

2021

Report to the Colorado General Assembly



Transportation Legislation Review Committee



Prepared by Legislative Council Staff
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December 2021

Transportation Legislation Review Committee

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December 2021

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December 2021

To Members of the Seventy-third General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, C.R.S. The purpose of this committee is to give guidance and direction to the Colorado Department of Transportation on the development of the state transportation system, and to provide legislative oversight of and input into such development. The TLRC is granted statutory oversight responsibilities for certain activities of the state's regional transportation and public highway authorities, as well as the Regional Transportation District in the Denver metropolitan area. The TLRC also monitors the activities of the Colorado Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

At its meeting on November 15, 2021 the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2022 session was approved.

Sincerely,

/s/ Senator Leroy Garcia
Chair

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The text of each bill is included as Attachments A through C after the resource materials pages.

This report is also available online at:

<https://leg.colorado.gov/committees/transportation-legislation-review-committee/2021-regular-session>

Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 18 members of the House Transportation and Local Government Committee and the Senate Transportation and Energy Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation (CDOT), regional transportation authorities, public highway authorities, and the Regional Transportation District (RTD). In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., authorizes the TLRC to:

- give guidance and direction to CDOT in the development of the state transportation system;
- provide legislative oversight of and input into such development;
- make recommendations concerning the financing of the state's transportation system;
- review any phase of CDOT's operations, including the planning and construction of highway projects;
- review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner;
- require CDOT to conduct long-term planning efforts for the state transportation system, which may require financial and performance audits to be conducted; and
- recommend legislation to the General Assembly and Governor resulting from these oversight responsibilities.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for traffic law violations.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities (PHA) in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review PHA projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require PHAs to develop long-range plans, and may require financial or performance audits of these entities.

Committee Activities

During the 2021 interim, the TLRC toured the front-range urban corridor of the state to visit infrastructure projects, tour transportation facilities, and meet with stakeholders. In addition, the committee held two meetings at the State Capitol. Briefings and presentations were made by a variety of state departments, regional organizations, and outside entities on a wide range of subjects. Organizations and presentations included:

- PHAs;
- Colorado Motor Carriers Association;
- CDOT;
- Colorado Energy Office;
- RTD;
- Colorado Cross-Disability Coalition;
- Colorado Association of Transit Agencies;
- Colorado Department of Health Care Policy and Financing;
- the Division of Motor Vehicles;
- catalytic converter theft;
- older drivers;
- hydrogen development for zero emission vehicles;
- local government use of federal American Rescue Plan Act funds; and
- Northwest Mayors and Commissioners Coalition.

The following sections discuss the committee's activities during the 2021 interim.

Front-Range Urban Corridor Tour

As part of the committee's front-range urban corridor tour, the committee undertook discussions and tours with the following entities:

- CDOT I-25 gap construction site near Larkspur and the I-70 construction site near the National Western Complex in north Denver;
- Mountain Metropolitan Transit;
- ENVIDA;
- Denver Regional Council of Governments; and
- GreenLatinos.

CDOT I-25 south gap construction site near Larkspur. The committee met with representatives from CDOT and contractor Kraemer North America to discuss progress on construction of the 18-mile I-25 south gap project. As part of the early stages of planning, the contractor and designer worked together to create construction plans, identify risks, and create a pool to share the cost of risks. A chain-up station, climbing lanes, and managed lanes are included in the project. Wildlife crossings constructed underneath I-25 addresses a history of frequent vehicle collisions with wildlife. Twenty-five miles of wildlife fencing channels animals to the crossings, helping to prevent animals

congregating along and on the highway. A traffic management center is operating for the first time on a CDOT project to manage speed limits dynamically, based on road conditions and traffic. CDOT stated that best practices established by the center will benefit future projects. According to CDOT, regular monitoring of emission levels for project equipment ensures compliance with regulations. There are also restrictions on idling and project operation hours. The project is scheduled for completion in November 2022.

Mountain Metropolitan Transit. Mountain Metropolitan Transit (MMT) provides transportation services to Colorado Springs and the Pikes Peak Region. Representatives from MMT discussed three projects funded by the Multimodal Transportation Options Fund (MTOF). First, the alternative transit service project will offer more flexibility in new service areas or fixed routes with low ridership. On-demand service or deviations from the fixed route will assist in meeting the needs of the community. Second, the Americans with Disabilities Act accessibility and amenities project will improve 250 bus stops, adding boarding pads, sidewalks, pedestrian ramps, shelters, solar lighting, and benches. Finally, the enterprise asset management project will purchase software to allow MMT to manage the maintenance and purchase of buses and other assets.

ENVIDA. ENVIDA offers transportation and homecare for older adults, individuals with disabilities, and individuals experiencing financial difficulties. Transportation services include rides to medical appointments, behavioral health services, educational classes, work, recreation, and more. Representatives from ENVIDA discussed how MTOF will expand transportation services in El Paso, Park, and Teller counties, including deviated fixed routes in El Paso County and on-demand services in Teller County.

CDOT I-70 construction site near the National Western Complex in north Denver. The committee met with representatives from CDOT to discuss progress on construction of I-70 in north Denver. Representatives from CDOT provided a tour of the site and discussion, including changes to the layout of local streets; improvements to local homes and the local school; the tunnel that carries traffic through the community; and a park and arena under construction on top of the tunnel. CDOT discussed activities that provided repairs and equipment for the community school and homes in the area having issues with air quality, sound, and cooling. The tunnel that now carries traffic through the site at a lower grade than the community required large pillars and retaining walls for support and heating, ventilation, and air conditioning equipment and a generator for safety and continued operation.

Denver Regional Council of Governments. The Denver Regional Council of Governments (DRCOG) is a metropolitan planning organization of local governments that coordinates transportation and mobility projects and allocates funding across the Denver metro area. The DRCOG is also responsible for developing the regional transportation plan to guide investments in multimodal transportation systems. Representatives from DRCOG provided information on strategies that the organization is implementing to improve air quality and reduce greenhouse gas (GHG) emissions. DRCOG representatives stated that goals related to the reduction of GHG emissions in transportation is included in DRCOG transportation plans. DRCOG is working with CDOT as a stakeholder on the statewide transportation GHG emission rule. While DRCOG indicated that they involve under-represented groups in planning, additional efforts will be taken on GHG emission discussions.

GreenLatinos. A representative from GreenLatinos, a non-profit representing the U.S. Latino community, shared perspectives from disproportionately impacted communities on transportation planning. The organization is involved in addressing community needs related to several highway expansions in north Denver, including air quality, especially small particulate matter; discrimination; and environmental concerns. GreenLatinos suggested the following when working with communities: language services when communicating with groups speaking a language other than English; early involvement in planning; and considering public health in the process. The representative noted that agencies may also want to expand efforts to mitigate negative effects, based on the project size and if the community includes an industrial core and high traffic volume, and better coordinate mitigation efforts between agencies.

Public Highway Authority Updates

Representatives from the E-470, Northwest Parkway, and Jefferson Parkway Public Highway Authorities (PHA) provided overviews of their agencies.

E-470. The E-470 PHA is a 47-mile corridor that serves as a beltway for Denver's east side. The highway was completed in 2003 and adopted electronic tolling in 2009. Representatives of the E-470 Highway Authority updated the committee on the authority's work over the past year. Representatives of the authority discussed the organization's efforts to reduce toll fees, including freezing the toll rate over the last three years, and complete roadway projects. They also highlighted their efforts to serve the Denver metro area and the economic impacts of their work on the region. In addition, they discussed recent legislation that makes it difficult to toll special mobile machinery because much of the machinery is on trailers or does not have license plates. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/e470present.pdf>

Northwest Parkway. Representatives from the Northwest Parkway PHA provided an overview of their authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided an update on current developments adjacent to the parkway, toll rates, traffic and accidents on the parkway, and solar projects. They also shared that the parkway recently received a score of 4.96 out of 5 on their recent annual safety inspection. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/nwpphapresent.pdf>.

Jefferson Parkway. The Jefferson Parkway PHA was established in 2003 to complete the last unbuilt portion of the 470 beltway in the northwest quadrant of the Denver metropolitan area. Representatives of the authority discussed the authority's history and the next steps the authority will undertake towards completion of the parkway. In addition, representatives discussed recent soil samples and hazardous materials in the area of the parkway, and shared that the Colorado Department of Public Health and Environment has cleared the way for future work on the project because the contamination has been sufficiently mitigated. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/jeffersonparkwaypresent.pdf>.

Colorado Motor Carriers Association

A representative from the Colorado Motor Carriers Association (CMCA) presented to the committee on the trucking industry's impact on the economy and environment. The representative discussed the impact of the I-70 closure through Glenwood Canyon on the supply chain and the actions that CMCA is taking to address higher drive times, price increases, and supply shortages. The representative also discussed the shortage of drivers in Colorado and efforts that the industry is taking to relieve the shortage. Finally, they recommended that the committee consider modifications to current laws regarding the definition of fluid milk products and the passenger traction law. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/cmcapresent.pdf>.

Committee recommendations. As a result of its discussions on freight and highways, the committee recommended Bill A and Resolution A. Bill A clarifies the definition of fluid milk products with regard to state transportation regulations and Resolution A requests Congress to allow Colorado to harmonize maximum truck weight limits on the Interstate Highway System with other state highways in Colorado. The bill and resolution were approved by Legislative Council at its meeting on November 15, 2021.

Colorado Department of Transportation Updates

CDOT representatives updated the committee on the department's efforts to address the I-70 Glenwood Canyon closure. They shared the department's assessment of the damages and coordination with the Department of Public Safety to maintain safety and access on surrounding roadways. Representatives of CDOT also shared that Colorado is under a state of disaster emergency due to the closures and has required federal funding to address the roadway damage. While the goal is to open the road by November 1, 2021, the department is also looking at options along Cottonwood Pass to relieve traffic re-routed due to the closure. CDOT representatives also noted additional projects along the I-70 mountain corridor include avalanche mitigation and generator replacement in the Eisenhower Johnson Memorial Tunnels. A copy of their presentation can be found here:

https://leg.colorado.gov/sites/default/files/images/8_4_21_tlrc_cdott_glenwood_springs_update.pdf.

In addition, the department discussed Senate Bill 21-260 implementation activities, creating new branches within the department, and updating transportation plans and project lists to prepare for additional funding. The CDOT representatives stated that there are also plans for new accountability and transparency requirements. Representatives from CDOT noted that local communities recently received \$80 million of MTOF. CDOT also awarded \$31.2 million of Revitalizing Main Streets funds to improve safety and provide long-term benefits to main streets in local communities.

Colorado Energy Office

A representative from the Colorado Energy Office (CEO), along with CDOT, updated the committee on the Colorado GHG Pollution Reduction Roadmap goals. CEO discussed the efforts to achieve goals to reduce pollution by 12.7 million tons by 2030, including achieving low and zero emission vehicle standards, establishing new electrification and charging infrastructure enterprises, and implementing clean trucking strategies. CDOT stated that the Transportation Commission is receiving public input about reducing emissions in transportation planning. Statewide hearings were occurring during the comment period and ended October 7, 2021. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/ceoandcdotpresent.pdf>.

Regional Transportation District

A representative from RTD provided an overview of RTD's history and primary modes of transportation offered. The representative discussed the agency's 2021 to 2026 strategic plan, including how the agency plans to track outcomes regarding financial success, customer excellence, community values, and employee ownership. In addition, the discussion included the agency's efforts to recover from the effects of the COVID-19 pandemic. Finally, the representatives reviewed the agency's plans to conduct a fare study analysis and implement suggestions identified from the analysis. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/rtdpresent.pdf>.

Colorado Cross-Disability Coalition

Representatives from the Colorado Cross-Disability Coalition provided information on several issues related to transportation for individuals with disabilities, including transportation covered by Medicaid and the lack of accessible transit options with transportation network companies. Specifically, they discussed the need for more same-day, non-emergency medical transportation options that are not a bus or an ambulance. RTD representatives shared that they are proponents of Bus Rapid Transit, electric buses, and the continuation of CDOT's Bustang line. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/cocrossdisabilitycoalitionpresent.pdf>.

Colorado Association of Transit Agencies

A representative from the Colorado Association of Transit Agencies (CASTA) provided an overview of the organization and the different types of transit in Colorado. They discussed the current challenges in transit as well as the impacts of the COVID-19 pandemic on ridership. The representative also highlighted the role that transit has played during the pandemic. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/castapresent.pdf>.

Colorado Department of Health Care Policy and Financing

Representatives from the Colorado Department of Health Care Policy and Financing (HCPF) provided an overview on medical transportation in the state and highlighted a new model for providing medical transport services, non-emergency medical transportation (NEMT). NEMT includes transportation to and from medically necessary services covered by Colorado's Medicaid program for members who have no other means of transportation. Representatives from HCPF shared that they have received customer and provider feedback on this model and that they are working to make service improvements. Representatives from HCPF also discussed changes made to IntelliRide non-emergency medical and non-medical transport services, which only serves nine counties as of August 1, 2021. A copy of their presentation can be found here:

<https://leg.colorado.gov/sites/default/files/images/hcpfpresent.pdf>.

Division of Motor Vehicles Update

A representative from the Division of Motor Vehicles (DMV) in DOR provided an update on division activities. To deal with the COVID-19 pandemic, the division stated that it has kept offices open by installing glass partitions; creating appointment-only walk-in services; upgrading online services; shifting call centers to work from home; and offering driving tests through a third party vendor. The division will continue to expand online services through the MyDMV platform and MV Express kiosks, located outside of division offices. Finally, the DMV2GO pilot continues to provide services outside of division offices in Rio Blanco County, Boulder County, and through Project Homeless Connect using a traveling van.

Representatives of the DMV continued by discussing additional changes including a new marketing campaign and design for licenses, as well as expansion of locations offering license and identification documents for individuals who cannot demonstrate lawful presence in the state. The myColorado app now contains additional documents, originally rolled out as a digital ID, and the division has a new information application for special license plates to explain the process. The DMV representative also discussed some of the challenges they face with the DRIVES system, and issues related to driver licenses, including making license requirements more rigorous to improve public safety.

https://leg.colorado.gov/sites/default/files/images/dmv_tlrc_presentation_october_5_2021.pdf.

Colorado Department of Public Safety

Representatives from the Colorado State Patrol and Colorado Department of Public Safety presented information on catalytic converter theft and cognitive impairment for drivers over the age of 50. According to the State Patrol, the incidence of catalytic converter theft has increased by 2,636 percent in Colorado since between 2019 and 2021. The Colorado State Patrol stated that people steal catalytic

converters for the cash that precious metals in the converters bring on the recycling market and victims often face an expensive repair bill or unusable vehicle. The presenters suggested changing the law to better prosecute the crime and recover the total cost of theft. A copy of this presentation can be found here:

https://leg.colorado.gov/sites/default/files/images/vehicle_theft_update_legislature.pdf.

Department representatives continued by noting that drivers over 50 years of age are increasingly involved in serious bodily injury and fatality crashes. Community partners, the Colorado State Patrol, University of Colorado Anschutz Medical Center, Occupational and Rehabilitative Therapy Consultants, and CDOT will evaluate the problem and make recommendations. A copy of this presentation can be found here:

https://leg.colorado.gov/sites/default/files/images/short_ci_tlrc.pdf.

Hydrogen Development for Zero Emissions Vehicles

Colorado Hydrogen Network, Toyota North America, New Day Hydrogen, and AAA Colorado provided information about hydrogen fuel production and the infrastructure necessary to support hydrogen vehicles. Representatives from the organizations discussed hydrogen vehicles as another zero-emission vehicle option to assist in lowering emissions in the transportation sector. Copies of the presentations may be found here:

https://leg.colorado.gov/sites/default/files/images/20211005 - co_tlrc_panel_presentation_v1.pdf.

https://leg.colorado.gov/sites/default/files/images/aaa_hydrogen_tlrc.pdf.

https://leg.colorado.gov/sites/default/files/images/tlrc_preso.pdf.

Local Government Use of Federal American Rescue Act Funds

Local government representatives from Colorado Counties, Inc., the Associated Governments of Northwest Colorado, the Colorado Municipal League, and Counties and Commissioners Acting Together provided information about how local governments plan to spend federal American Rescue Plan Act funds. They stated that many local governments are seeking input on how to best spend funds and meet guidelines. Funds may be spent on public health response, negative economic impacts from the COVID-19 pandemic, premium pay for essential workers, water and sewer infrastructure, broadband infrastructure, and revenue losses. December 2026, is the deadline for spending funds and completing work. A copy of their presentation can be found here:

https://leg.colorado.gov/sites/default/files/images/american_rescue_plan_act_-_use_of_funds_by_local_governments.pdf.

Northwest Mayors and Commissioners Coalition

Representatives from the Northwest Mayors and Commissioners Coalition provided information about the coalition. The coalition is comprised of local governments in the northwest part of the Denver metro area, including Boulder County; the City and County of Broomfield; the cities of Boulder, Lafayette, Longmont, Louisville, Westminster; and the towns of Erie and Superior. The coalition is focused on regional transportation options for residents in the area. Recent projects include continued movement toward rail in the northwest part of the front-range, as well as funding for State Highways 119 and 7 in the area. A copy of their presentation can be found here:

https://leg.colorado.gov/sites/default/files/images/2021_lb_powerpoint_final_2.pdf.

Other Policy Areas

The committee recommended one bill concerning bicycles, electric scooters, and other non-motorized vehicles that was not associated with any presentations or discussion during the meetings.

Committee recommendations. The committee recommended Bill B, which concerns regulation of bicycles, electric scooters and other non-motorized vehicles at intersections. The bill establishes uniform requirements regarding safety stops for these vehicles at intersections, which would apply statewide. The bill was approved by Legislative Council at its meeting on November 15, 2021.

Summary of Recommendations

As a result of the committee's activities, the committee recommended two bills and one resolution to the Legislative Council for consideration in the 2022 session. At its meeting on November 15, 2021, the Legislative Council approved two recommended bills and one resolution for introduction. The approved bills and resolution are described below.

Bill A — Fluid Milk Products Not a Divisible Load

This bill clarifies that a load of fluid milk product carried by a vehicle is considered non-divisible for rulemaking purposes in Colorado, to conform to provisions in federal law concerning highway vehicle weight limitations. CDOT currently has a rule that classifies "bulk fluid milk products" as a non-divisible load, which is narrower than federal law, which defines "fluid milk products" as a load that cannot be easily dismantled or divided.

Bill B — Statewide Regulation of Controlled Intersections

Under current law, local governments may allow bicycles, electric scooters, and other non-motorized vehicles to make safety stops at intersections under certain circumstances. A safety stop allows slowing to a speed of 15 miles per hour or less, and then continuing through an intersection without stopping if there is no traffic in which to yield. This bill establishes uniform requirements statewide that allow bicycles, electric scooters, and other non-motorized vehicles to make safety stops at intersections.

Resolution A — Study State and Interstate Highway Vehicle Weight

The maximum weight restriction for vehicles in Colorado is currently 85,000 pounds, except on the Interstate Highway System, where federal law authorizes a maximum weight of 80,000 pounds. This resolution requests Congress to allow the State of Colorado to analyze harmonizing the maximum vehicle weight for trucks on the Interstate Highway System in Colorado with that of other state highways, and to move forward with this harmonization if the analysis concludes it is in the best interest of Colorado to do so.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

August 4, 2021

- ◆ Presentation from Colorado's Public Highway Authorities
- ◆ Presentation from the Colorado Motor Carriers Association
- ◆ Presentation and updates from CDOT and the Colorado Energy Office
- ◆ Presentation from RTD
- ◆ Presentation from the Colorado Association of Transit Agencies
- ◆ Presentation from the Colorado Cross-Disability Coalition
- ◆ Presentation from the Colorado Department of Health Care Policy and Financing
- ◆ Interim bill draft requests

October 5, 2021

- ◆ Presentation from CDOT and the Transportation Commission
- ◆ Presentation from the Division of Motor Vehicles
- ◆ Presentation from the Department of Public Safety
- ◆ Discussion of hydrogen development for zero emission vehicles in Colorado
- ◆ Discussion of local government use of federal American Rescue Plan Act funds
- ◆ Presentation from the Northwest Mayors and Commissioners Coalition
- ◆ Interim bill draft approvals

October 12 and October 13, 2021

- ◆ Discussion and tour with CDOT at the I-25 gap construction site near Larkspur

- ♦ Discussion and tour with CDOT at the I-70 construction site near the National Western Complex in north Denver
- ♦ Discussion with Mountain Metropolitan Transit and tour of their bus depot
- ♦ Discussion with ENVIDA
- ♦ Discussion with Denver Regional Council of Governments
- ♦ Discussion with GreenLatinos

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

Attachment A

BILL A

LLS NO. 22-0065.01 Jery Payne x2157

SENATE BILL

SENATE SPONSORSHIP

Scott and Zenzinger, Coram, Donovan, Hisey

HOUSE SPONSORSHIP

Boesenecker and Catlin, Exum, Froelich, Gray, Hooton, Pico, Rich, Sullivan, Valdez D.,
Van Winkle

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DETERMINATION THAT A LOAD OF FLUID MILK**
102 **PRODUCTS HAULED BY A VEHICLE IS NOT A DIVISIBLE LOAD**
103 **UNDER THE VEHICLE WEIGHT LIMITS PERMITTED BY LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. Current law has weight limits for vehicles. One of the factors that determines a vehicle's weight limit is whether a load is divisible, which means that the load can be divided up to lower its weight. The bill deems that a load of fluid milk products carried by a vehicle is not a divisible load.

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

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

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

4 (a) In 2015, the United States Congress passed the "Fixing
5 America's Surface Transportation Act", Pub.L. 114-94, also known as the
6 "FAST Act";

7 (b) The FAST Act includes a provision in 23 U.S.C. sec. 127
8 (a)(13) that reads "A vehicle carrying fluid milk products shall be
9 considered a load that cannot be easily dismantled or divided
10 [nondivisible].";

11 (c) Congress designated fluid milk as a nondivisible load because
12 milk drivers must pick up the entire stock of milk that a dairy farm
13 produces every day and deliver it to the dairy;

14 (d) The Colorado department of transportation promulgated a rule
15 to conform with the provision in the FAST Act, but the rule was
16 inconsistent with and narrower than the provision; and

17 (e) With respect to the provision in the FAST Act, this act merely
18 harmonizes Colorado law with the FAST Act.

19 **SECTION 2.** In Colorado Revised Statutes, 42-4-510, **add** (1)(d)
20 as follows:

21 **42-4-510. Permits for excess size and weight and for**
22 **manufactured homes - rules - definition.** (1) (d) FOR THE PURPOSES OF
23 THIS SECTION, SECTION 42-4-511, AND ANY RULE PROMULGATED UNDER
24 THIS SECTION OR SECTION 42-4-511, A LOAD OF FLUID MILK PRODUCTS
25 CARRIED BY A VEHICLE IS DEEMED TO NOT BE A DIVISIBLE LOAD.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

Attachment B

BILL B

LLS NO. 22-0064.02 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Gray and Hooton, Boesenecker, Exum, Froelich, Sullivan

SENATE SPONSORSHIP

Winter,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATEWIDE REGULATION OF PERSONS APPROACHING**
102 **CONTROLLED INTERSECTIONS WHO ARE NOT OPERATING MOTOR**
103 **VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. An existing statute allows a municipality or county to adopt an ordinance or resolution specifying that a person riding a bicycle, electrical assisted bicycle, or electric scooter may make a safety stop, rather than a full stop, under certain circumstances when approaching an intersection that is controlled

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

by a stop sign or a traffic control signal as follows:

- When approaching a stop sign, if it is safe to proceed, the person may, after slowing to a reasonable speed of 15 miles per hour or less, or 10 or 20 miles per hour or less if so specified by municipality or county for a particular intersection and marked with appropriate signage, and yielding the right-of-way to any traffic or pedestrian in or approaching the intersection, continue through the intersection without stopping; and
- When approaching an illuminated red traffic control signal, the person must first stop at the intersection and yield to all other traffic and pedestrians and then, when safe to do so, may proceed straight or make a right turn through the intersection or, subject to specified conditions, make a left turn onto a one-way street only.

The bill amends the statute to make the substantive requirements described above uniform statewide for most persons approaching a controlled intersection who are not operating a motor vehicle. Such persons include pedestrians (approaching a controlled intersection with a stop sign) and operators of low-speed conveyances, as defined in the bill (approaching a controlled intersection with a stop sign or a traffic control signal).

The regulation of persons approaching controlled intersections is declared to be a matter of mixed state and local concern, and the amended statute is thus declared to supersede any conflicting local ordinance or resolution but not to affect the validity of any nonconflicting local ordinance or resolution that regulates the conduct of persons approaching controlled intersections. The bill does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or a local ordinance or resolution.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1412, **amend**
3 (1) as follows:

4 **42-4-1412. Operation of bicycles, electric scooters, and other**
5 **human-powered vehicles.** (1) A person riding a bicycle, electrical
6 assisted bicycle, or electric scooter has all of the rights and duties
7 applicable to the driver of any other vehicle under this article 4, except as

1 to special regulations in this article 4, except as provided in section
2 42-4-1412.5, and except as to those provisions that by their nature can
3 have no application. Bicycle, electrical assisted bicycle, or electric scooter
4 riders shall comply with the rules set forth in this section and section
5 42-4-221, and, when using streets and highways within incorporated cities
6 and towns, are subject to local ordinances regulating the operation of
7 bicycles, electrical assisted bicycles, and electric scooters as provided in
8 section 42-4-111. Notwithstanding any contrary provision in this article
9 4, when a county or municipality has adopted an ordinance or resolution
10 ~~pursuant to~~ THAT REGULATES THE OPERATION OF BICYCLES, ELECTRICAL
11 ASSISTED BICYCLES, AND ELECTRIC SCOOTERS AT CONTROLLED
12 INTERSECTIONS, AS DEFINED IN SECTION 42-4-1412.5 (4)(a), AND THAT
13 DOES NOT CONFLICT WITH section 42-4-1412.5, riders are subject to the
14 local ordinance or resolution.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-4-1412.5
16 as follows:

17 **42-4-1412.5. Statewide regulation of certain persons**
18 **approaching intersections who are not operating motor vehicles -**
19 **status of existing local ordinance or resolution - legislative**
20 **declaration - definitions.** (1) ~~A county or municipality may adopt an~~
21 ~~ordinance or resolution implementing this section. If a county or~~
22 ~~municipality adopts an ordinance or resolution pursuant to this section,~~
23 ~~the ordinance or resolution must specify the following:~~ THE GENERAL
24 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

25 (a) THE REGULATION OF PERSONS APPROACHING CONTROLLED
26 INTERSECTIONS IS A MATTER OF MIXED STATE AND LOCAL CONCERN; AND

27 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF

1 THE STATE TO REDUCE INJURIES, FATALITIES, AND PROPERTY DAMAGE
2 RESULTING FROM COLLISIONS AT CONTROLLED INTERSECTIONS BETWEEN
3 MOTOR VEHICLES AND PERSONS WHO ARE NOT OPERATING MOTOR
4 VEHICLES BY ALLOWING MOST PERSONS APPROACHING CONTROLLED
5 INTERSECTIONS WHO ARE NOT OPERATING MOTOR VEHICLES TO APPROACH
6 CONTROLLED INTERSECTIONS IN THE MANNER SET FORTH IN THIS SECTION.

7 (2) (a) (I) A PEDESTRIAN OR A person ~~riding a bicycle, electrical~~
8 ~~assisted bicycle, or electric scooter~~ OPERATING A LOW-SPEED
9 CONVEYANCE and approaching ~~an intersection of a roadway~~ A
10 CONTROLLED INTERSECTION with a stop sign shall slow down and, if
11 required for safety, stop before entering the intersection. If a stop is not
12 required for safety, the PEDESTRIAN OR person OPERATING A LOW-SPEED
13 CONVEYANCE shall slow to a reasonable speed and yield the right-of-way
14 to any traffic or pedestrian in or approaching the intersection. After the
15 PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE has
16 slowed to a reasonable speed and yielded the right-of-way if required, the
17 PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE may
18 cautiously make a turn or proceed through the intersection without
19 stopping.

20 ~~(b)~~ (II) For purposes of this ~~subsection (1)~~ SUBSECTION (2)(a), a
21 reasonable speed is fifteen miles per hour or less. A municipality, by
22 ordinance, or a county, by resolution, may reduce the maximum
23 reasonable speed at any individual CONTROLLED intersection to ten miles
24 per hour or raise the maximum reasonable speed to twenty miles per hour
25 if the municipality or county also posts signs at the intersection stating
26 that lower or higher speed limitation.

27 ~~(c) (b)~~ A person ~~riding a bicycle, electrical assisted bicycle, or~~

1 ~~electric scooter~~ OPERATING A LOW-SPEED CONVEYANCE and approaching
2 ~~an intersection of a roadway~~ A CONTROLLED INTERSECTION with an
3 illuminated red traffic control signal shall stop before entering the
4 intersection and shall yield to all other traffic and pedestrians. Once the
5 person OPERATING A LOW-SPEED CONVEYANCE has yielded, the person
6 OPERATING A LOW-SPEED CONVEYANCE may cautiously proceed in the
7 same direction through the intersection or make a right-hand turn. When
8 a red traffic control signal is illuminated, a person OPERATING A
9 LOW-SPEED CONVEYANCE shall not proceed through the intersection or
10 turn right if an oncoming vehicle is turning or preparing to turn left in
11 front of the person OPERATING A LOW-SPEED CONVEYANCE.

12 ~~(d) (c)~~ A person ~~riding a bicycle, electrical assisted bicycle, or~~
13 ~~electric scooter~~ OPERATING A LOW-SPEED CONVEYANCE approaching an
14 intersection of a roadway with an illuminated red traffic control signal
15 may make a left-hand turn only if turning onto a one-way street and only
16 after stopping and yielding to other traffic and pedestrians. However, a
17 person OPERATING A LOW-SPEED CONVEYANCE shall not turn left if a AN
18 ONCOMING vehicle is traveling in the same direction as the person and the
19 vehicle is turning or preparing to turn left. If the person is not turning left
20 onto a one-way street, the person shall not make a left-hand turn at an
21 intersection while a red traffic control signal is illuminated. RIGHT.

22 ~~(2) If a county or municipality adopted a valid ordinance or~~
23 ~~resolution that regulates bicycles or electrical assisted bicycles~~
24 ~~substantially as described in subsection (1) of this section prior to May 3,~~
25 ~~2018, that ordinance or resolution remains valid.~~

26 (2.5) THIS SECTION SUPERSEDES ANY CONFLICTING ORDINANCE
27 THAT A MUNICIPALITY, COUNTY, OR CITY AND COUNTY ADOPTS, BUT

1 nothing in this section affects the validity of ~~an~~ ANY ordinance or
2 resolution ~~that~~ ADOPTED BY a municipality, county, or city and county
3 ~~adopted pursuant to this section if the ordinance or resolution:~~ THAT
4 REGULATES THE CONDUCT OF PERSONS APPROACHING CONTROLLED
5 INTERSECTIONS AND DOES NOT CONFLICT WITH THIS SECTION.

6 (a) ~~Was adopted before May 23, 2019; and~~

7 (b) ~~Applies to electric scooters.~~

8 (3) ~~The adoption of an ordinance or resolution in accordance with~~

9 This section does not diminish or alter the authority of the department of
10 transportation or the state transportation commission, as those entities are
11 defined in section 43-1-102, regarding the department's or commission's
12 authority to regulate motor vehicle traffic on any portion of the state
13 highway system as defined in section 43-2-101 (1).

14 (3.5) THIS SECTION DOES NOT CREATE ANY RIGHT FOR A
15 PEDESTRIAN OR THE OPERATOR OF A LOW-SPEED CONVEYANCE TO TRAVEL
16 ON ANY PORTION OF A ROADWAY WHERE TRAVEL IS OTHERWISE
17 PROHIBITED BY STATE LAW OR BY AN ORDINANCE OR RESOLUTION
18 ADOPTED BY A MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

19 (4) As used in this section:

20 (a) ~~"Electrical assisted bicycle" means the term as it is defined in~~
21 ~~section 42-1-102 (28.5).~~ "CONTROLLED INTERSECTION" MEANS AN
22 INTERSECTION OF A ROADWAY THAT IS CONTROLLED BY EITHER A STOP
23 SIGN OR A TRAFFIC CONTROL SIGNAL.

24 (b) ~~"Municipality" means a home rule or statutory city, town, or~~
25 ~~city and county.~~ "LOW-SPEED CONVEYANCE" MEANS:

26 (I) A VEHICLE, AS DEFINED IN SECTION 42-1-102 (112), THAT IS
27 NOT A MOTOR VEHICLE, AS DEFINED IN SECTION 42-1-102 (58), A

1 LOW-POWER SCOOTER AS DEFINED IN SECTION 42-1-102 (48.5), OR A
2 LOW-SPEED ELECTRIC VEHICLE, AS DEFINED IN SECTION 42-1-102 (48.6);

3 (II) A TOY VEHICLE, AS DEFINED IN SECTION 42-1-102 (103.5),
4 THAT IS EXCLUSIVELY HUMAN-POWERED; OR

5 (III) AN ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICE OR
6 EPAMD, AS DEFINED IN SECTION 42-1-102 (28.7), OR A DEVICE THAT
7 WOULD BE AN ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICE OR
8 EPAMD BUT FOR THE FACT THAT IT HAS FEWER OR MORE THAN TWO
9 WHEELS OR HAS TANDEM WHEELS.

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

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

Attachment C

RESOLUTION A

LLS NO. R22-0080.02 Jery Payne x2157

HOUSE Joint Resolution

HOUSE SPONSORSHIP

Pico and Rich, Boesenecker, Catlin, Exum, Froelich, Gray, Hooton, Sullivan, Valdez D.,
Van Winkle

SENATE SPONSORSHIP

Hisey and Zenzinger, Coram, Donovan, Scott

House Committees

Senate Committees

HOUSE JOINT RESOLUTION

101 **CONCERNING A REQUEST THAT CONGRESS ALLOW THE STATE OF**
102 **COLORADO TO CONDUCT AN ANALYSIS OF AND POSSIBLY MOVE**
103 **FORWARD ON HARMONIZING THE GROSS VEHICLE WEIGHT FOR**
104 **TRUCKS ON THE INTERSTATE HIGHWAY SYSTEM IN COLORADO**
105 **WITH THAT OF OTHER STATE HIGHWAYS.**

1 WHEREAS, Trucking and truck drivers have been essential during
2 the COVID-19 pandemic in delivering critical goods, such as food, fuel,
3 medical supplies, and much more; and

4 WHEREAS, Trucking is critical in the movement of goods and
5 products for agriculture, ranchers, manufacturers, grocers, and fuel
6 suppliers, with over 80% of the manufactured products in Colorado being
7 moved by truck; and

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

1 WHEREAS, 79% of the communities in Colorado are served
2 solely by truck for their freight needs; and

3 WHEREAS, The state's and nation's supply chains have been
4 greatly stressed due to a range of issues that include a truck driver
5 shortage, which is anticipated to continue into the future, along with
6 increasing freight demands from our growing state that have led to
7 shortages, delays, and higher prices for the movement of goods within the
8 state; and

9 WHEREAS, For over 40 years, Colorado state law has authorized
10 a maximum gross vehicle weight of 85,000 pounds for all state highways,
11 with the only exception being the Interstate Highway System; and

12 WHEREAS, Federal law authorizes a maximum gross vehicle
13 weight of 80,000 pounds for the Interstate Highway System; and

14 WHEREAS, The different gross vehicle weight standards between
15 interstate and state highways causes routing issues for the state's
16 transportation system; and

17 WHEREAS, The Interstate Highway System is constructed to a
18 higher design specification than most state highways and should be more
19 capable of handling higher weights than other state highways; and

20 WHEREAS, An interstate highway may be the most direct route
21 for many trips, but transporters instead travel on other state highways to
22 avoid the lower weight restriction; and

23 WHEREAS, During the COVID-19 pandemic, Governor Polis,
24 with the support of the United States Department of Transportation,
25 approved an emergency waiver that temporarily raised the maximum
26 weight of trucks allowed on Colorado interstate highways from 80,000 to
27 85,000 pounds in order to move essential goods and supplies, and there
28 was no discernible increase in truck accidents on the Interstate Highway
29 System in Colorado; and

30 WHEREAS, Increasing the gross vehicle weight for the Interstate
31 Highway System to match that of other state highways may result in
32 fewer trucks, less vehicle miles traveled, and lower emissions of
33 greenhouse gases, and this helps the state to meet its greenhouse emission
34 rules and comply with emission standards of the United States

1 Environmental Protection Agency; and

2 WHEREAS, Governor Polis, the Colorado General Assembly, the
3 Colorado Department of Transportation, and the Colorado State Patrol
4 may be best positioned to determine if it is in the best interests of the state
5 to harmonize the maximum gross vehicle weight for the state's Interstate
6 Highway System with other state highways; and

7 WHEREAS, A study performed by the Colorado Department of
8 Transportation considering safety, environmental, mobility, and economic
9 factors is the best way to assess the benefits and costs of changing the
10 maximum gross vehicle weight for trucks on Colorado interstate
11 highways; and

12 WHEREAS, Such a study should engage a broad range of
13 stakeholders both from the public and private sectors to ensure that all
14 perspectives are considered; and

15 WHEREAS, If approved by the United States Congress and if the
16 study finds that it is in the best interests of the state to raise the maximum
17 gross vehicle weight on the Interstate Highway System to 85,000 pounds
18 to harmonize it with other state highways, the state of Colorado, with the
19 approval of the General Assembly and the Governor, would move
20 forward with a change to state statute; now, therefore,

21 *Be It Resolved by the House of Representatives of the Seventy-third*
22 *General Assembly of the State of Colorado, the Senate concurring herein:*

23 That the Colorado General Assembly requests:

24 (1) That Congress allow the Colorado Department of
25 Transportation to conduct an analysis of increasing the gross vehicle
26 weight limit for the Interstate Highway System in Colorado to harmonize
27 it with other state highways where 85,000 pounds is the maximum
28 weight; and

29 (2) That if the completed study determines that it is in the best
30 interests of Colorado to harmonize the weights for the Interstate Highway
31 System and other state highways, the Colorado General Assembly and the
32 Governor be permitted by state statute to increase the gross vehicle
33 weight limit to 85,000 pounds for vehicles traveling on the Interstate
34 Highway System in Colorado.

1 *Be It Further Resolved*, That copies of this Joint Resolution be sent
2 to the President of the United States, the President Pro Tempore of the
3 United States Senate, the Speaker of the United States House of
4 Representatives, and each member of Colorado's congressional
5 delegation.