATE SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN
25 INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF
26 THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR
27 LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE AND SHALL NOT

1 CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR
2 OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF
3 SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION.

4 (C) ANY MONEYS RECEIVED BY THE STATE UNDER AN AGREEMENT
5 ENTERED INTO PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE USED TO
6 MAKE PAYMENTS ON LEASE-PURCHASE AGREEMENTS ENTERED INTO
7 PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS
8 PARAGRAPH (r); AND

9 (s) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
10 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
11 GRANTED IN THIS SECTION.

12 (6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN
13 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL
14 PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF
15 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER
16 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE
17 BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF
18 THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A
19 STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE
20 OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE
21 ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY
22 CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE
23 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND
24 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON
25 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE
26 YEAR IN WHICH THE REPORT IS PRESENTED.

27 **43-4-806. High-performance transportation enterprise -**

1 **creation - board - funds - powers and duties - limitations - reporting**
2 **requirements - legislative declaration. (1) ==** THE GENERAL ASSEMBLY
3 HEREBY FINDS AND DECLARES THAT:

4 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF
5 THE STATE FOR THE STATE TO AGGRESSIVELY PURSUE INNOVATIVE MEANS
6 OF MORE EFFICIENTLY FINANCING IMPORTANT SURFACE TRANSPORTATION
7 INFRASTRUCTURE PROJECTS THAT WILL IMPROVE THE SAFETY, CAPACITY,
8 AND ACCESSIBILITY OF THE SURFACE TRANSPORTATION SYSTEM, CAN
9 FEASIBLY BE COMMENCED IN A REASONABLE AMOUNT OF TIME, WILL
10 ALLOW MORE EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION
11 THROUGHOUT THE STATE, AND WILL ACCELERATE THE ECONOMIC
12 RECOVERY OF THE STATE;

13 (b) SUCH INNOVATIVE MEANS OF FINANCING PROJECTS INCLUDE,
14 BUT ARE NOT LIMITED TO, PUBLIC-PRIVATE PARTNERSHIPS, OPERATING
15 CONCESSION AGREEMENTS, USER FEE-BASED PROJECT FINANCING, AND
16 AVAILABILITY PAYMENT AND DESIGN-BUILD CONTRACTING; AND

17 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
18 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN THIS
19 SECTION ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE
20 PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE
21 TRANSPORTATION INFRASTRUCTURE PROJECTS == == == AND THAT THIS
22 SECTION BE BROADLY CONSTRUED TO ALLOW THE TRANSPORTATION
23 ENTERPRISE SUFFICIENT FLEXIBILITY, CONSISTENT WITH THE
24 REQUIREMENTS OF THE STATE CONSTITUTION, TO PURSUE ANY AVAILABLE
25 MEANS OF FINANCING SUCH SURFACE TRANSPORTATION INFRASTRUCTURE
26 PROJECTS THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS.

27 ==

1 (2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
2 IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE
3 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL
4 BE A DIVISION OF THE DEPARTMENT. THE BOARD OF THE TRANSPORTATION
5 ENTERPRISE SHALL CONSIST OF THE FOLLOWING SEVEN MEMBERS:

6 (A) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH OF WHOM
7 SHALL HAVE PROFESSIONAL EXPERTISE IN TRANSPORTATION PLANNING OR
8 DEVELOPMENT, LOCAL GOVERNMENT, DESIGN-BUILD CONTRACTING,
9 PUBLIC OR PRIVATE FINANCE, ENGINEERING, ENVIRONMENTAL ISSUES, OR
10 ANY OTHER AREA THAT THE GOVERNOR BELIEVES WILL BENEFIT THE
11 BOARD IN THE EXECUTION OF ITS POWERS AND PERFORMANCE OF ITS
12 DUTIES. THE GOVERNOR SHALL APPOINT ONE MEMBER WHO RESIDES
13 WITHIN THE PLANNING AREA OF THE DENVER REGIONAL COUNCIL OF
14 GOVERNMENTS, ONE MEMBER WHO RESIDES WITHIN THE PLANNING AREA
15 OF THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, ONE MEMBER WHO
16 RESIDES WITHIN THE PLANNING AREA OF THE NORTH FRONT RANGE
17 METROPOLITAN PLANNING ORGANIZATION, AND ONE MEMBER WHO RESIDES
18 WITHIN THE INTERSTATE 70 MOUNTAIN CORRIDOR.

19 (B) THREE MEMBERS OF THE COMMISSION APPOINTED BY
20 RESOLUTION OF THE COMMISSION.

21 (II) INITIAL APPOINTMENTS TO THE TRANSPORTATION ENTERPRISE
22 BOARD SHALL BE MADE NO LATER THAN JULY 1, 2009. MEMBERS OF THE
23 BOARD SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY
24 AND WITHOUT COMPENSATION. VACANCIES IN THE MEMBERSHIP OF THE
25 TRANSPORTATION ENTERPRISE BOARD SHALL BE FILLED IN THE SAME
26 MANNER AS REGULAR APPOINTMENTS.

27 (III) (A) THE TRANSPORTATION ENTERPRISE AND THE

1 TRANSPORTATION ENTERPRISE DIRECTOR SHALL EXERCISE THEIR POWERS
2 AND PERFORM THEIR DUTIES AS IF THE SAME WERE TRANSFERRED TO THE
3 DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,
4 C.R.S.

5 (B) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE
6 COMMISSION PURSUANT TO SECTION 43-4-803 (1), PRIOR TO THE REPEAL
7 AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-____, ENACTED
8 IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY
9 A **TYPE 3** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., TO THE
10 TRANSPORTATION ENTERPRISE, AND THE STATEWIDE TOLLING ENTERPRISE
11 IS ABOLISHED.

12 (b) THE TRANSPORTATION ENTERPRISE BOARD SHALL, WITH THE
13 CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE
14 ENTERPRISE WHO SHALL POSSESS SUCH QUALIFICATIONS AS MAY BE
15 ESTABLISHED BY THE BOARD AND THE STATE PERSONNEL BOARD. THE
16 DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF
17 THE TRANSPORTATION ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF
18 THE BOARD.

19 (c) THE BUSINESS PURPOSE OF THE TRANSPORTATION ENTERPRISE
20 IS TO PURSUE PUBLIC-PRIVATE PARTNERSHIPS AND OTHER INNOVATIVE AND
21 EFFICIENT MEANS OF COMPLETING SURFACE TRANSPORTATION
22 INFRASTRUCTURE PROJECTS. TO ALLOW THE TRANSPORTATION ENTERPRISE
23 TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND
24 DUTIES THROUGH THE TRANSPORTATION ENTERPRISE BOARD, THE
25 TRANSPORTATION ENTERPRISE MAY:

26 (I) SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 43-4-808
27 (3), IMPOSE USER FEES FOR THE PRIVILEGE OF USING SURFACE

1 TRANSPORTATION INFRASTRUCTURE;

2 (II) ISSUE OR REISSUE REVENUE BONDS PAYABLE FROM THE
3 REVENUES AND OTHER AVAILABLE MONEYS OF THE TRANSPORTATION
4 ENTERPRISE PLEDGED FOR THEIR PAYMENT AS AUTHORIZED IN SECTION
5 43-4-807;

6 (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR
7 NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS TO BE
8 USED TO SUPPORT TRANSPORTATION ENTERPRISE FUNCTIONS; AND

9 (IV) SEEK OUT AND ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS.

10 (d) THE TRANSPORTATION ENTERPRISE SHALL CONSTITUTE AN
11 ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
12 CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE
13 BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN
14 GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS
15 COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO
16 THIS PARAGRAPH (d), THE TRANSPORTATION ENTERPRISE SHALL NOT BE
17 SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE
18 CONSTITUTION.

19 (3) (a) THE STATEWIDE TRANSPORTATION ENTERPRISE SPECIAL
20 REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "TRANSPORTATION
21 SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL
22 REVENUES RECEIVED BY THE TRANSPORTATION ENTERPRISE, INCLUDING
23 ANY REVENUES FROM USER FEES COLLECTED PURSUANT TO SUBPARAGRAPH
24 (I) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, SHALL BE
25 DEPOSITED INTO THE TRANSPORTATION SPECIAL FUND. THE
26 TRANSPORTATION ENTERPRISE BOARD MAY ESTABLISH SEPARATE
27 ACCOUNTS WITHIN THE TRANSPORTATION SPECIAL FUND AS NEEDED IN

1 CONNECTION WITH ANY SPECIFIC SURFACE TRANSPORTATION
2 INFRASTRUCTURE PROJECT. THE TRANSPORTATION ENTERPRISE ALSO MAY
3 DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE
4 TRANSPORTATION SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM
5 ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED
6 INTO THE TRANSPORTATION SPECIAL FUND. THE STATE TREASURER, AFTER
7 CONSULTING WITH THE TRANSPORTATION ENTERPRISE BOARD, SHALL
8 INVEST ANY MONEYS IN THE TRANSPORTATION SPECIAL FUND, INCLUDING
9 ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE
10 SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT
11 SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH
12 MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN
13 SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

14 (b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
15 INVESTMENT OF MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
16 CREDITED TO THE TRANSPORTATION SPECIAL FUND AND, IF APPLICABLE, TO
17 THE APPROPRIATE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
18 ACCOUNT. MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
19 CONTINUOUSLY APPROPRIATED TO THE TRANSPORTATION ENTERPRISE FOR
20 THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE
21 TRANSPORTATION SPECIAL FUND SHALL REMAIN IN THE FUND FOR THE
22 PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE FUND SHALL BE
23 USED FOR ANY OTHER PURPOSE.

24 (c) THE TRANSPORTATION ENTERPRISE SHALL PREPARE A SEPARATE
25 ANNUAL ACCOUNTING OF THE USER FEES COLLECTED FROM ANY SURFACE
26 TRANSPORTATION INFRASTRUCTURE PROJECT UPON WHICH ANY USER FEE
27 IS IMPOSED; EXCEPT THAT A PARTNER OF THE ENTERPRISE MAY PREPARE

1 THE ANNUAL ACCOUNTING FOR A PROJECT UPON WHICH IT IMPOSES A USER
2 FEE PURSUANT TO THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

3 (d) THE TRANSPORTATION ENTERPRISE MAY EXPEND MONEYS IN
4 THE TRANSPORTATION SPECIAL FUND TO PAY BOND OBLIGATIONS, TO FUND
5 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, AND FOR THE
6 ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY
7 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE
8 TRANSPORTATION ENTERPRISE MAY ALSO EXPEND MONEYS IN THE
9 TRANSPORTATION SPECIAL FUND TO PAY ITS OPERATING COSTS AND
10 EXPENSES. THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE
11 EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE THE EXPENDITURE OF
12 MONEYS IN THE TRANSPORTATION SPECIAL FUND.

13 (4) THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE
14 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE TRANSPORTATION
15 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
16 TRANSPORTATION ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS
17 OR REVENUES BY THE ENTERPRISE. THE TRANSPORTATION ENTERPRISE
18 MAY ACCEPT AND EXPEND ANY MONEYS SO TRANSFERRED, AND,
19 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
20 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
21 REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER SHALL CONSTITUTE
22 A LOAN FROM THE COMMISSION TO THE BRIDGE ENTERPRISE AND SHALL
23 NOT BE CONSIDERED A GRANT FOR PURPOSES OF SECTION 20 (2) (d) OF
24 ARTICLE X OF THE STATE CONSTITUTION. WHEN THE TRANSPORTATION
25 ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR REVENUES, THE
26 ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE FULL
27 AMOUNT OF ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A

1 RATE SET BY THE COMMISSION. ANY MONEYS LOANED TO THE
2 TRANSPORTATION ENTERPRISE PURSUANT TO THIS SECTION SHALL BE
3 DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE
4 TRANSPORTATION ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY
5 CREATED, AND SHALL NOT BE DEPOSITED INTO THE TRANSPORTATION
6 SPECIAL FUND. MONEYS FROM THE TRANSPORTATION SPECIAL FUND MAY,
7 HOWEVER, BE USED TO REIMBURSE THE STATE HIGHWAY FUND FOR THE
8 AMOUNT OF ANY LOAN OR ANY INTEREST THEREON.

9 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
10 USER FEE REVENUES SHALL BE EXPENDED ONLY FOR PURPOSES
11 AUTHORIZED BY SUBSECTION (3) OF THIS SECTION AND ONLY FOR THE
12 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH THEY
13 WERE COLLECTED, TO ADDRESS ONGOING CONGESTION MANAGEMENT
14 NEEDS RELATED TO THE PROJECT, OR AS A PORTION OF THE EXPENDITURES
15 MADE FOR ANOTHER SURFACE TRANSPORTATION INFRASTRUCTURE
16 PROJECT THAT IS INTEGRATED WITH THE PROJECT AS PART OF A SURFACE
17 TRANSPORTATION SYSTEM; EXCEPT THAT THE TRANSPORTATION
18 ENTERPRISE BOARD MAY USE USER FEE REVENUES TO PAY A PROPORTIONAL
19 SHARE OF THE COSTS AND EXPENSES OF OPERATING THE ENTERPRISE.

20 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
21 THIS SECTION, THE TRANSPORTATION ENTERPRISE BOARD SHALL HAVE THE
22 FOLLOWING POWERS AND DUTIES:

23 (a) TO SUPERVISE AND ADVISE THE TRANSPORTATION ENTERPRISE
24 DIRECTOR;

25 (b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
26 THE CONDUCT OF ITS BUSINESS;

27 (c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE

1 TRANSPORTATION SPECIAL FUND, FOR THE PURPOSE OF COMPLETING
2 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS;

3 (d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
4 PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND
5 PERFORMANCE OF ITS DUTIES;

6 (e) TO ACQUIRE, BY PURCHASE, GIFT, OR GRANT, OR, SUBJECT TO
7 THE REQUIREMENTS OF ARTICLES 1 TO 7 OF TITLE 38, C.R.S., BY
8 CONDEMNATION, ANY AND ALL RIGHTS-OF-WAY, LANDS, BUILDINGS,
9 MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED
10 PURPOSES;

11 (f) TO ENTER INTO AGREEMENTS WITH THE COMMISSION, OR THE
12 DEPARTMENT TO THE EXTENT AUTHORIZED BY THE COMMISSION, UNDER
13 WHICH THE TRANSPORTATION ENTERPRISE AGREES TO COMPLETE SURFACE
14 TRANSPORTATION INFRASTRUCTURE PROJECTS AS SPECIFIED IN THE
15 AGREEMENTS;

16 (g) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH
17 ANY PRIVATE OR PUBLIC ENTITY TO FACILITATE A PUBLIC-PRIVATE
18 PARTNERSHIP, INCLUDING, BUT NOT LIMITED TO:

19 (I) AN AGREEMENT PURSUANT TO WHICH THE TRANSPORTATION
20 ENTERPRISE OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT
21 OPERATES, MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN
22 CONNECTION WITH A SURFACE TRANSPORTATION INFRASTRUCTURE
23 PROJECT; OR

24 (II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY
25 COMPLETES ALL OR ANY PORTION OF A SURFACE TRANSPORTATION
26 INFRASTRUCTURE PROJECT ON BEHALF OF THE TRANSPORTATION
27 ENTERPRISE;

1 (h) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR
2 AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD
3 CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND
4 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,
5 C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS
6 POWERS AND PERFORMANCE OF ITS DUTIES;

7 (i) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING
8 ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO
9 CARRY OUT ITS POWERS AND DUTIES;

10 (j) TO PREPARE, OR CAUSE TO BE PREPARED, DETAILED PLANS,
11 SPECIFICATIONS, OR ESTIMATES FOR ANY SURFACE TRANSPORTATION
12 INFRASTRUCTURE PROJECT WITHIN THE STATE;

13 (k) IN CONNECTION WITH ANY SURFACE TRANSPORTATION
14 INFRASTRUCTURE PROJECT, TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT,
15 REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION
16 INFRASTRUCTURE WITHIN THE STATE;

17 (l) TO SET AND ADOPT, ON AN ANNUAL BASIS, A BUDGET FOR THE
18 TRANSPORTATION ENTERPRISE;

19 (m) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE,
20 LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF, OR ENCUMBER REAL OR
21 PERSONAL PROPERTY OR ANY INTEREST THEREIN, INCLUDING EASEMENTS
22 AND RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION;

23 (n) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR
24 BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH ARTICLE 59.3 OF
25 TITLE 11, C.R.S.;

26 (o) PURSUANT TO SECTION 24-1-107.5, C.R.S., TO ESTABLISH,
27 CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON

1 BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF COMPLETING
2 A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, TO ACCEPT THE
3 ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO
4 ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING ITS
5 BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE
6 GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE
7 MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR
8 CAUSE;

9 (p) TO TRANSFER MONEY, PROPERTY, OR OTHER ASSETS OF THE
10 TRANSPORTATION ENTERPRISE TO THE DEPARTMENT TO THE EXTENT
11 NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE
12 TRANSPORTATION INFRASTRUCTURE PROJECT OR FOR ANY OTHER PURPOSE
13 AUTHORIZED IN THIS PART 8; AND

14 (q) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
15 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
16 GRANTED IN THIS SECTION.

17 (7) (a) IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN
18 SUBSECTION (6) OF THIS SECTION, THE TRANSPORTATION ENTERPRISE
19 BOARD HAS THE DUTY TO EVALUATE ANY TOLL HIGHWAY IN THE STATE
20 THAT IS OWNED AND OFFERED FOR SALE OR FOR LEASE AND AN OPERATING
21 CONCESSION BY AN ENTITY OTHER THAN THE STATE IN ORDER TO
22 DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE STATE FOR THE
23 TRANSPORTATION ENTERPRISE TO PURCHASE OR LEASE THE TOLL HIGHWAY
24 OR A PARTIAL INTEREST IN THE TOLL HIGHWAY THAT IS BEING OFFERED FOR
25 SALE, LEASE, OR CONCESSION OR ENTER INTO A PUBLIC-PRIVATE
26 PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY. IN EVALUATING
27 A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD SHALL

1 CONSIDER THE FINANCIAL COSTS AND BENEFITS TO THE STATE AND USERS
2 OF THE TOLL HIGHWAY OF PURCHASING OR LEASING THE TOLL HIGHWAY OR
3 A PARTIAL INTEREST IN THE TOLL HIGHWAY OR ENTERING INTO A
4 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH THE TOLL HIGHWAY;
5 THE EFFECT OF SUCH A PURCHASE, LEASE, OR PUBLIC-PRIVATE
6 PARTNERSHIP ON STATEWIDE, REGIONAL, OR LOCAL TRANSPORTATION
7 PLANS PREVIOUSLY ADOPTED AND ON FUTURE TRANSPORTATION
8 PLANNING; AND ANY OTHER FACTORS DEEMED SIGNIFICANT BY THE BOARD.
9 IN CONSIDERING THE EFFECT ON REGIONAL OR LOCAL TRANSPORTATION
10 PLANS, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSULT WITH
11 THE APPROPRIATE REGIONAL OR LOCAL TRANSPORTATION PLANNING
12 AGENCY. SUBJECT TO CRITERIA, PROCEDURES, PROCESSES, AND RULES
13 ESTABLISHED BY THE ENTITY OTHER THAN THE STATE OFFERING THE TOLL
14 HIGHWAY FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION
15 INCLUDING, WITHOUT LIMITATION, PROVISIONS FOR REJECTING ALL BIDS OR
16 PROPOSALS AND SHORT-LISTING BIDDERS AND PROPOSERS, AND WITHOUT
17 ANY SPECIAL CONSIDERATION FOR EITHER PUBLIC OR PRIVATE SECTOR
18 INTERESTS THAT MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL
19 HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD MAY BID ON OR
20 PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY OR A PARTIAL INTEREST
21 IN A TOLL HIGHWAY SO OFFERED WITHOUT CHANGE OR DELAY OF SUCH
22 CRITERIA, PROCEDURES, PROCESSES, AND RULES OR MAY ENTER INTO A
23 PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH A TOLL HIGHWAY AND
24 MAY FINANCE ALL OR A PORTION OF THE PURCHASE OR LEASE OF A TOLL
25 HIGHWAY OR A PUBLIC-PRIVATE PARTNERSHIP ENTERED INTO IN
26 CONNECTION WITH A TOLL HIGHWAY BY ISSUING BONDS AS AUTHORIZED BY
27 SECTION 43-4-807 IF THE BOARD DETERMINES THAT THE PURCHASE, LEASE,

1 OR PUBLIC-PRIVATE PARTNERSHIP IS IN THE BEST INTERESTS OF THE STATE.
2 FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED
3 BY THE DEPARTMENT AND MANAGED BY THE TRANSPORTATION
4 ENTERPRISE BOARD. AN ENTITY OTHER THAN THE STATE SHALL CONSIDER
5 AND REPRESENT THE INTERESTS OF ITS CONSTITUENCY AT ALL TIMES
6 DURING AND AFTER THE EVALUATION PROCESS CONDUCTED BY THE
7 TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

8 (b) FOR PURPOSES OF THIS SUBSECTION (7), "ENTITY OTHER THAN
9 THE STATE" MEANS A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT
10 TO SECTION 43-4-504, A REGIONAL TRANSPORTATION AUTHORITY CREATED
11 PURSUANT TO SECTION 43-4-603, A TOLL ROAD OR TOLL HIGHWAY
12 COMPANY FORMED PURSUANT TO SECTION 7-45-101, C.R.S., OR ANY
13 OTHER NATURAL PERSON OR ENTITY OTHER THAN THE STATE OR A
14 DEPARTMENT OR AGENCY OF THE STATE THAT MAY OWN A TOLL HIGHWAY.

15 (c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE
16 THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY
17 TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER
18 INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL
19 HIGHWAY.

20 (8) (a) WHEN THE TRANSPORTATION ENTERPRISE BOARD DECIDES
21 TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE
22 TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL
23 TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERNS,
24 THE BOARD SHALL INVITE EVERY METROPOLITAN PLANNING ORGANIZATION
25 OR OTHER TRANSPORTATION PLANNING REGION WITH PLANNING
26 RESPONSIBILITY FOR ANY AREA IN WHICH THE PROJECT WILL BE LOCATED
27 AND EVERY AFFECTED PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN

1 SECTION 43-1-102 (5), PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT
2 TO PART 5 OF THIS ARTICLE, AND REGIONAL TRANSPORTATION AUTHORITY
3 CREATED PURSUANT TO PART 6 OF THIS ARTICLE TO COLLABORATE WITH
4 THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE
5 PROJECT. THE TRANSPORTATION ENTERPRISE BOARD AND A
6 METROPOLITAN PLANNING ORGANIZATION, TRANSPORTATION PLANNING
7 REGION, PUBLIC MASS TRANSIT OPERATOR, PUBLIC HIGHWAY AUTHORITY,
8 OR REGIONAL TRANSPORTATION AUTHORITY MAY ENTER INTO AN
9 INTERGOVERNMENTAL AGREEMENT TO DEFINE THE DEGREE OF
10 COLLABORATION AND ANY SHARING OF COSTS AND REVENUES. THE
11 TRANSPORTATION ENTERPRISE BOARD, IN COLLABORATION WITH THOSE
12 METROPOLITAN PLANNING ORGANIZATIONS, TRANSPORTATION PLANNING
13 REGIONS, PUBLIC MASS TRANSIT OPERATORS, AND AUTHORITIES THAT ARE
14 ENTITLED TO AND WISH TO COLLABORATE WITH THE BOARD, MAY DEVELOP
15 A PLAN FOR THE COMPLETION OF THE SURFACE TRANSPORTATION
16 INFRASTRUCTURE PROJECT THAT ADDRESSES THE FEASIBILITY OF THE
17 PROJECT, THE TECHNOLOGY TO BE UTILIZED, PROJECT FINANCING, AND ANY
18 OTHER FEDERALLY REQUIRED INFORMATION.

19 (b) IN ORDER TO ENSURE THAT THE LIMITED RESOURCES AVAILABLE
20 FOR THE COMPLETION OF MAJOR SURFACE TRANSPORTATION
21 INFRASTRUCTURE PROJECTS ARE ALLOCATED ONLY TO PROJECTS DEEMED
22 ESSENTIAL BY ALL IMPACTED METROPOLITAN PLANNING ORGANIZATIONS
23 AND OTHER TRANSPORTATION PLANNING REGIONS, EVERY METROPOLITAN
24 PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION
25 THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION OF A PROPOSED
26 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT WILL ADD
27 SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTER

1 TRAFFIC PATTERNS IS TO BE COMPLETED SHALL HAVE THE RIGHT TO
2 PARTICIPATE IN THE PLANNING AND DEVELOPMENT, AND APPROVE THE
3 COMPLETION, OF THE PROJECT. THE RIGHT OF PARTICIPATION SHALL
4 EXTEND, WITHOUT LIMITATION, TO DECISIONS REGARDING THE SCOPE OF
5 THE PROJECT, THE TYPE OF SURFACE TRANSPORTATION INFRASTRUCTURE
6 TO BE PROVIDED, PROJECT FINANCING, ALLOCATION OF PROJECT REVENUES,
7 AND THE MANNER IN WHICH ANY USER FEES ARE TO BE IMPOSED. A
8 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT SHALL NOT
9 PROCEED PAST THE PLANNING STAGE UNTIL ALL METROPOLITAN PLANNING
10 ORGANIZATIONS ENTITLED TO PARTICIPATE IN THE PLANNING,
11 DEVELOPMENT, AND APPROVAL PROCESS, INCLUDING THE
12 TRANSPORTATION ENTERPRISE AND ANY PARTNER OF THE ENTERPRISE
13 UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP, HAVE APPROVED
14 THE PROJECT.

15 (9) (a) THE TRANSPORTATION ENTERPRISE SHALL NOT SUPPLANT OR
16 DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT
17 OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC
18 HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR
19 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6
20 OF THIS ARTICLE EXCEPT AS DESCRIBED IN DETAIL IN AN
21 INTERGOVERNMENTAL AGREEMENT OR OTHER CONTRACTUAL AGREEMENT
22 ENTERED INTO BY THE TRANSPORTATION ENTERPRISE AND THE OPERATOR,
23 RAILROAD, OR AUTHORITY. THE CREATION OF AND UNDERTAKING OF
24 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS BY THE
25 TRANSPORTATION ENTERPRISE PURSUANT TO THIS PART 8 IS NOT INTENDED
26 TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM
27 FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL

1 TRANSPORTATION AUTHORITY.

2 (b) MONEYS MADE AVAILABLE FOR ANY SURFACE
3 TRANSPORTATION INFRASTRUCTURE PROJECT PURSUANT TO THIS PART 8
4 SHALL NOT BE USED TO SUPPLANT EXISTING OR BUDGETED DEPARTMENT
5 FUNDING FOR ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE
6 TERRITORY OF ANY TRANSPORTATION PLANNING REGION, AS DEFINED IN
7 SECTION 43-1-1102 (8), THAT INCLUDES ANY PORTION OF THE PROJECT.

8 (10) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN
9 FEBRUARY 15 OF EACH YEAR THEREAFTER, THE TRANSPORTATION
10 ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE
11 OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER
12 TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE
13 TRANSPORTATION ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A
14 SUMMARY OF THE STATUS OF ANY CURRENT SURFACE TRANSPORTATION
15 INFRASTRUCTURE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES
16 AND EXPENSES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES
17 THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE
18 COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND
19 LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON
20 THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE
21 YEAR IN WHICH THE REPORT IS PRESENTED.

22 **43-4-807. Bonds - investments - bonds eligible for investment**
23 **and exempt from taxation.** (1) (a) BOTH THE BRIDGE ENTERPRISE AND
24 THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS
25 FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED
26 PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE
27 TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT

1 OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL
2 FUND OR THE TRANSPORTATION SPECIAL FUND AS THE CASE MAY BE.

3 (b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING
4 ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS
5 AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO
6 OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR
7 WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER
8 FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR
9 SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS
10 AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE
11 THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN
12 OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER
13 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,
14 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE
15 OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION
16 APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO
17 PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE;
18 MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH
19 OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR
20 MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL
21 SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER
22 OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME;
23 MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST
24 COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF
25 THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT
26 INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF
27 THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO

1 BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING
2 ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING
3 FULL TRUST POWERS.

4 (c) BONDS OF THE ISSUING ENTERPRISE MAY BE SOLD AT PUBLIC OR
5 PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH
6 TIMES AS DETERMINED BY THE BOARD OF THE ISSUING ENTERPRISE, AND
7 THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT
8 DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF
9 THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO
10 RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX
11 INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL
12 AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF
13 THE ISSUING ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED
14 BY THE ISSUING ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S.
15 ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE
16 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

17 (d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE
18 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE BRIDGE
19 SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND, AS THE CASE MAY
20 BE; MAY, RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE
21 BRIDGE ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED
22 BY, A BRIDGE SAFETY SURCHARGE AUTHORIZED BY SECTION 43-4-805 (5)
23 (g) OR ALL OR A PORTION OF THE RIGHTS OF THE TRANSPORTATION
24 ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY
25 USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-806; MAY
26 CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS
27 AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING

1 ENTERPRISE DEEMS APPROPRIATE; MAY SET FORTH THE RIGHTS AND
2 REMEDIES OF THE HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN
3 PROVISIONS THAT THE ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE
4 SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED
5 TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT
6 AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF
7 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

8 (e) ANY PLEDGE OF THE BRIDGE SPECIAL FUND, THE
9 TRANSPORTATION SPECIAL FUND, OR OTHER PROPERTY MADE BY AN
10 ISSUING ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH
11 WHICH AN ISSUING ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING
12 FROM THE TIME THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR
13 OTHER PLEDGED PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN
14 OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND
15 THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL
16 PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE
17 AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING
18 PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE
19 IS CREATED NEED NOT BE RECORDED OR FILED.

20 (f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING
21 ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON
22 EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR
23 SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE
24 THEREOF.

25 (g) AN ISSUING ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY
26 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH
27 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE

1 HOLDERS THEREOF.

2 (2) AN ISSUING ENTERPRISE MAY INVEST OR DEPOSIT ANY
3 PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER
4 PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, AN
5 ISSUING ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS
6 SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS
7 AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE
8 SPECIFIED BY SAID PART 6 IF THE BOARD OF THE ISSUING ENTERPRISE
9 DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS
10 THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS
11 AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR
12 DEPOSITS SPECIFIED BY SAID PART 6, AND THE INVESTMENT WILL ASSIST
13 THE ISSUING ENTERPRISE IN THE COMPLETION OF A DESIGNATED BRIDGE
14 PROJECT OR OTHER AUTHORIZED SURFACE TRANSPORTATION
15 INFRASTRUCTURE PROJECT.

16 (3) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN
17 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,
18 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST
19 ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS
20 PART 8. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S.,
21 MAY INVEST PUBLIC MONEYS IN SUCH BONDS ONLY IF THE BONDS SATISFY
22 THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75
23 OF TITLE 24, C.R.S.

24 (4) THE INCOME OR OTHER REVENUES OF THE BRIDGE ENTERPRISE
25 AND THE TRANSPORTATION ENTERPRISE, ALL PROPERTIES AT ANY TIME
26 OWNED BY EITHER ENTERPRISE, BONDS ISSUED BY EITHER ENTERPRISE, AND
27 THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY EITHER

1 ENTERPRISE SHALL BE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN
2 THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS,
3 THE ISSUING ENTERPRISE MAY WAIVE THE EXEMPTION FROM FEDERAL
4 INCOME TAXATION FOR INTEREST ON THE BONDS. BONDS ISSUED BY AN
5 ISSUING ENTERPRISE SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE
6 51 OF TITLE 11, C.R.S.

7 **43-4-808. Toll highways - special provisions - limitations.**

8 (1) THE TRANSPORTATION ENTERPRISE OR ANY PARTNER OF THE
9 ENTERPRISE OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE
10 THAT IS A TOLL HIGHWAY UNDER THE TERMS OF A PUBLIC-PRIVATE
11 PARTNERSHIP SHALL, IN OPERATING THE TOLL HIGHWAY:

12 (a) ENSURE UNRESTRICTED ACCESS BY ALL VEHICLES TO THE TOLL
13 HIGHWAY AND SHALL NOT REQUIRE THAT A PARTICULAR CLASS OF
14 VEHICLES TRAVEL UPON THE TOLL HIGHWAY; EXCEPT THAT THE
15 ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY
16 LANES FOR HIGH-OCCUPANCY VEHICLE USE ONLY AND MAY RESTRICT
17 ACCESS TO VEHICLES CARRYING HAZARDOUS MATERIALS OR OTHER
18 VEHICLES TO THE EXTENT NECESSARY TO PROTECT THE HEALTH AND
19 SAFETY OF THE PUBLIC; AND

20 (b) ALLOW ANY PUBLIC TRANSPORTATION VEHICLE TO TRAVEL ON
21 THE TOLL HIGHWAY WITHOUT PAYING A USER FEE.

22 (2) (a) THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY
23 MUNICIPALITY THROUGH WHICH A TOLL HIGHWAY PASSES, AND THE
24 TRANSPORTATION ENTERPRISE'S REGULATIONS REGARDING TOLL
25 COLLECTION AND ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE
26 OF THE TOLL HIGHWAY. STATE AND LOCAL LAW ENFORCEMENT
27 AUTHORITIES ARE AUTHORIZED TO ENTER INTO TRAFFIC AND TOLL

1 ENFORCEMENT AGREEMENTS WITH THE TRANSPORTATION ENTERPRISE.
2 ANY MONEYS RECEIVED BY A STATE LAW ENFORCEMENT AUTHORITY
3 PURSUANT TO A TOLL ENFORCEMENT AGREEMENT SHALL BE SUBJECT TO
4 ANNUAL APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE LAW
5 ENFORCEMENT AUTHORITY FOR THE PURPOSE OF PERFORMING ITS DUTIES
6 PURSUANT TO THE AGREEMENT.

7 (b) THE TRANSPORTATION ENTERPRISE MAY ADOPT, BY
8 RESOLUTION OF THE TRANSPORTATION ENTERPRISE BOARD, RULES
9 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND PROVIDING
10 A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY
11 THE TRANSPORTATION ENTERPRISE FOR ANY TOLL EVASION SHALL BE NOT
12 LESS THAN TEN DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS
13 IN ADDITION TO ANY COSTS IMPOSED BY A COURT. THE TRANSPORTATION
14 ENTERPRISE MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING, BUT
15 NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO
16 AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.
17 THE USE OF STATE OF THE ART TECHNOLOGY TO AID IN ENFORCEMENT OF
18 TOLL VIOLATIONS SHALL BE GOVERNED SOLELY BY THIS SECTION.

19 (c) (I) ANY PERSON WHO EVADES A TOLL ESTABLISHED BY THE
20 TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO THE CIVIL PENALTY
21 ESTABLISHED BY THE ENTERPRISE FOR TOLL EVASION. ANY PEACE OFFICER
22 AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., SHALL HAVE THE
23 AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR MUNICIPAL
24 SUMMONS AND COMPLAINTS IF AUTHORIZED PURSUANT TO A MUNICIPAL
25 ORDINANCE, FOR TOLL EVASION.

26 (II) AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE
27 PERSON OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN

1 EITHER A NOTICE IN THE FORM OF A CIVIL PENALTY ASSESSMENT NOTICE OR
2 A MUNICIPAL SUMMONS AND COMPLAINT.

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

20 (IV) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT
21 THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON
22 CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE
23 TRANSPORTATION ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER
24 IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF
25 THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL,
26 FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL
27 PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO

1 APPEAR FOR ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS
2 SECTION, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN
3 THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS
4 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE.

5 (V) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE
6 ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT
7 OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO
8 THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE
9 SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON
10 CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL
11 EVASION EXCEED THE LIMIT ESTABLISHED IN PARAGRAPH (b) OF THIS
12 SUBSECTION (2).

13 (d) (I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,
14 AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES
15 ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE
16 USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL
17 PENALTY RULES ENACTED BY THE TRANSPORTATION ENTERPRISE. VENUE
18 FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY
19 AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL
20 ORDINANCE, STATE LAW, OR RULE OF THE TRANSPORTATION ENTERPRISE
21 OCCURRED.

22 (II) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE
23 TRANSPORTATION ENTERPRISE SHALL CONSIDER ESTABLISHING AN
24 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,
25 ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
26 ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
27 TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN

1 OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
2 IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
3 ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
4 COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

5 (III) IF THE TRANSPORTATION ENTERPRISE ESTABLISHES AN
6 ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A
7 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION
8 TO HEAR TOLL EVASION CASES ARISING ON A TOLL HIGHWAY OPERATED BY
9 THE ENTERPRISE.

10 (IV) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN
11 IMPARTIAL HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED
12 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE
13 TRANSPORTATION ENTERPRISE. THE HEARING OFFICER MAY BE AN
14 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE OR AN
15 INDEPENDENT CONTRACTOR OF THE TRANSPORTATION ENTERPRISE. THE
16 CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE
17 HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN
18 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE
19 TRANSPORTATION ENTERPRISE MAY ENTER INTO CONTRACTS PURSUANT TO
20 SECTION 29-1-203, C.R.S., FOR JOINT ADJUDICATION OF TOLL EVASION
21 CASES PURSUANT TO THIS SECTION.

22 (V) THE TRANSPORTATION ENTERPRISE MAY FILE A CERTIFIED COPY
23 OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED
24 BY THE HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH
25 THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE
26 VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE
27 CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT

1 AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER SHALL
2 THENCEFORTH HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT,
3 AN EXECUTION MAY ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER
4 CASES.

5 (VI) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY
6 THE TRANSPORTATION ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE
7 ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF
8 LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE
9 VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD
10 OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

11 (VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY
12 THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY
13 LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS
14 OWED TO THE ENTERPRISE.

15 (e) THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT
16 COSTS, COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT
17 TO RULES ADOPTED AS AUTHORIZED IN PARAGRAPH (b) OF THIS
18 SUBSECTION (2) SHALL BE REMITTED TO THE TRANSPORTATION ENTERPRISE
19 AND SHALL BE APPLIED BY THE ENTERPRISE TO DEFRAID THE COSTS AND
20 EXPENSES OF ENFORCING THE LAWS OF THE STATE AND THE REGULATIONS
21 OF THE ENTERPRISE. IF A MUNICIPAL SUMMONS OR COMPLAINT IS ISSUED,
22 THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO THE
23 TERMS OF ANY ENFORCEMENT AGREEMENT.

24 (f) (I) IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE
25 PROVIDED FOR IN PARAGRAPH (c) OF THIS SUBSECTION (2), WHERE AN
26 INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC VEHICLE
27 IDENTIFICATION PHOTOGRAPHY OR OTHER TECHNOLOGY NOT INVOLVING

1 A PEACE OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED
2 AND SENT BY FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE
3 OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE
4 THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT
5 TO DELIVERY SPEED, RELIABILITY, AND PRICE, BY THE TRANSPORTATION
6 ENTERPRISE TO THE REGISTERED OWNER OF THE MOTOR VEHICLE
7 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE
8 REGISTERED OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF
9 THE VEHICLE INVOLVED, THE DATE OF THE NOTICE, THE DATE, TIME, AND
10 LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED
11 FOR THE VIOLATION, A PLACE FOR SUCH PERSON TO EXECUTE A SIGNED
12 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH
13 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE
14 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL
15 EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED
16 IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (f), THE REGISTERED
17 OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE PRESUMED
18 LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE
19 TRANSPORTATION ENTERPRISE.

20 (II) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS
21 SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE
22 BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR
23 PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT
24 THE DISCRETION OF SUCH OWNER:

25 (A) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION
26 VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED
27 OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A

1 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE
2 TRANSPORTATION ENTERPRISE; OR

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

26 (III) THE REGISTERED OWNER OF A VEHICLE INVOLVED IN A TOLL
27 EVASION VIOLATION MAY REBUT THE PRESUMPTION OF LIABILITY FOR THE

1 VIOLATION BY PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

2 (A) THE OWNER SOLD OR OTHERWISE TRANSFERRED OWNERSHIP OF
3 THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE VIOLATION AS
4 EVIDENCED BY A BILL OF SALE OR SIMILAR DOCUMENT; OR

5 (B) THE OWNER DID NOT HAVE CUSTODY AND CONTROL OF THE
6 VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT AS EVIDENCED BY
7 A REPORT TO A LAW ENFORCEMENT AGENCY.

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

1 OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE OUTSTANDING TOLL,
2 FEE, OR CIVIL PENALTY SET FORTH IN THE NOTICE OR TO APPEAR AND
3 ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE REGISTERED OWNER
4 OF THE VEHICLE SHALL BE DEEMED TO HAVE ADMITTED LIABILITY AND TO
5 HAVE WAIVED THE RIGHT TO A HEARING, AND A FINAL ORDER OF LIABILITY
6 IN DEFAULT AGAINST THE REGISTERED OWNER OF THE VEHICLE MAY BE
7 ENTERED.

8 (g) A COURT WITH JURISDICTION IN A TOLL EVASION CASE
9 PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION
10 (2) OR THE TRANSPORTATION ENTERPRISE, IF IT HAS JURISDICTION IN A
11 TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d)
12 OF THIS SUBSECTION (2), MAY REPORT TO THE DEPARTMENT OF REVENUE
13 ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE
14 TOLL, FEE, OR CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF
15 A CERTIFIED REPORT FROM A COURT OR THE TRANSPORTATION ENTERPRISE
16 STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS FAILED TO PAY
17 A TOLL, FEE, OR CIVIL PENALTY RESULTING FROM A FINAL ORDER ENTERED
18 BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT RENEW THE
19 REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY
20 ARE PAID IN FULL. THE TRANSPORTATION ENTERPRISE SHALL CONTRACT
21 WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR
22 THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE
23 REGISTRATION PURSUANT TO THIS PARAGRAPH (g). THE DEPARTMENT HAS
24 NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
25 42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
26 TOLL EVASION.

27 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND

1 SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806 (8) AND ANY
2 LIMITATIONS SET FORTH IN THE STATE CONSTITUTION OR IN FEDERAL LAW,
3 THE TRANSPORTATION ENTERPRISE MAY:

4 (a) IMPOSE USER FEES ON A HIGHWAY SEGMENT OR HIGHWAY
5 LANES THAT HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON A USER
6 FEE-FREE BASIS IF:

7 (I) IT HAS OBTAINED ANY REQUIRED FEDERAL APPROVAL FOR THE
8 USER FEES; AND

9 ==
10 (II) IT HAS OBTAINED THE APPROVAL OF EVERY LOCAL
11 GOVERNMENT THAT INCLUDES TERRITORY IN WHICH ALL OR ANY PORTION
12 OF THE HIGHWAY SEGMENT OR HIGHWAY LANES UPON WHICH THE USER FEE
13 IS TO BE IMPOSED PASS OR THAT WILL OTHERWISE BE SUBSTANTIALLY
14 IMPACTED BY THE IMPOSITION OF THE USER FEES ON THE HIGHWAY
15 SEGMENT OR HIGHWAY LANES.

16 (b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION
17 PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY
18 SYSTEM; AND

19 (c) AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE
20 REVENUES FOR COST-EFFECTIVE MULTIMODAL TRANSPORTATION PROJECTS
21 THAT PROMOTE MOBILITY, REDUCTIONS IN EMISSIONS OF GREENHOUSE
22 GASES, AND ENERGY EFFICIENCY.

23 **43-4-809. Enterprises - applicability of other laws.**

24 (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEITHER THE BRIDGE
25 ENTERPRISE NOR THE TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO
26 THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
27 TITLE 24, C.R.S.

1 (2) (a) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
2 ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE
3 COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE
4 24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF
5 TITLE 24, C.R.S.

6 (b) FOR PURPOSES OF PART 2 OF THE "COLORADO OPEN RECORDS
7 ACT", ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE BRIDGE
8 ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL BE PUBLIC
9 RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF
10 WHETHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE
11 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN
12 GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL
13 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

14 (3) REVENUES OF THE BRIDGE ENTERPRISE AND THE
15 TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS
16 OF SECTION 43-1-1205.

17 (4) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
18 ENTERPRISE SHALL EACH CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF
19 PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

20 (5) SUBJECT TO ANY COMPETITIVE BIDDING REQUIREMENTS
21 SPECIFIED IN LAW, ALL LABOR STANDARDS SPECIFIED IN LAW THAT APPLY
22 TO THE DEPARTMENT SHALL APPLY WITH EQUAL FORCE TO THE BRIDGE
23 ENTERPRISE AND THE TRANSPORTATION ENTERPRISE, INCLUDING BUT NOT
24 LIMITED TO THE PROVISIONS OF ARTICLE 17 OF TITLE 8, C.R.S., THAT
25 REQUIRE EIGHTY PERCENT OF THE TOTAL LABOR FORCE EMPLOYED ON A
26 PUBLIC WORKS PROJECT TO BE COLORADO LABOR, AND THE BRIDGE
27 ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL GIVE

1 PREFERENCE TO COLORADO BUSINESSES WHEN CONTRACTING IN
2 CONNECTION WITH, RESPECTIVELY, DESIGNATED BRIDGE PROJECTS AND
3 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.

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6 **43-4-810. Fees and surcharges - limitations on use.** AS
7 REQUIRED BY SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, THE
8 PROCEEDS OF ANY FEE OR SURCHARGE IMPOSED PURSUANT TO THE
9 PROVISIONS OF THIS PART 8 THAT IS A LICENSE FEE, REGISTRATION FEE, OR
10 OTHER CHARGE WITH RESPECT TO THE OPERATION OF ANY VEHICLE UPON
11 ANY PUBLIC HIGHWAY IN THIS STATE SHALL BE USED EXCLUSIVELY FOR THE
12 CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC
13 HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

14 **SECTION 2.** 24-1-128.7, Colorado Revised Statutes, is amended
15 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
16 read:

17 **24-1-128.7. Department of transportation - creation.** (5) THE
18 STATEWIDE BRIDGE ENTERPRISE CREATED IN SECTION 43-4-805 (2), C.R.S.,
19 SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS
20 IF THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
21 SECTION 24-1-105, C.R.S., TO THE DEPARTMENT OF TRANSPORTATION.

22 (6) (a) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
23 CREATED IN SECTION 43-4-806 (2) (a), C.R.S., SHALL EXERCISE ITS POWERS
24 AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE
25 TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,
26 TO THE DEPARTMENT OF TRANSPORTATION.

27 (b) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE

1 TRANSPORTATION COMMISSION PURSUANT TO SECTION 43-4-803 (1),
2 C.R.S., PRIOR TO THE REPEAL AND REENACTMENT OF SAID SECTION BY
3 SENATE BILL 09-____, ENACTED IN 2009, AND ITS POWERS, DUTIES, AND
4 FUNCTIONS ARE TRANSFERRED BY A **TYPE 3** TRANSFER, AS DEFINED IN
5 SECTION 24-1-105, TO THE HIGH-PERFORMANCE TRANSPORTATION
6 ENTERPRISE CREATED IN SECTION 43-4-806 (2) (a), C.R.S., AND THE
7 STATEWIDE TOLLING ENTERPRISE IS ABOLISHED.

8 **SECTION 3.** 42-3-103 (4) (a), Colorado Revised Statutes, is
9 amended to read:

10 **42-3-103. Registration required - exemptions.** (4) (a) Within
11 thirty days after becoming a resident of Colorado, an owner of a motor
12 vehicle required to be registered by subsection (1) of this section shall
13 register such vehicle with the department, irrespective of such vehicle
14 being registered within another state or country. A person who violates
15 this paragraph (a) is subject to the penalties provided in ~~section~~ SECTIONS
16 42-6-139 AND 43-4-804 (1) (d), C.R.S.

17 **SECTION 4.** 42-3-112, Colorado Revised Statutes, is amended
18 to read:

19 **42-3-112. Failure to pay tax - penalty.** (1) If a vehicle subject
20 to taxation under this article is not registered when required by law, the
21 vehicle owner ~~is subject to~~ SHALL PAY a late fee of ~~up to ten dollars, as~~
22 ~~determined by the department or authorized agent registering the vehicle,~~
23 ~~which is~~ TWENTY-FIVE DOLLARS FOR EACH MONTH OR PORTION OF A
24 MONTH FOLLOWING THE EXPIRATION OF THE REGISTRATION PERIOD, OR, IF
25 APPLICABLE, THE THIRTY-DAY GRACE PERIOD DESCRIBED IN SECTION
26 42-3-113 (2) (e) FOR WHICH THE VEHICLE IS UNREGISTERED. THE LATE FEE
27 SHALL BE due when the vehicle is registered. ~~The department or the~~

1 ~~authorized agent registering the vehicle may waive the late fee.~~

2 (2) TEN DOLLARS OF the late registration fee shall be retained by
3 the department or the authorized agent who registers the motor vehicle.
4 EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT NO LESS
5 FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME AND IN
6 THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
7 DEPARTMENT, THE REMAINDER OF THE LATE REGISTRATION FEES
8 COLLECTED BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR SHALL
9 FORWARD ALL LATE REGISTRATION FEES REMITTED BY AUTHORIZED
10 AGENTS PLUS THE REMAINDER OF THE LATE REGISTRATION FEES
11 COLLECTED DIRECTLY BY THE DEPARTMENT TO THE STATE TREASURER,
12 WHO SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND IN
13 ACCORDANCE WITH SECTION 43-4-804 (1) (e), C.R.S.

14 SECTION 5. 42-4-510 (1) (b) (II) (A), (1) (b) (II) (B), and (11)
15 (a) (VI) (B), Colorado Revised Statutes, are amended, and the said
16 42-4-510 (11) (a) (VI) is further amended BY THE ADDITION OF THE
17 FOLLOWING NEW SUB-SUBPARAGRAPHS, to read:

18 42-4-510. Permits for excess size and weight and for
19 manufactured homes - rules. (1) (b) (II) An overweight permit issued
20 pursuant to this section shall be available for overweight divisible loads
21 if:

22 (A) The vehicle has a quad axle grouping AND THE MAXIMUM
23 GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED ONE HUNDRED TEN
24 THOUSAND POUNDS; OR

25 (B) The VEHICLE HAS A TRIPLE AXLE GROUPING ON THE TRAILER
26 AND THE maximum gross weight OF THE VEHICLE does not exceed one
27 hundred ten NINETY-SEVEN thousand pounds; AND

1 (11) (a) The department of transportation, the motor carrier
2 services division of the department of revenue, or the Colorado state
3 patrol may charge permit applicants permit fees as follows:

4 (VI) For overweight permits for divisible vehicles or loads
5 exceeding legal weight limits issued pursuant to subparagraph (II) of
6 paragraph (b) of subsection (1) of this section:

7 (B) Single trip permit FOR A VEHICLE THAT HAS A QUAD AXLE
8 GROUPING, thirty dollars plus ten dollars per axle; and

9 (D) SIX-MONTH PERMIT FOR A VEHICLE THAT HAS A TRIPLE AXLE
10 GROUPING ON THE TRAILER, TWO HUNDRED FIFTY DOLLARS; AND

11 (E) SINGLE TRIP PERMIT FOR A VEHICLE THAT HAS A TRIPLE AXLE
12 GROUPING ON THE TRAILER, FIFTEEN DOLLARS PLUS TEN DOLLARS PER
13 AXLE.

14 **SECTION 6.** 42-6-139 (3), Colorado Revised Statutes, is
15 amended to read:

16 **42-6-139. Registration - where made.** (3) A person who
17 knowingly violates any of the provisions of subsection (2) of this section,
18 section 42-3-103 (4) (a), section 42-6-140, or any rule of the director
19 promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon
20 conviction, shall be punished by a fine of ~~five hundred~~ ONE THOUSAND
21 dollars.

22 **SECTION 7.** 42-6-140, Colorado Revised Statutes, is amended
23 to read:

24 **42-6-140. Registration upon becoming resident.** Within thirty
25 NINETY days after becoming a resident of Colorado, the owner of a motor
26 vehicle shall apply for a Colorado certificate of title, a license, and
27 registration for the vehicle that is registered, that is licensed, or for which

1 a certificate of title is issued in another state. Any person who violates the
2 provisions of this section is subject to the penalties provided in ~~section~~
3 SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

4 **SECTION 8.** 43-1-106, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **43-1-106. Transportation commission - powers and duties.**

7 (17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND
8 ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO
9 MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED
10 INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM,
11 AND LONG TERM. THE COMMITTEE SHALL INCLUDE:

12 (I) FROM STATE GOVERNMENT:

13 (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE
14 COMMISSION;

15 (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR
16 DESIGNATED BY THE EXECUTIVE DIRECTOR;

17 (C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE
18 DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE
19 EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH
20 DIVISION; AND

21 (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE
22 EXECUTIVE DIRECTOR MAY DESIGNATE;

23 (II) FROM OUTSIDE STATE GOVERNMENT, REPRESENTATIVES OF:

24 (A) THE CONSTRUCTION INDUSTRY;

25 (B) THE ENGINEERING INDUSTRY;

26 (C) THE ENVIRONMENTAL COMMUNITY;

27 (D) TRANSPORTATION PLANNING ORGANIZATIONS;

1 (E) PUBLIC TRANSPORTATION PROVIDERS; AND

2 (F) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION
3 DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.

4 (b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL
5 PERIODICALLY REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR
6 REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT
7 MAY EXECUTE THEIR DUTIES MORE EFFICIENTLY. THE EXECUTIVE
8 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT AT
9 LEAST ONCE PER CALENDAR YEAR TO EITHER THE COMMITTEES OF THE
10 HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION
11 OVER TRANSPORTATION OR THE TRANSPORTATION LEGISLATION REVIEW
12 COMMITTEE CREATED IN SECTION 43-2-145 (1) REGARDING THE ACTIVITIES
13 AND RECOMMENDATIONS OF THE EFFICIENCY AND ACCOUNTABILITY
14 COMMITTEE AND ANY ACTIONS TAKEN BY THE COMMISSION OR THE
15 DEPARTMENT TO IMPLEMENT RECOMMENDATIONS OF THE COMMITTEE.

16 **SECTION 9.** 43-1-1103, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **43-1-1103. Transportation planning.** (1.5) IN ADDITION TO THE
19 INFORMATION REQUIRED TO BE INCLUDED IN A REGIONAL TRANSPORTATION
20 PLAN PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, A
21 REGIONAL TRANSPORTATION PLAN SHALL SPECIFY HOW IT ADDRESSES THE
22 FOLLOWING POLICY GOALS:

23 (a) THE TARGETING OF INFRASTRUCTURE INVESTMENTS TO
24 IMPROVE THE ECONOMY OF THE STATE AND INVIGORATE LOCAL
25 COMMUNITIES, DESCRIBED BY THE BEST PRACTICES CENTER OF THE
26 NATIONAL GOVERNORS ASSOCIATION AS "FIXING IT FIRST";

27 (b) SAFETY ENHANCEMENT;

- 1 (c) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;
- 2 (d) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;
- 3 (e) ENVIRONMENTAL STEWARDSHIP;
- 4 (f) ENHANCEMENT OF THE TRANSPORTATION FUNDING RESOURCES
- 5 OF LOCAL GOVERNMENTS;
- 6 (g) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND
- 7 (h) REDUCTION OF GREENHOUSE GAS EMISSIONS.

8 **SECTION 10.** 38-1-202 (1) (b) (IV) (J), Colorado Revised
9 Statutes, is amended, and the said 38-1-202 (1) (b) (IV) is further amended
10 BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

11 **38-1-202. Governmental entities, corporations, and persons**
12 **authorized to use eminent domain.** (1) The following governmental
13 entities, types of governmental entities, and public corporations, in
14 accordance with all procedural and other requirements specified in this
15 article and articles 2 to 7 of this title and to the extent and within any time
16 frame specified in the applicable authorizing statute may exercise the
17 power of eminent domain:

- 18 (b) The state:
- 19 (IV) By action of the general assembly or by action of any of the
- 20 following officers and agencies of the state:

21 (J) The statewide ~~tolling~~ BRIDGE enterprise as authorized in ~~section~~
22 ~~43-4-806 (1) (g)~~ SECTION 43-4-805 (5) (e), C.R.S.; ~~and~~

23 (J.5) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE AS
24 AUTHORIZED IN SECTION 43-4-806 (6) (e), C.R.S.; AND

25 **SECTION 11.** 43-4-205, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **43-4-205. Allocation of fund.** (6.3) REVENUES FROM THE

1 SURCHARGES, FEES, AND FINES CREDITED TO THE HIGHWAY USERS TAX
2 FUND PURSUANT TO SECTION 43-4-804 (1) SHALL BE ALLOCATED AND
3 EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN PARAGRAPH
4 (b) OF SUBSECTION (6) OF THIS SECTION.

5 **SECTION 12.** 43-4-206, Colorado Revised Statutes, is amended
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **43-4-206. State allocation.** (3) NOTWITHSTANDING THE
8 PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE REVENUES CREDITED
9 TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-205 (6.3)
10 SHALL BE EXPENDED BY THE DEPARTMENT OF TRANSPORTATION ONLY FOR
11 ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21); EXCEPT
12 THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO
13 SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE
14 WITH SECTION 43-4-810, EXPEND TEN MILLION DOLLARS PER YEAR OF THE
15 REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
16 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE,
17 OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS,
18 INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN
19 LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE
20 DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
21 TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE
22 HIGHWAYS FOR TRANSIT USERS.

23 **SECTION 13.** 43-4-207 (1), Colorado Revised Statutes, is
24 amended to read:

25 **43-4-207. County allocation.** (1) After paying the costs of the
26 Colorado state patrol and such other costs of the department, exclusive of
27 highway construction, highway improvements, or highway maintenance,

1 as are appropriated by the general assembly, twenty-six percent of the
2 balance of the highway users tax fund shall be paid to the county
3 treasurers of the respective counties, subject to annual appropriation by
4 the general assembly, and shall be allocated and expended as provided in
5 this section. The moneys thus received shall be allocated to the counties
6 as provided by law and shall be expended by ~~said~~ THE counties only on the
7 construction, engineering, reconstruction, maintenance, repair, equipment,
8 improvement, and administration of the county highway systems and any
9 other public highways, including any state highways, together with
10 acquisition of rights-of-way and access rights for the same and for no
11 other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION
12 43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD
13 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to
14 be expended for administrative purposes shall not exceed five percent of
15 each county's share of the funds available.

16 **SECTION 14.** 43-4-208 (1), Colorado Revised Statutes, is
17 amended to read:

18 **43-4-208. Municipal allocation.** (1) After paying the costs of the
19 Colorado state patrol and such other costs of the department, exclusive of
20 highway construction, highway improvements, or highway maintenance,
21 as are appropriated by the general assembly, and making allocation as
22 provided by sections 43-4-206 and 43-4-207, the remaining nine percent
23 of the highway users tax fund shall be paid to the cities and incorporated
24 towns within the limits of the respective counties, subject to annual
25 appropriation by the general assembly, and shall be allocated and
26 expended as provided in this section. Each city treasurer shall account for
27 the moneys thus received as provided in this part 2. ~~Such~~ Moneys so

1 allocated shall be expended by ~~said~~ THE cities and incorporated towns for
2 the construction, engineering, reconstruction, maintenance, repair,
3 equipment, improvement, and administration of the system of streets of
4 such city or incorporated town or of any public highways located within
5 such city or incorporated town, including any state highways, together
6 with the acquisition of rights-of-way and access rights for the same, and
7 for no other purpose; EXCEPT THAT MONEYS PAID TO THE CITIES AND
8 INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE
9 EXPENDED BY THE CITIES AND INCORPORATED TOWNS ONLY FOR ROAD
10 SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (21). The amount to
11 be expended for administrative purposes shall not exceed five percent of
12 each city's share of the funds available.

13 **SECTION 15. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.