



Final Report to the General Assembly

Transportation Legislation Review Committee
December 2023 | Research Publication 805



Transportation Legislation Review Committee

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December 2023

To Members of the Seventy-fourth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. 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, 2023 the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2024 session was approved.

Sincerely,

/s/ Senator Stephen Fenberg
Chair

Table of Contents

Committee Charge	1
Committee Activities.....	1
Regulating Towing Carriers.....	2
Transit.....	4
Colorado Cross-Disability Coalition	7
Colorado Department of Transportation	8
Southwest Energy Efficiency Project.....	8
Front Range Passenger Rail District	8
Public Highway Authorities Updates	9
Colorado Energy Office.....	9
Other Policy Areas	10
Summary of Recommendations.....	11
Resource Materials	13
Meetings and Topics Discussed	13

The text of the approved bill is included as Attachment A through E after the list of meetings and topics discussed.

This report is also available online at:

<https://leg.colorado.gov/committees/transportation-review-committee/2023-regular-session>

Committee Charge

Pursuant to state law, the Transportation Legislation Review Committee (TLRC) must meet at least once a year to:

- provide guidance and direction to the Colorado Department of Transportation (CDOT) on the development of the state transportation system;
- provide legislative oversight of and input into such state transportation system development;
- provide guidance and direction to the Department of Revenue (DOR) or any other state agency or political subdivision of the state that regulates motor vehicles or traffic;
- examine the problem of uninsured motorists; and
- review all transportation, traffic, and motor vehicle legislation, and make recommendations for additional legislation as necessary.

Committee Activities

During the 2023 interim, the TLRC went on a two-day field trip and held three meetings at the State Capitol.

Committee Meetings. Briefings and presentations were made by the following organizations:

- AAA;
- Bicycle Colorado;
- BNSF Railway;
- Brotherhood of Locomotive Engineers and Trainmen (BLET);
- Colorado Association of Transit Agencies (CASTA);
- Colorado Cross Disability Coalition;
- Colorado Department of Public Safety (DPS);
- Colorado Department of Regulatory Agencies' Public Utilities Commission (PUC);
- Colorado Department of Revenue's Division of Motor Vehicles (DMV);
- Colorado Department of Transportation (CDOT);
- Colorado Motor Carriers Association;
- Colorado Municipal League;
- Colorado Organization for Victim Assistance;
- Connolly's Towing;
- Denver Regional Council of Governments (DRCOG);
- E-470 Public Highway Authority;
- Freight Panel Advisory Council;
- Front Range Passenger Rail District;
- Greeley Evans Transit;
- International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART);

- Jefferson Parkway Highway Authority;
- Northwest Parkway Highway Authority;
- Regional Transportation District (RTD);
- Shortline and Regional Railroad Association;
- Sierra Club;
- Southwest Energy Efficiency Project;
- Summit Vehicle Solutions;
- Towing and Recovery Professionals of Colorado;
- Union Pacific Railroad; and
- Washington Department of Transportation.

TLRC Tour. As part of the committee's October 5 and 6 tour, the committee undertook discussions and tours of the following projects and facilities:

- Bicycle Colorado e-bike tour of Boulder;
- CDOT I-70, Berthoud Pass, U.S. 40, wildlife crossing, and Colorado Highway 9 projects;
- Denver International Airport and RTD presentations on workforce challenges and the airport green fleet;
- Idaho Springs mobility hub;
- Via Mobility, Boulder; and
- Winter Park transit maintenance facility.

The following sections discuss the committee's activities during the 2023 interim.

Regulating Towing Carriers

The committee discussed and heard presentations on the regulation of nonconsensual towing from the PUC, the DMV, the DPS, towing carriers, and the Colorado Organization for Victim Assistance.

Public Utilities Commission. Representatives from the PUC provided an overview of the commission's role in the regulation of towing operations. Representatives discussed [House Bill 22-1314](#) and noted an increase in the number of complaints. The representatives discussed the complaint process for consumers and how information about the process is distributed to consumers. The commission's presentation may be found here: [Public Utilities Commission](#).

Division of Motor Vehicles. Representatives from the DMV discussed the division's limited role in towing, including recordkeeping and transfer of ownership for vehicles. The division indicated that once a towing company reports a tow to DMV, the division must complete a record search to find the vehicle owner, any active liens on the vehicle, and if the vehicle has been reported stolen. The results of the search must be reported to the agency and law enforcement.

Department of Public Safety. Representatives from DPS discussed [House Bill 23-1217](#). The department discussed serious crimes, identifying towed vehicles with crime victims, and issues in narrowing the scope of the problem of non-consensual towing. They provided comments on the definitions of "non-consensual tows" and "crime victim". The department's presentation may be found here: [DPS Presentation](#).

Connolly's Towing, Towing and Recovery Professionals of Colorado, and Summit Vehicle Solutions. Representatives from the towing industry discussed towing fees, the definition of "crime victim", complaints against and investigation of towing operators, and loan programs for impound fees. The towing representatives' presentation may be found here: [Towing Representatives Presentation](#).

Colorado Organization for Victim Assistance. Representatives from COVA provided an overview of the organization's mission and services, emergency funds, previous state legislation to help victims with impound fees, staff capacity to help victims, and the organization's ability to work with car theft victims when sexual violence may have occurred. The association's presentation may be found here: [COVA Presentation](#).

Committee recommendations. As a result of its discussions, the committee recommends Bill D, which concerns towing carrier regulation. The bill updates several aspects of the PUC's regulation of towing.

Division of Motor Vehicles

The DMV provided information about the organization and structure of the division and discussed operation statistics, including average wait time and the number of appointments serviced daily. DMV representative's updated committee members on several ongoing programs, including PockeTalk, which is used in DMV offices to translate 82 languages in real time. The division discussed progress in implementing the requirements within new legislation from the 2022 and 2023 legislative sessions. The division discussed the driver control and vehicle services units of the agency, and current driver education requirements. The division's presentation may be found here: [DMV Presentation](#).

Committee recommendations. The committee recommended that bill be drafted concerning modifications to driver education requirements and requiring commercial driving instructors to undergo criminal background checks, but the draft bill was not approved by the committee.

Railroad Safety Improvements

Several organizations presented to the committee on railroad safety. Representatives from the organizations discussed safety requirements for railroads operating in the state, including train length, wayside detector systems, limiting obstruction of public crossings, and reporting and investigation of safety violations.

Sierra Club. A representative from the Sierra Club gave an overview of the Uintah Basin Railway project, including concerns and funding. The club's presentation may be found here: [Sierra Club Presentation](#).

Colorado Department of Transportation. The department gave an overview on the status of rail safety in Colorado, including statistics on accidents, regulatory authority and limitations, state agencies involved in rail safety, federal legislation and regulation, research and development, at-grade crossing safety improvements, and emergency response. The department's presentation may be found here: [CDOT Presentation](#).

BNSF Railway. BNSF Railway representatives discussed safety measures, hazardous material transportation, causes and prevention for train accidents, Colorado key routes, detector spacing, first responder training, commodity flow studies, incident mobilization, air monitoring assets, training, and AskRail. The railway's presentation may be found here: [BNSF Railway Presentation](#).

Short Line and Regional Railroad Association. The association discussed the short line connection to the freight rail system, safety, training programs for hazardous materials, and labor organizations. The presentation may be found here: [Shortline and Regional Railroad Association Presentation](#).

Union Pacific Railroad. Representatives from the railroad discussed statistics on railroad safety versus other industries; technology to create safer networks, including drones, machine visioning, and underground fiber optic sound monitoring; and other methods to keep communities safe. The railroad's presentation may be found here: [Union Pacific Railroad Presentation](#).

Brotherhood of Locomotive Engineers and Trainmen and International Association of Sheet Metal, Air, Rail, and Transportation Workers. Representatives from BLET and SMART presented information about rail safety, hazardous materials incidents, greenhouse gas emission (GHG) reduction goals, derailment and track-side detectors, and longer trains and blocked grade crossings. The presentation may be found here: [BLET and SMART Presentation](#).

Committee recommendations. As a result of discussions, the committee recommends Bill C, which establishes new safety requirements on railroads operating in the state and creates the Front Range Passenger Rail District Maintenance and Safety Fund. The bill also requires railroads to offer training starting in 2025 to each fire department with jurisdiction along railroad tracks, addressing hazardous materials and emergency responder strategies for railroad incidents involving hazardous materials.

Transit

Several organizations presented to the committee on the increasing use of transit. Transit organizations also discussed the Ozone Season Transit Grant program, strategies from other states, and youth transit.

Denver Regional Council of Governments. DRCOG discussed the organization of the transportation improvement program (TIP) process. Representatives from DRCOG noted that the entity fulfills three primary roles: facilitating the state's regional transportation planning commission and working to adopt a long range transportation plan; acting as the area agency on aging; and fulfilling the role of a federal metropolitan planning organization. The council works closely with RTD, CDOT, and local transportation commission members. Representatives from DRCOG also provided information about Way to Go and Employer-based Trip Reduction Programs. The presentation may be found here: [DRCOG Presentation](#).

Washington Department of Transportation. A representative from the Washington Department of Transportation provided information on Washington state's transportation demand management (TDM) and commuter trip reduction program. There was a discussion on

implementing TDM, including incentives, providing non-drive-alone options, and choices in infrastructure for how people access community transportation. The state's presentation may be found here: [Washington State Department of Transportation Presentation](#).

Colorado Department of Transportation. Representatives from CDOT, Bus Rapid Transit Program discussed the goals of the program, including a reduction in delays for passengers, viable transit for the future, improving transportation options, and moving more people across the transportation system in additional modes of transportation. Representatives provided an evaluation of the program's ridership, cost, reduced vehicle miles traveled, and typical elements, including rapid service with higher frequency, and indicated that the program identified 29 corridors for development. The department's presentation may be found here: [CDOT Presentation](#).

Greeley Evans Transit. Greeley Evans Transit provided information to the committee about the ride free with school ID transit program. The program began in 2013 when the City of Greeley participated in an Achieving Community Excellence (ACE) nationwide incentive. Representatives from the agency discussed the outcomes of the program, including increased school enrollment and ridership. The agency's presentation may be found here: [Greeley Evans Transit Presentation](#).

Colorado Association of Transit Agencies. The Colorado Association of Transit Agencies, a trade association for agencies and employees who work in transportation, presented information about youth fare free transit and the benefits of youth fare free programs. Benefits include access and mobility for 20 percent of the population, lower family transportation expenses, independence for kids, reduced vehicle miles traveled, and transit navigation skills for kids. The association discussed the effects of increased funding in youth free fare transit programs. The association's presentation may be found here: [CASTA Presentation](#).

Committee recommendations. As a result of its discussions, the committee recommends Bill E, which creates a refundable state income tax credit for tax years 2024 to 2028 to purchase one or more transit passes, a statewide transit pass exploratory committee, and the Youth Fare Free Transit grant program. The committee also recommended that bill be drafted to increase transit program use and the bill draft was incorporated into Bill E.

Freight

Representatives from the Freight Panel Advisory Council (council) and the Colorado Motor Carriers provided an update to the committee.

Freight Panel Advisory Council. A representative from CDOT provided information about the council, a partnership between the private sector and local planning partners that provides feedback to state and federal government officials on transportation legislation. The council supports initiatives and strategies to promote and improve the safe movement of freight. The program was established in January 2022 as a result of [Senate Bill 21-160](#) and combines the state freight and operations plan, focusing on four key areas: operations, planning, partnerships, and investment.

The National Highway Freight program was discussed, including the investments and updates to the Colorado Freight Plan every four years. The plan includes eight key areas: safety, mobility, asset condition, climate and environment, risk and resiliency, equity and inclusion, economy and community, and businesses and consumers. Additional planning directives cover four key areas: industry partnerships to share important information, safety education, workforce development, and the Colorado Delivers program.

The committee discussed freight and Colorado's economy. The representative indicated that one-third of Colorado's economy and one-fifth of Colorado's jobs are tied to freight, with \$341 billion in products moving in and out of the state. There was a discussion about freight operations, including the issuance of over 300,000 permits each year for the last five years; 12,500 phone calls each year, and 3,000 chats each year. The representative indicated that the program provides around \$8.5 million yearly, with some funds supporting bridge and tunnel infrastructure. The council's presentation may be found here: [CDOT Presentation](#).

Colorado Motor Carriers Association. A representative with the association outlined priorities, including: safety, reduced GHG emissions, and truck parking. The committee discussed traffic enforcement, salaries, safety, and the trucking businesses. The representative indicated that 79 percent of all Colorado communities are served only by trucks for their freight needs.

The representative provided information about the new California advanced clean truck rule related to emissions; the effects of congestion, road conditions, and bottlenecks on lowering emissions; and challenges to infrastructure, including the cost and weight of batteries for new vehicles and the ability to charge electric fleets. Five effective strategies for diesel and GHG reductions in trucking were discussed, including replacing trucks from 2009 and earlier; providing a grant program for small companies to replace trucks; replacement of state fleets; compliance with air quality rules; and incentives to reduce emissions. The association's presentation may be found here: [CMCA Presentation](#).

Committee recommendations. As a result of its discussions, the committee recommended a bill be drafted concerning changes to the classification of certain offenses involving the operation of a commercial motor vehicle., but that bill was not approved by the committee.

Traffic Noise

Representatives from the Colorado Municipal League and City of Golden provided a presentation about the challenges of highway traffic noise in and near cities, including quality of life and health issues. Representatives talked about state and local laws, including the requirement for mufflers on all automobiles and mufflers for exhaust brakes, but mentioned that enforcement may be a problem. The presenters indicated that the dollar amount of fines may not be high enough to deter behaviors creating noise issues. The speakers recommended muffler inspections with emission inspections, higher fines for fleet operators, and noise cameras. The presentation may be found here: [CML and City of Golden Presentation](#).

Discussion on Road User Safety and Bike Tour

Bicycle Colorado. A representative from Bicycle Colorado provided information about road and traffic injuries and deaths for vulnerable road users. The representative talked about Bicycle Colorado's goals and provided statistics about pedestrian crashes and deaths, last year being the deadliest year, especially for those traveling on foot. The representative discussed contributing factors to the uptick in fatalities and injuries, including more vulnerable road users, dangerous road designs, heavier and faster vehicles, insufficient funding, and road user behavior. The representative outlined the safe systems approach, focusing on human mistakes and vulnerabilities in design, and suggested that 15 percent of federal funds should be spent on road users. Finally, the representative talked about the state's safety transportation program that sets engineering principles to direct funding using data engineering systems.

Bicycle Colorado representatives also led the committee on an e-bike tour in Boulder during the committee's field trip. Representatives from Bicycle Colorado and the Boulder area discussed e-bike transit opportunities and the committee visited Community Cycles. The organization's presentation may be found here: [Bicycle Colorado Presentation](#).

AAA. A representative from AAA provided information about the goals of traffic safety and preventing crashes, severe injuries, and fatalities. The representative mentioned that the faster a car is travelling, the more likely a crash may result in death. Larger and heavier cars, which are more popular, are also more dangerous for pedestrians. The representative discussed safety measures that will help save lives or prevent injuries, and suggested that the most important measure is building infrastructure to separate vulnerable road users from cars. AAA's presentation may be found here: [AAA Presentation](#).

Committee recommendations. As a result of its discussions, the committee recommends Bill A concerning new registration fees on certain passenger vehicles and light trucks to fund infrastructure improvement projects for vulnerable road users.

Colorado Cross-Disability Coalition

A representative from the Colorado Cross-Disability Coalition discussed the organization's analysis of new state programs including the Free Fare for Better Air program, the Bustang bus service, and recent rural transit improvements. The representative discussed suggested improvements, including workforce driver retention, pedestrian safety, and non-emergency Medicaid medical transportation. The representative also suggested improvements, such as creation of a tax credit for RTD and Bustang workers, prioritization of transit workers in housing programs, and college credits. The coalition's presentation may be found here: [Colorado Cross Disability Coalition Presentation](#).

Colorado Department of Transportation

CDOT provided an update to the committee on maintenance and operations. Agency directors detailed efforts to provide more employee housing and discussed the current requirements for bidding projects. The department's presentation may be found here: [CDOT Presentation](#).

Committee recommendations. As a result of its discussions, the committee drafted a bill which raised the cost threshold for certain public projects, but the bill was withdrawn by the sponsor.

Southwest Energy Efficiency Project

A representative from the Southwest Energy Efficiency Project provided information about GHG emissions plans and Colorado's climate targets, and suggested that the state is not on track to meet its targets. The representative suggested methods to cut pollution, including electrifying all systems; building a connected multimodal transportation system; developing smart land use policies; and providing less funding for highway expansion. In addition, the representative discussed vehicle electrification and lowering vehicle miles traveled.

The benefits of the CDOT GHG planning rule were discussed, and the effects of the federal Bipartisan Infrastructure Law. The representative talked about the I-25 valley expansion, near downtown Denver, and mentioned that the project has shifted to focus on safety, bridge enhancements, and other items, since original plans may have increased emissions. The representative also discussed how the transportation sector is complying with the GHG emission rule.

Finally, the representative recommended the following to improve the GHG standard and make it more effective:

- strengthen targets in the rule and supplement with reductions in vehicle miles traveled;
- require transportation agencies to re-examine and revisit projects to ensure alignment with current goals and reductions;
- develop a standard approach to calculate induced travel and continually improve modeling;
- require local governments to participate by looking at land use and reductions in GHG;
- develop a transportation equity index;
- explore addressing the cost of driving to account for social and environmental impacts; and
- take Vision Zero seriously by improving pedestrian and bicycle safety.

The project's presentation may be found here: [Southwest Energy Efficiency Project Presentation](#).

Front Range Passenger Rail District

Representatives from the Front Range Passenger Rail District discussed the creation of the district; leadership and stakeholders; and partnerships and local coordination. The representatives said the district is working with local governments on station planning and complying with railroad requirements. They highlighted the application for a grant from the Federal Railroad Administration for corridor identification and development, and provided information about the district's current work. The committee discussed the mechanisms for

federal infrastructure funding, adding the availability of financing once there is an identified route. The representatives also discussed the counties included in the district and the route for the railroad. The district's presentation may be found here: [Front Range Passenger Rail District Presentation](#).

Committee recommendations. As a result of its discussions, the committee recommended a bill to update the operations of the Front Range Passenger Rail District board be drafted, but the bill was not approved by the committee.

Public Highway Authorities Updates

Representatives from E-470, Northwest Parkway, and Jefferson Parkway Public Highway Authorities (PHA) provided an overview of agency activities.

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 rolled out all-electronic tolling in 2009. Representatives of E-470 updated the committee on the authority's work over the past year. The authority talked about: \$1.3 billion debt in bonds, scheduled to be paid in 2041; monthly transactions; 2022 operating statistics; the reduction of tolls and elimination of fees, including the freezing of toll rates this year; regional collaboration projects; reinvestments, including road widening, interchanges, and trail extension; sustainability efforts, including water conservation and upgrades to electric vehicle chargers; safety; commercial motor vehicle support; and the partnership with the Department of Corrections inmate work programs to review images of license plates for accurate billing. The authority's presentation may be found here: [E-470 Presentation](#).

Northwest Parkway. Representatives from the Northwest Parkway PHA provided an overview of the authority, which was established in 1999 to connect E-470 to US 36 over nine miles. The representatives provided an update on the Northwest Parkway Concession; traffic statistics, including the growth of traffic after the pandemic; toll revenue; toll rates; recent improvements, including the display of toll rates on electronic signs and pavement rehabilitation; and the Marshall Fire Toll Relief Fund, used for residents to rebuild homes and aid to all victims through local nonprofits. A copy of their presentation may be found here: [Northwest Parkway Presentation](#).

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. A representative from the authority discussed the authority's history, the history of the parkway, and ongoing discussions with authority members regarding future withdrawal from the parkway. The parkway's presentation may be found here: [Jefferson Parkway Presentation](#).

Colorado Energy Office

The Colorado Energy Office provided an update on the Colorado Clean Car Standard and the GHG Pollution Reduction Roadmap. The office provided data about transportation emissions and outlined a plan for reducing emissions by 2030. Representatives from the office discussed the electric vehicle plans and incentives.

A representative from the office discussed the Colorado Clean Car Standard which extends the standard from 2027 through 2032; adopts zero and low emission vehicle standards; allows for benefits and re-evaluation of market supports; and allows for an evaluation of costs and benefits to continue zero emission vehicle standards. There was a discussion about environmental justice credits, benefits of adopting clean car standards, and the rulemaking process. The office's presentation may be found here: [CEO Presentation](#).

Other Policy Areas

Car seat safety. The committee discussed car seat safety and ways to better define safety requirements for the length of time children sit backwards in a car seat; education on car seat installation; and defining the age for when children no longer have to sit in a booster seat and the age when children can sit in the front seat of a car.

Committee recommendations. As a result of its discussions, the committee recommended Bill B which creates the Child Passenger Safety Education and Distribution Grant program within CDOT to fund the certification of child passenger safety technicians and programs that educate and increase access to child restraint systems. The bill also makes changes to existing child restraint systems laws to increase child passenger safety.

Summary of Recommendations

As a result of the committee's activities, the committee recommended five bills to the Legislative Council for consideration in the 2024 session. At its meeting on November 15, 2023, the Legislative Council approved all five recommended bills for introduction. The approved bills are described below.

Bill A — Vulnerable Road User Protection Enterprise

The bill creates the Vulnerable Road User Protection Enterprise in CDOT. The enterprise will provide funding for transportation system infrastructure improvements that seek to prevent vehicular collisions with vulnerable road users, such as pedestrians or bicyclists. By 2025, the enterprise is required to implement a Vulnerable Road User Protection Fee in Colorado's 12 most populous counties on the registration of passenger cars and light trucks that are not commercial vehicles. Fee revenue is credited to the Vulnerable Road User Protection Enterprise Fund and continuously appropriated to the enterprise to provide grants to eligible projects.

Bill B — Child Passenger Safety and Education

The bill creates the Child Passenger Safety Education and Distribution Grant Program within CDOT to fund the certification of child passenger safety technicians and programs that educate and increase access to child restraint systems. It also makes changes to existing child restraint systems laws. These changes include increasing the age of children who must use a child restraint system from under eight to under nine years of age, and adding a requirement that any child under 57 inches in height must use a child restraint system.

Bill C — Railroad Safety Requirements

The bill establishes safety requirements on railroads operating trains in the state, including restrictions on length, requirements for wayside detector systems, limits on obstructing public crossings, and guidelines for union representatives. To collect fines imposed by the PUC for violations of the bill's safety requirements, the bill creates the Front Range Passenger Rail District Maintenance and Safety Fund. The money is continuously appropriated to the State Treasurer for the purpose of issuing warrants to the district for safety planning and development during the research, development, and construction of a passenger rail system; maintaining a passenger rail system; and completing capital development projects to improve the safety of a passenger rail system. The bill also requires railroads that transport hazardous materials to maintain adequate insurance and submit to the PUC a certificate of insurance or similar documentation on or before January 1, 2024, and each year thereafter.

Bill D — Towing Carrier Regulation

The bill creates new regulations on towing carriers. It requires the PUC to develop rules regarding towing carrier disclosures, and make aggregate towing carrier financial statements publicly available. In addition, the PUC must deny, suspend, revoke, or refuse towing carrier permits for certain carrier violations, and the bill prohibits towing carriers from patrolling or monitoring a property to enforce parking restrictions. Finally, members of the Towing Task Force must recuse themselves from a vote where the outcome has a direct impact on the member.

Bill E — Methods to Increase the Use of Transit

For tax years 2024 through 2028, the bill creates a refundable income tax credit equal to 30 percent of the amount spent by a taxpayer to purchase one or more transit passes during the income tax year for which the credit is claimed. To claim the credit, a taxpayer is required to include a credit certificate issued by the Colorado Energy Office (CEO) with their income tax return. The CEO is required to provide an electronic report of taxpayers receiving a credit certificate to the Department of Revenue by January 1 of each year from 2025 through 2029. The bill also creates a fifteen-member statewide transit pass exploratory committee within CDOT to produce a proposal for implementing a statewide transit pass. The committee must be created by October 1, 2024, and produce a proposal by July 1, 2026, with an implementation goal of January 1, 2028. The committee members are appointed by the executive director of CDOT and must include representatives of a diverse group of transit agencies throughout the state.

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>

Meetings and Topics Discussed

July 24, 2023

- Presentation from Public Utilities Commission
- Presentation from Division of Motor Vehicles
- Presentation from Colorado Department of Public Safety
- Presentation from Towing and Recovery Professionals of Colorado
- Presentation from Colorado Organization for Victim Assistance
- Presentation from Sierra Club on Uinta Basin Railway
- Presentation from BNSF, Short Line and Regional Railroad Association, and Union Pacific Railroad
- Presentation from Brotherhood of Locomotive Engineers and Trainmen, and International Association of Sheet Metal, Air, Rail, and Transportation Workers

August 21, 2023

- Presentation from Regional Transportation District
- Presentation from Denver Regional Council of Governments, Transportation Investment Program
- Presentation from Denver Regional Council of Governments and Washington State on Employer Responsibility and Commuter Benefits
- Presentation from Colorado Department of Transportation
- Presentation from Freight Panel Advisory Council
- Presentation from Bicycle Colorado and AAA
- Presentation from Colorado Municipal League
- Presentation from Greeley Evans Transit and Colorado Association of Transit Agencies

October 3, 2023

- Presentation from Regional Transportation District on free fares
- Presentation from Colorado Association of Transit Agencies on free fares
- Presentation from Colorado Cross-Disability Coalition
- Presentation from Division of Motor Vehicles
- Presentation from Colorado Department of Transportation on greenhouse gas emissions rulemaking
- Presentation from Southwest Energy Efficiency Project
- Presentation from Front Range Passenger Rail District
- Presentation from Public Highway Authorities
- Presentation from Colorado Energy Office

October 5 and 6, 2023 Front Range and Mountain Tour

- Discussion with Regional Transportation District and Denver International Airport
- Tour of Denver International Airport's green fleet
- Discussion and tour with Bicycle Colorado in Boulder
- Discussion and tour with VIA Mobility in Boulder
- Discussion with CDOT on I-70 improvements
- Tour of Winter Park transit maintenance facility
- Tour of Wildlife Crossing Improvements on Colorado Highway 9 south of Kremmling
- Tour of Idaho Springs Mobility Hub

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Attachment A

BILL A

LLS NO. 24-0244.01 Jason Gelender x4330

SENATE BILL

SENATE SPONSORSHIP

Winter F. and Cutter,

HOUSE SPONSORSHIP

Lindsay and Lindstedt,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ENTERPRISE TO PROVIDE**
102 **INFRASTRUCTURE IMPROVEMENTS THAT PROTECT VULNERABLE**
103 **ROAD USERS.**

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. The bill creates the vulnerable road user protection enterprise in the department of transportation (CDOT) for the purpose of providing funding for transportation system infrastructure improvements and other data-driven strategies identified in the federal highway administration-mandated

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

vulnerable road user safety assessment, which CDOT is required to develop, that reduce the number of collisions with motor vehicles that result in death or serious injury to vulnerable road users (eligible projects). The enterprise is required to impose a vulnerable road user protection fee, which is imposed in tiered amounts that are calculated based on motor vehicle weight and configuration, on the registration of passenger cars and light trucks that are not commercial vehicles. Fee revenue is credited to a newly created vulnerable road user protection enterprise cash fund and continuously appropriated to the enterprise. The enterprise is authorized to provide grants, subject to specified parameters relating to grant amounts, matching money requirements, and the use of grant money, to fund eligible projects.

The enterprise is required to:

- Publish and post on its website a 5-year plan that details how the enterprise will execute its business purpose and estimates the amount of funding that will be available to implement the plan;
- Create, maintain, and regularly update on its website a public accountability dashboard; and
- Prepare an annual report, present the report to the transportation commission and specified legislative committees, and post the report on its website.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 16 to article
3 4 of title 43 as follows:

4 **PART 16**

5 **VULNERABLE ROAD USER PROTECTION ENTERPRISE**

6 **43-4-1601. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT:

8 (a) ADVANCING THE SAFETY OF THE TRANSPORTATION SYSTEM OF
9 COLORADO IS OF PARAMOUNT IMPORTANCE;

10 (b) ONE OF THE BEST WAYS TO IMPROVE THE SAFETY OF THE
11 TRANSPORTATION SYSTEM IS TO REDUCE THE NUMBER OF FATALITIES AND
12 SERIOUS INJURIES CAUSED BY COLLISIONS BETWEEN MOTOR VEHICLES
13 THAT ENCLOSE OCCUPANTS AND UNENCLOSED VULNERABLE ROAD USERS

1 SUCH AS PEDESTRIANS, BICYCLISTS, AND INDIVIDUALS USING OTHER
2 NONMOTORIZED OR MOTORIZED PERSONAL CONVEYANCES;

3 (c) BETWEEN 2010 AND 2021, THE NUMBER OF PEDESTRIAN
4 DEATHS RESULTING FROM SUCH COLLISIONS INCREASED BY
5 SEVENTY-SEVEN PERCENT WHILE THE NUMBER OF ALL OTHER
6 TRAFFIC-RELATED DEATHS INCREASED BY ONLY TWENTY-FIVE PERCENT;

7 (d) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
8 VEHICLE AND A VULNERABLE ROAD USER WILL RESULT IN A FATALITY OR
9 SERIOUS INJURY TO THE VULNERABLE ROAD USER IS DIRECTLY RELATED TO
10 THE SPEED AT WHICH THE MOTOR VEHICLE IS TRAVELING, THE WEIGHT OF
11 THE MOTOR VEHICLE, AND THE CONFIGURATION OF THE MOTOR VEHICLE
12 AS FOLLOWS:

13 (I) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
14 VEHICLE AND A PEDESTRIAN WILL RESULT IN A SERIOUS INJURY TO THE
15 PEDESTRIAN IS:

16 (A) TEN PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
17 SIXTEEN MILES PER HOUR;

18 (B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
19 THIRTY-ONE MILES PER HOUR; AND

20 (C) NINETY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
21 FORTY-SIX MILES PER HOUR;

22 (II) THE LIKELIHOOD THAT A COLLISION BETWEEN SUCH A MOTOR
23 VEHICLE AND A PEDESTRIAN WILL RESULT IN DEATH TO THE PEDESTRIAN
24 IS:

25 (A) TEN PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
26 TWENTY-THREE MILES PER HOUR;

27 (B) FIFTY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT

1 FORTY-TWO MILES PER HOUR; AND

2 (C) NINETY PERCENT IF THE MOTOR VEHICLE IS TRAVELING AT
3 FIFTY-EIGHT MILES PER HOUR;

4 (III) BECAUSE FORCE EQUALS MASS TIMES ACCELERATION, AT THE
5 SAME SPEED, THE FORCE TRANSMITTED TO A VULNERABLE ROAD USER
6 DURING A COLLISION WITH A MOTOR VEHICLE, AND THE ATTENDANT
7 LIKELIHOOD THAT THE COLLISION WILL RESULT IN SERIOUS INJURY OR
8 DEATH TO THE VULNERABLE ROAD USER, INCREASES AS THE WEIGHT OF
9 THE MOTOR VEHICLE INCREASES. THE NATIONAL BUREAU OF ECONOMIC
10 RESEARCH HAS FOUND THAT FATALITY RISK FOR A VULNERABLE ROAD
11 USER IN A COLLISION WITH A MOTOR VEHICLE INCREASES BY BETWEEN
12 FORTY AND FIFTY PERCENT WITH EACH ONE THOUSAND POUND INCREASE
13 IN THE WEIGHT OF THE MOTOR VEHICLE.

14 (e) ACCORDINGLY, IT IS INSTEAD NECESSARY AND APPROPRIATE TO
15 MAKE THE TRANSPORTATION SYSTEM SAFER FOR VULNERABLE ROAD
16 USERS BY CREATING THE VULNERABLE ROAD USERS PROTECTION
17 ENTERPRISE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
18 DEPARTMENT AND AUTHORIZING THE ENTERPRISE TO IMPOSE MOTOR
19 VEHICLE REGISTRATION FEES THAT ARE REASONABLY CALCULATED BASED
20 ON THE IMPACTS OF DIFFERENT WEIGHTS AND TYPES OF MOTOR VEHICLES
21 ON VULNERABLE ROAD USERS AND USE THE FEE REVENUE IN
22 FURTHERANCE OF ITS BUSINESS PURPOSE OF PROVIDING FUNDING FOR
23 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS AND OTHER
24 DATA-DRIVEN STRATEGIES THAT REDUCE THE NUMBER OF COLLISIONS
25 WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO
26 VULNERABLE ROAD USERS.

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

1 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
2 WHEN, IN EXCHANGE FOR THE PAYMENT OF MOTOR VEHICLE REGISTRATION
3 FEES THAT IT IMPOSES ON MOTOR VEHICLES IN WEIGHT- AND
4 CONFIGURATION-BASED AMOUNTS THAT INCREASE AS THE POTENTIAL
5 HARM TO VULNERABLE ROAD USERS FROM SUCH MOTOR VEHICLES
6 INCREASES, IT PROVIDES SUSTAINABLE FUNDING FOR TRANSPORTATION
7 SYSTEM INFRASTRUCTURE IMPROVEMENTS AND DATA-DRIVEN STRATEGIES
8 THAT REDUCE THE NUMBER OF COLLISIONS BETWEEN MOTOR VEHICLES
9 AND VULNERABLE ROAD USERS THAT RESULT IN DEATH OR SERIOUS
10 INJURY;

11 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED
12 BY THIS ARTICLE 4, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS
13 AND THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE
14 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*
15 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

16 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
17 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
18 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
19 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
20 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
21 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
22 GENERATED BY FEES, NOT TAXES, BECAUSE THE MOTOR VEHICLE
23 REGISTRATION FEES IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
24 SECTION 43-4-1603 ARE:

25 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
26 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
27 SERVICES SPECIFIED IN THIS SECTION, SPECIFICALLY THE FUNDING OF

1 TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS THAT ARE
2 DESIGNED TO MITIGATE THE HARM TO VULNERABLE ROAD USERS CAUSED
3 BY THE OPERATION OF THE MOTOR VEHICLES ON WHICH THE FEES ARE
4 ASSESSED, AND CONTRIBUTE TO THE IMPLEMENTATION OF THE
5 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
6 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
7 SUPERVISION OF A SUSTAINABLE AND SAFE TRANSPORTATION SYSTEM;
8 AND

9 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
10 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
11 REMEDIATING THOSE IMPACTS; AND

12 (d) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
13 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
14 REVENUE FROM THE MOTOR VEHICLE REGISTRATION FEES COLLECTED BY
15 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
16 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
17 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
18 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
19 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
20 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

21 **43-4-1602. Definitions.** AS USED IN THIS PART 16, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF
25 TRANSPORTATION.

26 (3) "ELIGIBLE ENTITY" MEANS A COUNTY, A MUNICIPALITY, THE
27 DEPARTMENT, OR ANY OTHER PUBLIC ENTITY THAT IS SEEKING FUNDING

1 FROM THE FUND FOR AN ELIGIBLE PROJECT.

2 (4) "ELIGIBLE PROJECT" MEANS A PROJECT THAT IMPROVES
3 TRANSPORTATION SYSTEM INFRASTRUCTURE OR OTHERWISE IMPLEMENTS
4 DATA-DRIVEN STRATEGIES IDENTIFIED IN THE FEDERAL HIGHWAY
5 ADMINISTRATION-MANDATED AND PERIODICALLY UPDATED VULNERABLE
6 ROAD USER ASSESSMENT THAT REDUCE THE NUMBER OF COLLISIONS WITH
7 MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS INJURY TO
8 VULNERABLE ROAD USERS. ELIGIBLE PROJECTS INCLUDE, BUT ARE NOT
9 LIMITED TO, PROJECTS THAT:

10 (a) SEPARATE USERS IN SPACE, SUCH AS SEPARATED BIKE LANES,
11 WALKWAYS, AND PEDESTRIAN REFUGE ISLANDS;

12 (b) IMPLEMENT PHYSICAL FEATURES TO SLOW TRAFFIC SUCH AS
13 ROAD DIETS OR SELF-ENFORCING ROADS, AS DEFINED BY THE FEDERAL
14 HIGHWAY ADMINISTRATION, THAT ARE PLANNED AND DESIGNED TO
15 ENCOURAGE DRIVERS TO SELECT SAFE OPERATING SPEEDS;

16 (c) INCREASE ATTENTIVENESS AND AWARENESS, SUCH AS
17 CROSSWALK VISIBILITY ENHANCEMENTS, PEDESTRIAN HYBRID BEACONS,
18 AND LIGHTING; AND

19 (d) IMPLEMENT SPEED ENFORCING STRATEGIES, SUCH AS SPEED
20 SAFETY CAMERAS.

21 (5) "ENTERPRISE" MEANS THE VULNERABLE ROAD USER
22 PROTECTION ENTERPRISE CREATED IN SECTION 43-4-1603 (1)(a).

23 (6) "FEDERAL HIGHWAY ADMINISTRATION-MANDATED
24 VULNERABLE ROAD USER ASSESSMENT" MEANS THE VULNERABLE ROAD
25 USER SAFETY ASSESSMENT REQUIRED TO BE PREPARED AND PERIODICALLY
26 UPDATED BY THE DEPARTMENT AS PART OF THE HIGHWAY SAFETY
27 IMPROVEMENT PROGRAM PURSUANT TO 23 U.S.C. § 148 (1).

1 (7) "FUND" MEANS THE VULNERABLE ROAD USER PROTECTION
2 ENTERPRISE FUND CREATED IN SECTION 43-4-1603 (5)(a).

3 (8) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
4 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
5 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
6 ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR
7 SUCCESSOR INDEX, FOR THE YEAR ENDING ON THE DECEMBER 31 BEFORE
8 A STATE FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT IS TO BE
9 MADE BEGINS.

10 (9) "LIGHT TRUCK" MEANS A MOTOR VEHICLE OTHER THAN A
11 MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE, AS DEFINED IN SECTION
12 42-1-102 (17.5), THAT HAS TWO AXLES AND AT LEAST FOUR WHEELS,
13 WEIGHS NO MORE THAN NINE THOUSAND FIVE HUNDRED POUNDS, AND IS
14 A PICKUP TRUCK, A SPORT UTILITY VEHICLE, A VAN, OR A MINIVAN.

15 (10) "PASSENGER CAR" MEANS A MOTOR VEHICLE OTHER THAN A
16 MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE, AS DEFINED IN SECTION
17 42-1-102 (17.5), THAT HAS TWO AXLES AND FOUR WHEELS, WEIGHS NO
18 MORE THAN NINE THOUSAND FIVE HUNDRED POUNDS, IS MANUFACTURED
19 PRIMARILY FOR USE IN THE TRANSPORTATION OF NOT MORE THAN TEN
20 INDIVIDUALS, AND IS NOT A PICKUP TRUCK, A SPORT UTILITY VEHICLE, A
21 VAN, OR A MINIVAN.

22 (11) "VULNERABLE ROAD USER" MEANS AN INDIVIDUAL WHO IS
23 UNPROTECTED BY AN OUTSIDE SHIELD WHEN USING A ROAD INCLUDING,
24 BUT NOT LIMITED TO, A PEDESTRIAN, A BICYCLIST, AND AN INDIVIDUAL
25 USING ANY OTHER NONMOTORIZED OR MOTORIZED PERSONAL
26 CONVEYANCE THAT DOES NOT ENCLOSE THE INDIVIDUAL.

27 (12) "WEIGHT", WITH RESPECT TO A MOTOR VEHICLE, MEANS

1 DECLARED EMPTY VEHICLE WEIGHT.

2 **43-4-1603. Vulnerable road users protection enterprise -**

3 **creation - board - powers and duties - rules - fees - fund. (1) (a) THE**

4 VULNERABLE ROAD USERS PROTECTION ENTERPRISE IS CREATED IN THE

5 DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A

6 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO

7 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS

8 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES AND

9 FUNCTIONS SET FORTH IN THIS SECTION.

10 (b) THE ENTERPRISE IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION

11 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND

12 FUNCTIONS UNDER THE DEPARTMENT.

13 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

14 FIVE MEMBERS AS FOLLOWS:

15 (I) AN EMPLOYEE OF A STATEWIDE OR REGIONAL MULTIMODAL
16 ADVOCACY ORGANIZATION APPOINTED BY THE PRESIDENT OF THE SENATE;

17 (II) A REPRESENTATIVE OF A COMMUNITY ORGANIZATION
18 INVOLVED IN ENVIRONMENTAL JUSTICE APPOINTED BY THE SPEAKER OF
19 THE HOUSE OF REPRESENTATIVES;

20 (III) TWO EMPLOYEES OF THE DEPARTMENT APPOINTED BY THE
21 EXECUTIVE DIRECTOR OF THE DEPARTMENT, ONE OF WHOM MUST BE AN
22 ENGINEER WHO IS WORKING ON THE DEPARTMENT'S STATEWIDE SAFETY
23 PLAN; AND

24 (IV) AN EMPLOYEE OF THE OFFICE OF HEALTH EQUITY IN THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WHO WORKS ON
26 ISSUES RELATING TO HEALTHY EQUITABLE LIVABLE COMMUNITIES
27 APPOINTED BY THE DIRECTOR OF THE PREVENTION SERVICES DIVISION OF

1 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

2 (b) MEMBERS OF THE BOARD SERVE AT THE PLEASURE OF THEIR
3 RESPECTIVE APPOINTING AUTHORITY.

4 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO PROVIDE
5 FUNDING FOR TRANSPORTATION SYSTEM INFRASTRUCTURE IMPROVEMENTS
6 OR OTHER DATA-DRIVEN IMPROVEMENTS THAT REDUCE THE NUMBER OF
7 COLLISIONS WITH MOTOR VEHICLES THAT RESULT IN DEATH OR SERIOUS
8 INJURY TO VULNERABLE ROAD USERS. TO ALLOW THE ENTERPRISE TO
9 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
10 THROUGH THE BOARD, THE ENTERPRISE MAY:

11 (a) IMPOSE VULNERABLE ROAD USER PROTECTION FEES ON THE
12 REGISTRATION OF MOTOR VEHICLES AS AUTHORIZED BY SUBSECTION (7)
13 OF THIS SECTION;

14 (b) ISSUE GRANTS AS AUTHORIZED BY SUBSECTION (8) OF THIS
15 SECTION; AND

16 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND
17 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

18 (4) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
19 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
20 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
21 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS FROM ALL
22 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
23 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (4), THE
24 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
25 CONSTITUTION.

26 (5) (a) THE VULNERABLE ROAD USER PROTECTION ENTERPRISE
27 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS

1 OF VULNERABLE ROAD USER PROTECTION FEE REVENUE CREDITED TO THE
2 FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY
3 GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE
4 ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND,
5 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE
6 OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
7 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
8 MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY
9 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS
10 PART 16 AND TO PAY THE ENTERPRISE'S REASONABLE AND NECESSARY
11 OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN
12 RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

13 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
14 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
15 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
16 REVENUE OR REVENUE BOND PROCEEDS, AND SUCH EXPENSES MAY
17 INCLUDE REIMBURSEMENT TO THE DEPARTMENT OF REVENUE FOR COSTS
18 INCURRED IN UPDATING COLORADO DRIVES, AS DEFINED IN SECTION
19 42-1-102 (16.5), AS NECESSARY TO COLLECT THE FEES IMPOSED BY THE
20 ENTERPRISE PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE
21 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,
22 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY
23 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE
24 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER
25 IS A LOAN FROM THE DEPARTMENT TO THE ENTERPRISE THAT IS REQUIRED
26 TO BE REPAYED AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF
27 ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION

1 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE ENTERPRISE
2 SHALL BE CREDITED TO THE FUND. LOAN LIABILITIES THAT ARE RECORDED
3 IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT
4 FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT
5 STATUTORY FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. AS THE
6 ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE
7 ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL
8 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A
9 RATE SET BY THE DEPARTMENT.

10 (6) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
11 THIS SECTION, THE BOARD HAS THE FOLLOWING GENERAL POWERS AND
12 DUTIES:

13 (a) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
14 THE CONDUCT OF ITS BUSINESS;

15 (b) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
16 PERSONAL PROPERTY;

17 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
19 SUPERVISE SUCH INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
20 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
21 BUSINESS PURPOSE;

22 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
23 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
24 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
25 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
26 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE.

27 THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A COMPETITIVE

1 BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
2 ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT
3 APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING SOLE-SOURCE
4 CONTRACTS.

5 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
6 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
7 OF THIS PART 16 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
8 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
9 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
10 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
11 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
12 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
13 MONEY TO THE FUND.

14 (f) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
15 ACCEPTS GRANT APPLICATIONS, THE CRITERIA FOR EVALUATING
16 APPLICATIONS, AND A LIST OF ELIGIBLE ENTITIES AWARDED GRANTS
17 PURSUANT TO SUBSECTION (8) OF THIS SECTION;

18 (g) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
19 THE AMOUNT OF THE VULNERABLE ROAD USER PROTECTION FEE AT OR
20 BELOW THE MAXIMUM AMOUNTS AUTHORIZED IN SUBSECTION (7) OF THIS
21 SECTION; AND

22 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
23 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
24 GRANTED BY THIS SECTION.

25 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
26 JANUARY 1, 2025, THE ENTERPRISE SHALL IMPOSE A VULNERABLE ROAD
27 USER PROTECTION FEE UPON THE REGISTRATION OF CERTAIN MOTOR

1 VEHICLES FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO
2 THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42.

3 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (7)(c) AND
4 (7)(d) OF THIS SECTION, FOR MOTOR VEHICLE REGISTRATION PERIODS
5 COMMENCING ON OR AFTER JANUARY 1, 2025, BUT BEFORE JULY 1, 2025,
6 THE ENTERPRISE SHALL IMPOSE A WEIGHT- AND CONFIGURATION-BASED
7 FEE ON PASSENGER CARS AND LIGHT TRUCKS REGISTERED IN THE TWELVE
8 MOST POPULOUS COUNTIES IN THE STATE ONLY IN THE FOLLOWING
9 MAXIMUM AMOUNTS:

10 (I) FOR A MOTOR VEHICLE THAT IS A PASSENGER CAR:

11 (A) ZERO DOLLARS IF THE MOTOR VEHICLE WEIGHT IS LESS THAN
12 THREE THOUSAND FIVE HUNDRED POUNDS;

13 (B) THREE DOLLARS IF THE MOTOR VEHICLE WEIGHT IS AT LEAST
14 THREE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN FOUR
15 THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

16 (C) FOUR DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
17 WEIGHT IS AT LEAST FOUR THOUSAND FIVE HUNDRED POUNDS BUT NO
18 MORE THAN FIVE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

19 (D) SIX DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
20 WEIGHT IS AT LEAST FIVE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
21 THAN SIX THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

22 (E) NINE DOLLARS AND THIRTY CENTS IF THE MOTOR VEHICLE
23 WEIGHT IS AT LEAST SIX THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
24 THAN SEVEN THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

25 (F) THIRTEEN DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE
26 WEIGHT IS AT LEAST SEVEN THOUSAND FIVE HUNDRED POUNDS BUT NO
27 MORE THAN EIGHT THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

1 (G) NINETEEN DOLLARS AND NINETY CENTS IF THE MOTOR
2 VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS
3 BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE
4 POUNDS; AND

5 (H) TWENTY-NINE DOLLARS AND TEN CENTS IF THE MOTOR
6 VEHICLE WEIGHT IS NINE THOUSAND FIVE HUNDRED POUNDS OR MORE;

7 (II) FOR A MOTOR VEHICLE THAT IS A LIGHT TRUCK:

8 (A) ZERO DOLLARS IF THE MOTOR VEHICLE WEIGHT IS LESS THAN
9 THREE THOUSAND FIVE HUNDRED POUNDS;

10 (B) FOUR DOLLARS AND FIFTY CENTS IF THE MOTOR VEHICLE
11 WEIGHT IS AT LEAST THREE THOUSAND FIVE HUNDRED POUNDS BUT NO
12 MORE THAN FOUR THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

13 (C) SIX DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE WEIGHT
14 IS AT LEAST FOUR THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN
15 FIVE THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

16 (D) NINE DOLLARS AND SIXTY CENTS IF THE MOTOR VEHICLE
17 WEIGHT IS AT LEAST FIVE THOUSAND FIVE HUNDRED POUNDS BUT NO MORE
18 THAN SIX THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

19 (E) FOURTEEN DOLLARS IF THE MOTOR VEHICLE WEIGHT IS AT
20 LEAST SIX THOUSAND FIVE HUNDRED POUNDS BUT NO MORE THAN SEVEN
21 THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

22 (F) TWENTY DOLLARS AND FORTY CENTS IF THE MOTOR VEHICLE
23 WEIGHT IS AT LEAST SEVEN THOUSAND FIVE HUNDRED POUNDS BUT NO
24 MORE THAN EIGHT THOUSAND FOUR HUNDRED NINETY-NINE POUNDS;

25 (G) TWENTY-NINE DOLLARS AND NINETY CENTS IF THE MOTOR
26 VEHICLE WEIGHT IS AT LEAST EIGHT THOUSAND FIVE HUNDRED POUNDS
27 BUT NO MORE THAN NINE THOUSAND FOUR HUNDRED NINETY-NINE

1 POUNDS; AND

2 (H) FORTY-THREE DOLLARS AND SIXTY CENTS IF THE MOTOR
3 VEHICLE WEIGHT IS NINE THOUSAND FIVE HUNDRED POUNDS OR MORE.

4 (c) FOR MOTOR VEHICLE REGISTRATION PERIODS COMMENCING
5 DURING THE STATE FISCAL YEAR COMMENCING JULY 1, 2025, OR DURING
6 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
7 VULNERABLE ROAD USER PROTECTION FEE IN A MAXIMUM AMOUNT THAT
8 IS THE APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
9 ADJUSTED FOR INFLATION AND ROUNDED TO THE NEAREST
10 ONE-HUNDREDTH OF A DOLLAR. THE ENTERPRISE SHALL NOTIFY THE
11 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE VULNERABLE ROAD
12 USER PROTECTION FEE TO BE COLLECTED FOR MOTOR VEHICLES
13 REGISTERED FOR REGISTRATION PERIODS COMMENCING DURING EACH
14 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
15 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
16 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
17 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

18 (d) NOTWITHSTANDING THE MAXIMUM FEE AMOUNTS SPECIFIED IN
19 SUBSECTIONS (7)(b) AND (7)(c) OF THIS SECTION, IF IMPOSING THE
20 VULNERABLE ROAD USER FEE IN THOSE MAXIMUM AMOUNTS WOULD
21 CAUSE THE ENTERPRISE TO RECEIVE MORE THAN ONE HUNDRED MILLION
22 DOLLARS IN TOTAL REVENUES FROM THE FEE IN ITS FIRST FIVE FISCAL
23 YEARS, THE ENTERPRISE SHALL IMPOSE THE FEE IN LOWER AMOUNTS TO
24 THE EXTENT NECESSARY TO ENSURE THAT THE ENTERPRISE DOES NOT
25 RECEIVE MORE THAN ONE HUNDRED MILLION DOLLARS IN TOTAL REVENUE
26 FROM THE FEE IN ITS FIRST FIVE FISCAL YEARS.

27 (e) THE DEPARTMENT OF REVENUE AND ITS AUTHORIZED AGENTS

1 SHALL TRANSMIT ALL NET VULNERABLE ROAD USER PROTECTION FEE
2 REVENUE COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
3 REVENUE TO THE FUND.

4 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, ON AND AFTER
5 JULY 1, 2025, THE ENTERPRISE IS AUTHORIZED TO PROVIDE GRANTS TO
6 ELIGIBLE ENTITIES FOR ELIGIBLE PROJECTS. IN ADDITION, THE ENTERPRISE
7 SHALL SPEND MONEY FROM THE FUND TO PAY THE COMPENSATION FOR
8 ONE FULL-TIME EQUIVALENT EMPLOYEE TO PROVIDE EDUCATION TO LOCAL
9 AND REGIONAL PUBLICLY EMPLOYED ENGINEERS ON NEW ENGINEERING
10 STANDARDS FOR SAFETY AND TO PROVIDE SAFETY RELATED SIGNAGE.

11 (b) IN AWARDING GRANTS, THE ENTERPRISE SHALL TAKE INTO
12 CONSIDERATION THE SOURCES OF ITS FEE REVENUE AND SEEK, OVER TIME,
13 TO AWARD GRANTS TO EACH COUNTY IN AMOUNTS THAT ARE REASONABLY
14 PROPORTIONAL TO THE AMOUNT OF FEE REVENUE COLLECTED FROM EACH
15 COUNTY. GRANTS MUST ALSO BE ISSUED IN ACCORDANCE WITH THE
16 FOLLOWING PARAMETERS:

17 (I) THE AMOUNT OF A GRANT MUST BE AT LEAST TWO HUNDRED
18 FIFTY THOUSAND DOLLARS, AND NO MORE THAN TWO MILLION FIVE
19 HUNDRED THOUSAND DOLLARS;

20 (II) THE ENTERPRISE SHALL NOT REQUIRE THE RECIPIENT OF A
21 GRANT THAT IS LESS THAN ONE MILLION DOLLARS TO PROVIDE MATCHING
22 MONEY FOR THE GRANT;

23 (III) THE ENTERPRISE SHALL REQUIRE THE RECIPIENT OF A GRANT
24 TO PROVIDE MATCHING MONEY IN AN AMOUNT EQUAL TO TWENTY
25 PERCENT OF THE GRANT AMOUNT FOR A GRANT THAT IS AT LEAST ONE
26 MILLION DOLLARS BUT NOT MORE THAN TWO MILLION FIVE HUNDRED
27 THOUSAND DOLLARS; AND

1 (IV) GRANTS MAY BE USED AS MATCHING MONEY FOR FEDERAL
2 FUNDS OR IN COMBINATION WITH OTHER STATE SOURCES OF
3 TRANSPORTATION INFRASTRUCTURE FUNDING IN ACCORDANCE WITH ANY
4 APPLICABLE REQUIREMENTS FOR THE USE OF SUCH FEDERAL FUNDS OR
5 OTHER STATE SOURCES OF FUNDING.

6 (9) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
7 ENTERPRISE SHALL:

8 (I) NO LATER THAN JUNE 1, 2025, PUBLISH AND POST ON ITS
9 WEBSITE A FIVE-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
10 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2025-26
11 THROUGH 2029-30 AND ESTIMATES THE AMOUNT OF FUNDING THAT WILL
12 BE AVAILABLE TO IMPLEMENT THE PLAN;

13 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
14 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
15 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
16 IMPLEMENTATION OF ITS FIVE-YEAR PLAN, THE FUNDING STATUS AND
17 PROGRESS TOWARD COMPLETION OF EACH ELIGIBLE PROJECT THAT IT
18 WHOLLY OR PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING
19 AND EXPENDITURES; AND

20 (III) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
21 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
22 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
23 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT AND ENERGY AND
24 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
25 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
26 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
27 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN

1 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
2 REQUIRED IN THIS SUBSECTION (9)(a)(IV) TO THE SPECIFIED LEGISLATIVE
3 COMMITTEES CONTINUES INDEFINITELY.

4 (b) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
5 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
6 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
7 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

8 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
9 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
10 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
11 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
12 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
13 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
14 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
15 LOCAL GOVERNMENTS COMBINED.

16 (d) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART 2
17 OF ARTICLE 57 OF TITLE 11.

18 **SECTION 2. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Attachment B

Bill B

LLS NO. 24-0248.01 Josh Schultz x5486

HOUSE BILL

HOUSE SPONSORSHIP

Froelich and Pugliese, Lindstedt, Taggart

SENATE SPONSORSHIP

Winter F. and Priola, Cutter, Exum, Jaquez Lewis

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMPROVING CHILD PASSENGER SAFETY.**

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. The bill creates the child passenger safety education and distribution grant program (grant program) within the department of transportation (department). The department is required to promulgate rules specifying the time frames for applying for grants, the form of the grant program application, the criteria for determining who is eligible for the grant program, the criteria the department shall consider in awarding grants, and the deadlines for distributing grant money.

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

Grant recipients shall use the money received through the grant program for the following purposes:

- To provide funding for the certification or recertification of child passenger safety technicians;
- To educate families on the child passenger safety laws; or
- To create child restraint system distribution programs for families of children who do not have a legally compliant child restraint system.

The bill creates the child passenger safety education and distribution grant program fund (fund) to pay for the grant program. The fund consists of general fund money and any other gifts, grants, or donations that the department receives. The department may use money from the fund to pay the direct and indirect costs that the department incurs to administer the grant program.

The bill changes the child restraint system requirements in existing law as follows:

- Increases the age at which children are required to use a child restraint system from under 8 years of age to under 9 years of age and adds that a child under 57 inches in height, regardless of age, must use a child restraint system;
- Increases the age, from under one year of age to under 2 years of age, and the weight, from under 20 pounds to under 40 pounds, of children who must be restrained in a rear-facing child restraint system in a rear seat of the vehicle;
- Increases the age, from one year of age or older to 2 years of age or older, of children who must be restrained in a rear-facing or forward-facing child restraint system in a rear seat of the vehicle, if a rear seat is available;
- Adds a requirement that children who are at least 4 years of age but under 9 years of age and who weigh at least 40 pounds utilize a booster seat, which must be situated in a rear seat of the vehicle, if a rear seat is available; and
- Adds a requirement that children who are at least 9 years of age but under 13 years of age sit in the rear seat of a vehicle, if a rear seat is available, and be properly secured with a safety belt.

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

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

4 (a) Cars remain a leading cause of death for children in Colorado;

1 from 2015 to 2019, 48 children under age eight were killed in passenger
2 vehicle crashes. The Colorado department of transportation estimates that
3 59% to nearly 84% of children are improperly restrained while riding in
4 a vehicle.

5 (b) According to data from the federal centers for disease control
6 and prevention, American Indian and Alaska Native children and Black
7 children are more likely to be killed in a crash than white children.
8 Children in rural areas are also typically at higher risk, as studies indicate
9 that children in rural areas are more likely to be incorrectly restrained than
10 children in urban areas.

11 (c) In 2018, the American Academy of Pediatrics updated its child
12 passenger safety best practice recommendations to optimize safety in
13 passenger vehicles for children from birth through adolescence.
14 Colorado's child passenger safety laws related to car seats, booster seats,
15 and seat belt requirements have not been updated in over a decade and
16 have fallen behind in ensuring children in Colorado are as safe as possible
17 if or when a motor vehicle crash occurs.

18 (d) It is critical for families to have timely access to replacement
19 car seats following an accident and when children have medically
20 complex needs requiring specialized adaptive car seats; and

21 (e) Twenty-three states, the District of Columbia, and the United
22 States Virgin Islands require children younger than two be in a
23 rear-facing child safety seat. Research shows that children aged 0-4 years
24 are less likely to be injured in a motor vehicle crash if they are restrained
25 in a rear-facing car seat, as opposed to a forward-facing car seat.

26 (2) Therefore, the general assembly further declares that it is in
27 the best interest of the state of Colorado to modernize child passenger

1 safety laws and provide education and child restraint system distribution
2 programs to parents and caregivers to ensure children in Colorado are as
3 safe as possible when traveling in a motor vehicle.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
5 5 of title 43 as follows:

6 **PART 6**
7 **CHILD PASSENGER SAFETY EDUCATION AND**
8 **DISTRIBUTION GRANT PROGRAM**

9 **43-5-601. Short title.** THE SHORT TITLE OF THIS PART 6 IS THE
10 "CHILD PASSENGER SAFETY EDUCATION AND DISTRIBUTION GRANT
11 PROGRAM ACT".

12 **43-5-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "CHILD RESTRAINT SYSTEM" MEANS A SPECIALLY DESIGNED
15 SEATING SYSTEM THAT:

16 (a) IS DESIGNED TO PROTECT, HOLD, OR RESTRAIN A CHILD IN A
17 MOTOR VEHICLE IN SUCH A WAY AS TO PREVENT OR MINIMIZE INJURY TO
18 THE CHILD IN THE EVENT OF A MOTOR VEHICLE ACCIDENT;

19 (b) IS EITHER PERMANENTLY AFFIXED TO A MOTOR VEHICLE OR IS
20 AFFIXED TO SUCH VEHICLE BY A SAFETY BELT OR A UNIVERSAL
21 ATTACHMENT SYSTEM; AND

22 (c) MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET
23 FORTH IN 49 CFR 571.213, AS AMENDED.

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
25 CREATED IN SECTION 43-1-103.

26 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
27 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

1 (4) "FUND" MEANS THE CHILD PASSENGER SAFETY EDUCATION AND
2 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 43-5-605.

3 (5) "GRANT PROGRAM" MEANS THE CHILD PASSENGER SAFETY
4 EDUCATION AND DISTRIBUTION GRANT PROGRAM CREATED IN SECTION
5 43-5-603.

6 **43-5-603. Child passenger safety education and distribution**
7 **grant program - created - rules.** (1) FOR PURPOSES OF KEEPING
8 CHILDREN AS SAFE AS POSSIBLE WHEN TRAVELING IN A MOTOR VEHICLE
9 AND MINIMIZING THE RISK OF SERIOUS INJURY OR DEATH TO CHILDREN
10 WHEN INVOLVED IN A MOTOR VEHICLE ACCIDENT, THERE IS HEREBY
11 CREATED WITHIN THE DEPARTMENT THE CHILD PASSENGER SAFETY
12 EDUCATION AND DISTRIBUTION GRANT PROGRAM TO PROVIDE GRANTS TO
13 FUND TRAINING FOR CERTIFIED CHILD PASSENGER SAFETY TECHNICIANS;
14 ENHANCE PARENT AND CAREGIVER AWARENESS AND EDUCATION ON
15 PROPER CHILD RESTRAINT SYSTEM USAGE; AND PROVIDE EQUITABLE
16 ACCESS TO CHILD RESTRAINT SYSTEMS, SUCH AS CAR SEATS, TO PARENTS
17 AND CAREGIVERS WHO DO NOT HAVE A LEGALLY COMPLIANT CHILD
18 RESTRAINT SYSTEM.

19 (2) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH
20 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

21 (a) TO PROVIDE FUNDING FOR NATIONAL CERTIFICATION OR
22 RECERTIFICATION OF CHILD PASSENGER SAFETY TECHNICIANS THROUGH
23 THE NATIONAL CHILD PASSENGER SAFETY CERTIFICATION TRAINING
24 PROGRAM;

25 (b) TO EDUCATE FAMILIES ON THE COLORADO CHILD PASSENGER
26 RESTRAINT LAWS AND PERSONALIZED CHILD RESTRAINT SYSTEM SAFETY
27 INSTALLATION INSTRUCTIONS TO PROTECT INFANTS AND CHILDREN; OR

1 (c) TO CREATE CHILD RESTRAINT SYSTEM DISTRIBUTION
2 PROGRAMS FOR FAMILIES OF CHILDREN WHO DO NOT HAVE A LEGALLY
3 COMPLIANT CHILD RESTRAINT SYSTEM.

4 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
5 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
6 PROVIDED IN THIS PART 6. GRANTS MUST BE PAID OUT OF THE FUND.

7 (4) (a) THE EXECUTIVE DIRECTOR SHALL IMPLEMENT THE GRANT
8 PROGRAM IN ACCORDANCE WITH THIS PART 6. PURSUANT TO ARTICLE 4 OF
9 TITLE 24, BY JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL
10 PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SUBSECTION (4) AND
11 SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE
12 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME
13 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
14 APPLICATION, THE CRITERIA FOR DETERMINING ELIGIBILITY FOR THE
15 GRANT PROGRAM, THE CRITERIA THE DEPARTMENT SHALL CONSIDER IN
16 AWARDING GRANTS, INFORMATION GRANT RECIPIENTS MUST INCLUDE IN
17 REPORTS PURSUANT TO SECTION 43-5-604, AND THE DEADLINES FOR
18 DISTRIBUTING GRANT MONEY.

19 (b) THE DEPARTMENT SHALL WORK IN COLLABORATION WITH THE
20 COLORADO STATE PATROL AND THE COLORADO DEPARTMENT OF PUBLIC
21 HEALTH AND ENVIRONMENT IN DEVELOPING RULES FOR THE GRANT
22 PROGRAM AND IN IMPLEMENTING, MANAGING, AND REPORTING ON THE
23 GRANT PROGRAM.

24 (5) TO RECEIVE A GRANT, AN ELIGIBLE RECIPIENT MUST SUBMIT AN
25 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES
26 DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

27 (6) IN AWARDING GRANTS, THE DEPARTMENT SHALL PRIORITIZE

1 DIVERSE COMMUNITIES, INCLUDING THOSE IN LOW-INCOME AND RURAL
2 AREAS OF THE STATE, TO PROMOTE EQUITABLE ACCESS TO CHILD
3 RESTRAINT SYSTEMS.

4 **43-5-604. Reporting requirements.** (1) ON OR BEFORE MARCH
5 1, 2026, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, EACH
6 PERSON THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL
7 SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT
8 MUST INCLUDE THE FOLLOWING INFORMATION:

9 (a) FOR ANY GRANT RECIPIENT USING FUNDS FOR CHILD RESTRAINT
10 SYSTEM DISTRIBUTION, DE-IDENTIFIED AND AGGREGATED DATA ON THE
11 DEMOGRAPHICS OF FAMILIES WHO RECEIVE CHILD RESTRAINT SYSTEMS
12 THROUGH THE GRANT PROGRAM, INCLUDING THE FAMILIES' LOCATION AND
13 INCOME; AND

14 (b) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE BY
15 RULE.

16 (2) ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE
17 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
18 PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON
19 THE GRANT PROGRAM TO THE HOUSE OF REPRESENTATIVES
20 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND
21 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
22 SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL PRESENT THE
23 SUMMARIZED REPORT ON THE GRANT PROGRAM DURING THE ANNUAL
24 HEARINGS HELD PURSUANT TO THE "SMART ACT", PART 2 OF ARTICLE 7
25 OF TITLE 2. AT A MINIMUM, THE REPORT MUST INCLUDE:

26 (a) INFORMATION ON THE GRANT RECIPIENTS;

27 (b) INFORMATION ON HOW RECIPIENTS USED THE GRANT MONEY,

1 INCLUDING THE NUMBER OF CERTIFIED CHILD PASSENGER SAFETY
2 TECHNICIANS TRAINED, THE TYPE AND NUMBER OF EDUCATIONAL
3 OPPORTUNITIES PROVIDED TO FAMILIES, AND THE NUMBER OF CHILD
4 RESTRAINT SYSTEMS DISTRIBUTED; AND

5 (c) ANY OTHER MEASURABLE OUTCOMES THAT THE DEPARTMENT
6 DEEMS APPROPRIATE.

7 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
8 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
9 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 43-5-606.

10 **43-5-605. The child passenger safety education and**
11 **distribution grant program fund - created.** (1) (a) THERE IS CREATED
12 IN THE STATE TREASURY THE CHILD PASSENGER SAFETY EDUCATION AND
13 DISTRIBUTION GRANT PROGRAM FUND. THE FUND CONSISTS OF ANY MONEY
14 APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL
15 ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS TO THE FUND FROM
16 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 6.

17 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
18 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
19 PURPOSES OF THIS PART 6. ALL PRIVATE AND PUBLIC MONEY RECEIVED
20 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE
21 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

22 (2) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
23 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES
24 SPECIFIED IN THIS PART 6. THE DEPARTMENT MAY USE A PORTION OF THE
25 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE
26 DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO
27 ADMINISTER THE GRANT PROGRAM.

1 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
2 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAINS IN THE FUND AND
3 SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

4 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
5 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 30, 2030, TO THE
6 GENERAL FUND.

7 **43-5-606. Repeal of part.** THIS PART 6 IS REPEALED, EFFECTIVE
8 SEPTEMBER 1, 2030.

9 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**
10 (5)(eee) as follows:

11 **24-75-402. Cash funds - limit on uncommitted reserves -**
12 **reduction in the amount of fees - exclusions - definitions.**

13 (5) Notwithstanding any provision of this section to the contrary, the
14 following cash funds are excluded from the limitations specified in this
15 section:

16 (eee) THE CHILD PASSENGER SAFETY EDUCATION AND
17 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 43-5-605.

18 **SECTION 4.** In Colorado Revised Statutes, 42-4-236, **amend**
19 (2)(a), (2)(b), and (3)(b) as follows:

20 **42-4-236. Child restraint systems required - definitions -**
21 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of
22 this section and except as otherwise provided in ~~subparagraphs (H) and~~
23 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), (2)(a)(IV),
24 AND (2)(a)(V) OF THIS SECTION, every child who is under ~~eight~~ NINE years
25 of age OR UNDER FIFTY-SEVEN INCHES IN HEIGHT and who is being
26 transported in this state in a motor vehicle or in a vehicle operated by a
27 child care center shall be properly restrained in a child restraint system

1 according to the manufacturer's instructions.

2 (II) If the child is ~~less than one year~~ UNDER TWO YEARS of age,
3 ~~and weighs less than twenty~~ UNDER FORTY pounds, AND IS UNDER FORTY
4 INCHES IN HEIGHT, the child shall be properly restrained in a rear-facing
5 child restraint system in a rear seat of the vehicle.

6 (III) If the child is ~~one year~~ TWO YEARS of age or older but less
7 than four years of age and weighs AT LEAST TWENTY POUNDS BUT less
8 than forty pounds, ~~but at least twenty pounds~~, the child shall be properly
9 restrained:

10 (A) In a rear-facing or forward-facing child restraint system; AND

11 (B) IN A REAR SEAT OF THE VEHICLE, IF A REAR SEAT IS AVAILABLE.

12 (IV) A CHILD WHO IS FOUR YEARS OF AGE OR OLDER BUT UNDER
13 NINE YEARS OF AGE AND WHO IS AT LEAST FORTY POUNDS SHALL BE
14 PROPERLY RESTRAINED:

15 (A) IN A BOOSTER SEAT; AND

16 (B) IN A REAR SEAT OF THE VEHICLE, IF A REAR SEAT IS AVAILABLE.

17 (V) A CHILD WHO IS NINE YEARS OF AGE OR OLDER BUT UNDER
18 THIRTEEN YEARS OF AGE SHALL BE:

19 (A) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS
20 AVAILABLE; AND

21 (B) PROPERLY SECURED WITH A SAFETY BELT.

22 (b) Unless excepted pursuant to subsection (3) of this section,
23 every child who is at least ~~eight~~ NINE years of age but less than sixteen
24 years of age who is being transported in this state in a motor vehicle or in
25 a vehicle operated by a child care center shall be properly restrained in a
26 safety belt or child restraint system according to the manufacturer's
27 instructions.

1 (3) Except as provided in section 42-2-105.5 (4), subsection (2)
2 of this section does not apply to a child who:

3 (b) Is less than ~~eight~~ NINE years of age and is being transported in
4 a motor vehicle as a result of a medical or other life-threatening
5 emergency and a child restraint system is not available;

6 **SECTION 5. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Attachment C

Bill C

LLS NO. 24-0247.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

Mabrey and Dickson, Boesenecker, Froelich, Lindsay, Mauro, Parenti, Vigil

SENATE SPONSORSHIP

Cutter and Exum, Jaquez Lewis, Priola, Winter F.

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RAILROAD SAFETY, AND, IN CONNECTION THEREWITH,**
102 **LIMITING THE MAXIMUM LENGTH OF A TRAIN OPERATING IN THE**
103 **STATE, REQUIRING CERTAIN RAILROADS TO USE WAYSIDE**
104 **DETECTOR SYSTEMS, LIMITING THE AMOUNT OF TIME A TRAIN**
105 **MAY OBSTRUCT PUBLIC TRAVEL AT CERTAIN CROSSINGS,**
106 **AUTHORIZING A CREW MEMBER'S DESIGNATED UNION**
107 **REPRESENTATIVE TO INVESTIGATE CERTAIN REPORTED**
108 **INCIDENTS, AUTHORIZING THE PUBLIC UTILITIES COMMISSION**
109 **TO IMPOSE FINES FOR CERTAIN VIOLATIONS, REQUIRING FINE**
110 **REVENUE TO BE PAID TO THE FRONT RANGE PASSENGER RAIL**
111 **DISTRICT FOR THE PURPOSES OF MAINTAINING AND IMPROVING**
112 **THE SAFETY OF A FRONT RANGE PASSENGER RAIL SYSTEM, AND**
113 **REQUIRING CERTAIN RAILROADS TO CARRY INSURANCE**

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing 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. The bill imposes safety requirements on railroads operating trains in the state. The bill specifies that:

- The length of a train must not exceed 8,500 feet;
- With certain exceptions, railroads must operate, maintain, and report the location of wayside detector systems. A wayside detector is an electronic device or a series of devices that monitors passing trains for defects.
- A train may not obstruct a public crossing for longer than 10 minutes unless the train is continuously moving or is prevented from moving by circumstances beyond the railroad's control;
- Any crew member of a train may report to the crew member's designated union representative a safety violation, injury, or death that occurred during the operation of a train. After receiving a report of a violation, a designated union representative may enter a railroad's place of operation to investigate the report during reasonable hours and after notifying the railroad.
- The public utilities commission (PUC) may impose fines for the violation of these safety requirements or for denying a union representative's access to the railroad's place of operation. The bill requires the PUC to develop guidelines for determining, imposing, and appealing fines.

The bill also creates the front range passenger rail district maintenance and safety fund (fund), which consists of money collected as fines imposed by the PUC. The fund is continuously appropriated to the state treasurer for the purpose of issuing warrants from the fund to the front range passenger rail district for safety planning and development during the research, development, and construction of a passenger rail system; maintaining a passenger rail system; and completing capital development projects to improve the safety of a passenger rail system.

The bill requires that on or before July 1, 2025, and at least once every 3 years thereafter, each railroad offer training to each fire department having jurisdiction along tracks upon which the railroad

1 RESIDENTS FROM DERAILMENTS AND OTHER ACCIDENTS;

2 (e) RAILROAD TRACKS FREQUENTLY BISECT COMMUNITIES WITH
3 POPULATIONS OF BLACK PEOPLE, INDIGENOUS PEOPLE, AND OTHER PEOPLE
4 OF COLOR AND LOW-INCOME COMMUNITIES ACROSS COLORADO, MEANING
5 THAT ANY DERAILMENT WILL LIKELY DISPROPORTIONATELY IMPACT THOSE
6 COMMUNITIES, WHICH NECESSITATES THAT COLORADO TAKE EXTRA
7 PRECAUTIONS TO PREVENT DERAILMENTS;

8 (f) THE FREQUENCY OF TRAIN ACCIDENTS INVOLVING HAZARDOUS
9 MATERIALS HAS INCREASED IN THE LAST TWENTY YEARS. BEGINNING IN
10 1990, RAILROADS STARTED LOBBYING FOR LESS REGULATION OF THE
11 TRANSPORTATION OF HAZARDOUS MATERIALS, AND A REDUCTION IN
12 REGULATION RESULTED IN A GREATER NUMBER OF DERAILMENTS. WHEN
13 RAILROADS IMPLEMENTED PRECISION SCHEDULING TO INCREASE PROFITS
14 BEGINNING IN 2010, THE NUMBER OF DERAILMENTS INVOLVING
15 HAZARDOUS MATERIALS INCREASED SIGNIFICANTLY.

16 (g) THE SAFE AND EFFICIENT OPERATION OF RAILROADS REQUIRES
17 SEVERAL FACTORS, INCLUDING REGULARLY MAINTAINING RAILROAD
18 TRACKS AND ROLLING STOCK, APPROPRIATELY USING TECHNOLOGY TO
19 DETECT AND ADDRESS MECHANICAL AND OTHER ISSUES, EMPLOYING
20 EXPERIENCED AND WELL-PAID WORKERS WITH CRITICAL SKILL SETS TO
21 RECOGNIZE AND AVOID ACCIDENTS, AND LIMITING THE NUMBER OF CARS
22 THAT TRAINS CARRY TO ENSURE THAT TRAINS HAVE REASONABLE
23 LENGTHS.

24 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
25 DECLARES THAT:

26 (a) LIMITING TRAIN LENGTH HELPS AVOID EXCESSIVE STRESS ON
27 TRAIN EQUIPMENT AND RAILROAD TRACKS, ALLOWS FOR SHORTER TRAIN

1 BRAKING DISTANCES, REDUCES THE NUMBER OF PER-TRAIN CRITICAL
2 POINTS OF FAILURE THAT MAY EXIST, AND REDUCES THE POTENTIAL FOR
3 OTHER ERRORS;

4 (b) SHORTER TRAINS THAT ARE WELL MAINTAINED ARE LESS
5 SUSCEPTIBLE TO DERAILMENTS, REDUCING THE RISK OF SEVERE ACCIDENTS
6 INVOLVING HAZARDOUS MATERIALS OR SPILLS AND OTHER INCIDENTS
7 THAT COULD POSE A THREAT TO PUBLIC SAFETY, FRAGILE ECOSYSTEMS,
8 AND OTHER INFRASTRUCTURE;

9 (c) WHILE TRAIN LENGTHS MAY VARY DEPENDING ON SEVERAL
10 FACTORS, INCLUDING THE TYPE OF CARGO BEING TRANSPORTED, THE
11 OPERATING ENVIRONMENT, THE LENGTH OF SIDING OR PASSING TRACK
12 ALONG A MAIN LINE, AND THE CONDITION OF A RAILROAD TRACK, NEITHER
13 CONGRESS, NOR THE FEDERAL RAILROAD ADMINISTRATION, NOR THE
14 ASSOCIATION OF AMERICAN RAILROADS HAS TAKEN ACTION OR SPECIFIED
15 A MAXIMUM ACCEPTABLE TRAIN LENGTH; AND

16 (d) ABSENT ANY FEDERAL BODY OR OTHER AGENCY PROVIDING
17 RESTRICTIONS OR GUIDANCE TO RAILROADS REGARDING A REASONABLE
18 AND APPROPRIATE TRAIN LENGTH STANDARD, ESPECIALLY CONSIDERING
19 COLORADO'S HIGHLY COMPLEX ENVIRONMENTAL CHALLENGES AND
20 POTENTIAL FOR CATASTROPHIC ACCIDENTS, THE GENERAL ASSEMBLY
21 FINDS THAT IT MUST TAKE ACTION TO SET A REASONABLE TRAIN LENGTH
22 STANDARD.

23 (3) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
24 DECLARES THAT:

25 (a) RAILROADS UTILIZE NUMEROUS FORMS OF AVAILABLE
26 TECHNOLOGY TO DETECT AND PREVENT VARIOUS EQUIPMENT FAILURES,
27 INCLUDING INSTALLING WAYSIDE DETECTOR SYSTEMS ADJACENT TO A

1 MAIN LINE;

2 (b) TWO OF THE MOST COMMON WAYSIDE DETECTOR
3 TECHNOLOGIES THAT RAILROADS CURRENTLY USE ARE HOT BEARING
4 DETECTORS THAT USE INFRARED SENSORS TO MEASURE THE
5 TEMPERATURES OF BEARINGS ON PASSING TRAINS AND DRAGGING
6 EQUIPMENT DETECTORS THAT DETECT OBJECTS DRAGGING ALONG A
7 TRACK;

8 (c) USING HOT BEARING DETECTORS AND DRAGGING EQUIPMENT
9 DETECTORS AT REGULAR INTERVALS ALONG A RAILROAD TRACK CAN
10 REDUCE THE RISK OF DERAILMENTS, ACCIDENTS, AND OTHER INCIDENTS
11 AND PROMOTE THE SAFE AND EFFICIENT MOVEMENT OF GOODS ACROSS
12 THE STATE;

13 (d) THESE WAYSIDE DETECTOR SYSTEMS ARE HIGHLY EFFECTIVE,
14 PREVENTIVE TOOLS THAT CAN ALERT RAILROAD CREWS TO PROBLEMS SO
15 THEY CAN TAKE IMMEDIATE ACTION TO PREVENT ACCIDENTS OR
16 DERAILMENTS;

17 (e) THE FEDERAL RAILROAD ADMINISTRATION RECOMMENDS BUT
18 DOES NOT REQUIRE THE PLACEMENT OF HOT BEARING DETECTORS AT
19 INTERVALS OF FORTY MILES, WHILE RAILROAD EXPERTS NATIONWIDE HAVE
20 CALLED FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF HOT
21 BEARING DETECTORS;

22 (f) THE FEDERAL RAILROAD ADMINISTRATION ALSO RECOMMENDS
23 BUT DOES NOT REQUIRE THE INSTALLATION OF DRAGGING EQUIPMENT
24 DETECTORS AT INTERVALS OF NO MORE THAN TWENTY-FIVE MILES ON
25 RAILROAD TRACKS ON WHICH TRAINS OPERATE AT SPEEDS OF SIXTY MILES
26 PER HOUR OR MORE, WHILE RAILROAD EXPERTS NATIONWIDE HAVE CALLED
27 FOR SIGNIFICANTLY GREATER QUANTITY AND DENSITY OF DRAGGING

1 EQUIPMENT DETECTORS;

2 (g) THE FEDERAL RAILROAD ADMINISTRATION'S RECOMMENDED
3 SPACING DISTANCES DO NOT CONSIDER THE UNIQUE AND CHALLENGING
4 DYNAMICS OF OPERATING RAILROADS SAFELY IN COLORADO, DO NOT
5 ADEQUATELY PREVENT ACCIDENTS AND DERAILMENTS, AND DO NOT
6 PROACTIVELY PROTECT COLORADO'S RESIDENTS, COMMUNITIES, AND
7 ENVIRONMENT FROM HARM;

8 (h) RAILROADS ARE NOT CURRENTLY REQUIRED TO DISCLOSE
9 WHERE WAYSIDE DETECTORS ARE INSTALLED OR WHETHER THE
10 DETECTORS ARE OPERATIONAL, NOR ARE THEY REQUIRED TO CONSIDER
11 VARIABLE TRACK CONDITIONS IN THE PLACEMENT OF DETECTORS.
12 WITHOUT THIS INFORMATION, THE GENERAL ASSEMBLY, THE PUBLIC
13 UTILITIES COMMISSION, AND THE PUBLIC ARE FORCED TO RELY ONLY ON
14 THE ASSERTIONS OF RAILROADS THAT THEY ARE ADEQUATELY
15 MONITORING TRACKS AND TRAINS FOR PROBLEMS.

16 (i) RECENT DERAILMENTS AND ACCIDENTS ACROSS THE COUNTRY
17 HAVE HIGHLIGHTED THAT RAILROADS ARE NOT ADEQUATELY MONITORING
18 FOR PROBLEMS OR TAKING PREVENTIVE ACTION, THAT SEVERE INJURY TO
19 INDIVIDUALS AND SEVERE DAMAGE TO THE ENVIRONMENT AND
20 INFRASTRUCTURE ARE PREVENTABLE AND UNNECESSARY, AND THAT THE
21 GENERAL ASSEMBLY MUST TAKE ACTION;

22 (j) TRANSPARENCY AND ACCOUNTABILITY IN RAILROAD
23 OPERATIONS ARE CRITICAL TO ENSURE THE SAFETY OF COLORADO'S
24 RESIDENTS, PROTECT INFRASTRUCTURE AND THE ENVIRONMENT, AND
25 PROMOTE LONG-TERM SUSTAINABILITY OF THE STATE'S ECONOMY, AND IT
26 IS NECESSARY TO REQUIRE RAILROAD COMPANIES TO ANNUALLY REPORT
27 THE LOCATIONS OF INSTALLED WAYSIDE DETECTOR SYSTEMS AND TRAIN

1 LENGTH TO THE PUBLIC UTILITIES COMMISSION; AND

2 (k) ABSENT A COLORADO-SPECIFIC RECOMMENDATION FROM THE
3 FEDERAL RAILROAD ADMINISTRATION CONCERNING THE PLACEMENT OF
4 WAYWARD DETECTOR SYSTEMS, AND WITH NO RECOMMENDATION
5 PENDING IN THE IMMEDIATE FUTURE, THE GENERAL ASSEMBLY DEFERS TO
6 THE EXPERT ADVICE OF RAILROAD OPERATORS.

7 (4) THEREFORE, THE GENERAL ASSEMBLY HEREBY ENACTS THIS
8 PART 3 TO:

9 (a) PROMOTE TRANSPARENCY, ACCOUNTABILITY, AND SAFETY IN
10 RAILROAD OPERATIONS IN THE STATE;

11 (b) LIMIT GREENHOUSE GAS EMISSIONS;

12 (c) REDUCE THE RISK OF ACCIDENTS, DERAILMENTS, AND OTHER
13 INCIDENTS ASSOCIATED WITH RAILROAD TRANSPORTATION; AND

14 (d) PROTECT THE HEALTH AND WELL-BEING OF COLORADO'S
15 RESIDENTS AND ECOSYSTEMS.

16 **40-20-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "ACCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

19 (2) "CLASS II RAILROAD" HAS THE MEANING SET FORTH IN 49
20 U.S.C. SEC. 20102 (1).

21 (3) "CLASS III RAILROAD" HAS THE MEANING SET FORTH IN 49
22 U.S.C. SEC. 20102 (1).

23 (4) "DANGEROUS GOOD" MEANS A SUBSTANCE THAT:

24 (a) IS CORROSIVE, FLAMMABLE, EXPLOSIVE, SPONTANEOUSLY
25 COMBUSTIBLE, OXIDIZING, OR WATER-REACTIVE;

26 (b) HAS THE POTENTIAL TO CAUSE SIGNIFICANT HARM TO AN
27 INDIVIDUAL, PROPERTY, OR THE ENVIRONMENT; AND

1 (c) DOES NOT QUALIFY AS A HAZARDOUS MATERIAL AS DEFINED IN
2 SUBSECTION (8) OF THIS SECTION.

3 (5) "DEFECT" INCLUDES, BUT IS NOT LIMITED TO, HOT WHEEL
4 BEARINGS, HOT WHEELS, DEFICIENT BEARINGS DETECTED THROUGH
5 ACOUSTIC MEANS, DRAGGING OF EQUIPMENT, EXCESSIVE HEIGHT,
6 EXCESSIVE WEIGHT, A SHIFTED LOAD, A LOOSE HOSE, IMPROPER RAIL
7 TEMPERATURE, OR A DEFICIENT WHEEL CONDITION.

8 (6) "DRAGGING EQUIPMENT DETECTOR" MEANS AN ELECTRONIC
9 DEVICE OR OTHER TECHNOLOGY THAT MONITORS A PASSING TRAIN TO
10 ACTIVELY DETECT AND ALERT OPERATORS OF THE TRAIN OF THE
11 EXISTENCE OF ANY OBJECTS DRAGGING FROM THE TRAIN.

12 (7) "FUND" MEANS THE FRONT RANGE PASSENGER RAIL DISTRICT
13 MAINTENANCE AND SAFETY FUND CREATED IN SECTION 40-20-306.

14 (8) "HAZARDOUS MATERIAL" HAS THE MEANING SET FORTH IN 49
15 CFR 171.8.

16 (9) "HIGHWAY-RAIL CROSSING" MEANS:

17 (a) THE POINT AT WHICH ANY PUBLIC HIGHWAY IS OR WILL BE
18 CONSTRUCTED ACROSS THE TRACKS OR OTHER FACILITIES OF A RAILROAD
19 AT, ABOVE, OR BELOW GRADE;

20 (b) THE POINT AT WHICH THE TRACKS OR OTHER FACILITIES OF A
21 RAILROAD ARE OR MAY BE CONSTRUCTED ACROSS ANY PUBLIC HIGHWAY
22 AT, ABOVE, OR BELOW GRADE;

23 (c) THE POINT AT WHICH ANY PUBLIC PATHWAY IS OR WILL BE
24 CONSTRUCTED ACROSS PRIVATE TRACKS ON WHICH ANY RAILROAD MAY
25 OPERATE AT, ABOVE, OR BELOW GRADE; OR

26 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY
27 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY

1 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

2 (10) "HOT BEARINGS DETECTOR" MEANS AN INFRARED DETECTOR
3 LOCATED ALONG RAILROAD TRACKS TO DETECT AND ALERT THE
4 OPERATORS OF A PASSING TRAIN TO ANY OVERHEATING OF A TRAIN'S
5 BEARINGS, AXLES, OR WHEELS.

6 (11) "INCIDENT" HAS THE MEANING SET FORTH IN 49 CFR 225.5.

7 (12) "MAIN LINE" MEANS A SEGMENT OR ROUTE OF RAILROAD
8 TRACKS OF ANY RAILROAD OVER WHICH FIVE MILLION OR MORE GROSS
9 TONS OF RAILROAD TRAFFIC IS TRANSPORTED ANNUALLY AS DOCUMENTED
10 IN TIMETABLES FILED WITH THE FEDERAL RAILROAD ADMINISTRATION
11 PURSUANT TO 49 CFR 217.7. "MAIN LINE" DOES NOT INCLUDE TOURIST,
12 SCENIC, HISTORIC, OR EXCURSION OPERATIONS AS DEFINED IN 49 CFR
13 238.5.

14 (13) "PASSENGER RAIL SYSTEM" HAS THE MEANING SET FORTH IN
15 SECTION 32-22-102 (9).

16 (14) "PATHWAY CROSSING" MEANS:

17 (a) THE POINT AT WHICH ANY PUBLIC PATHWAY IS OR WILL BE
18 CONSTRUCTED ACROSS THE TRACKS OR OTHER FACILITIES OF A RAILROAD
19 AT, ABOVE, OR BELOW GRADE;

20 (b) THE POINT AT WHICH ANY TRACKS OR OTHER FACILITIES OF A
21 RAILROAD ARE OR WILL BE CONSTRUCTED ACROSS ANY PUBLIC PATHWAY
22 AT, ABOVE, OR BELOW GRADE;

23 (c) THE POINT AT WHICH ANY PUBLIC PATHWAY IS OR WILL BE
24 CONSTRUCTED ACROSS PRIVATE TRACKS OVER WHICH ANY RAILROAD MAY
25 OPERATE AT, ABOVE, OR BELOW GRADE; OR

26 (d) THE POINT AT WHICH PRIVATE TRACKS OVER WHICH ANY
27 RAILROAD MAY OPERATE ARE OR WILL BE CONSTRUCTED ACROSS ANY

1 PUBLIC PATHWAY AT, ABOVE, OR BELOW GRADE.

2 (15) "PUBLIC CROSSING" MEANS A HIGHWAY-RAIL CROSSING OR
3 PATHWAY CROSSING WHERE THE HIGHWAY OR PATHWAY ON BOTH SIDES
4 OF THE CROSSING IS UNDER THE JURISDICTION OF OR IS MAINTAINED BY A
5 STATE OR LOCAL ROAD AUTHORITY AND IS OPEN TO PUBLIC TRAVEL.

6 (16) "PUBLIC UTILITIES COMMISSION" MEANS THE PUBLIC UTILITIES
7 COMMISSION CREATED IN SECTION 40-2-101.

8 (17) "RAILROAD" MEANS A PERSON PROVIDING RAILROAD
9 TRANSPORTATION.

10 (18) "RAILROAD TRANSPORTATION" MEANS ANY FORM OF
11 NONHIGHWAY GROUND TRANSPORTATION THAT RUNS ON RAILS OR
12 ELECTROMAGNETIC GUIDEWAYS. "RAILROAD TRANSPORTATION" DOES NOT
13 INCLUDE RAPID TRANSIT OPERATIONS IN AN URBAN AREA THAT ARE NOT
14 CONNECTED TO A GENERAL RAILROAD SYSTEM.

15 (19) "TRAIN" MEANS A LOCOMOTIVE UNIT OR LOCOMOTIVE UNITS,
16 WITH OR WITHOUT CARS, THAT REQUIRE AN AIR BRAKE TEST PURSUANT TO
17 49 CFR 232 AND 49 CFR 238.

18 (20) "WAYSIDE DETECTOR" MEANS AN ELECTRONIC DEVICE OR A
19 SERIES OF CONNECTED DEVICES THAT MONITORS A PASSING TRAIN TO
20 DETERMINE WHETHER THE TRAIN HAS A DEFECT, INCLUDING A HOT
21 BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR.

22 **40-20-303. Maximum train length - wayside detector system**
23 **required - exceptions - report - length of obstruction at public**
24 **crossing.** (1) A RAILROAD SHALL NOT OPERATE A TRAIN THAT HAS A
25 LENGTH GREATER THAN EIGHT THOUSAND FIVE HUNDRED FEET ON ANY
26 MAIN LINE IN THE STATE.

27 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION:

1 (a) A RAILROAD OPERATING A TRAIN ON ANY MAIN LINE IN THE
2 STATE SHALL HAVE AN OPERATIONAL AND PROPERLY MAINTAINED
3 WAYSIDE DETECTOR SYSTEM. ALONG EACH MAIN LINE, THE WAYSIDE
4 DETECTOR SYSTEM MUST HAVE A HOT BEARINGS DETECTOR AND A
5 DRAGGING EQUIPMENT DETECTOR INSTALLED AT LEAST EVERY TEN MILES;
6 EXCEPT THAT THE WAYSIDE DETECTOR SYSTEM MAY HAVE A HOT
7 BEARINGS DETECTOR AND A DRAGGING EQUIPMENT DETECTOR INSTALLED
8 AT LEAST EVERY FIFTEEN MILES IF THE NATURAL TERRAIN REQUIRES THE
9 INCREASED DISTANCE.

10 (b) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE JANUARY
11 1 OF EACH YEAR THEREAFTER, A RAILROAD OPERATING A TRAIN ON ANY
12 MAIN LINE IN THE STATE SHALL SUBMIT TO THE PUBLIC UTILITIES
13 COMMISSION A REPORT THAT DISCLOSES, AT A MINIMUM, THE FOLLOWING
14 INFORMATION:

15 (I) THE NEAREST MILEPOST NUMBER, LATITUDE AND LONGITUDE
16 COORDINATES, OR OTHER ATTRIBUTE THAT SPECIFICALLY IDENTIFIES THE
17 LOCATION OF EACH INSTALLED WAYSIDE DETECTOR SYSTEM;

18 (II) THE TYPE AND CHARACTERISTIC OF EACH INSTALLED WAYSIDE
19 DETECTOR SYSTEM;

20 (III) THE OPERATIONAL STATUS OF ALL INSTALLED HOT BEARINGS
21 DETECTORS AND DRAGGING EQUIPMENT DETECTORS; AND

22 (IV) ANY OTHER INFORMATION REGARDING WAYSIDE DETECTOR
23 SYSTEMS THAT THE PUBLIC UTILITIES COMMISSION DEEMS NECESSARY.

24 (c) AFTER A TRAIN RECEIVES A DEFECT MESSAGE FROM A WAYSIDE
25 DETECTOR SYSTEM, THE RAILROAD OPERATING THE TRAIN SHALL:

26 (I) STOP THE TRAIN IN ACCORDANCE WITH THE RAILROAD'S
27 APPLICABLE SAFETY PROCEDURES;

1 (II) INSPECT THE LOCATION OF THE DEFECT FROM A POSITION ON
2 THE GROUND;

3 (III) IF THE INSPECTION INDICATES THAT THE TRAIN IS SAFE FOR
4 MOVEMENT, PROCEED ALONG THE TRAIN'S ROUTE AT A SPEED NOT
5 GREATER THAN TEN MILES PER HOUR IF THE TRAIN IS CARRYING A
6 HAZARDOUS MATERIAL OR DANGEROUS GOOD OR AT A SPEED OF NOT
7 GREATER THAN THIRTY MILES PER HOUR IF THE TRAIN IS NOT CARRYING A
8 HAZARDOUS MATERIAL OR DANGEROUS GOOD;

9 (IV) REMOVE AND SET OUT ANY DEFECTIVE CAR AT THE EARLIEST
10 OPPORTUNITY;

11 (V) PREPARE A WRITTEN INSPECTION REPORT; AND

12 (VI) PROVIDE THE WRITTEN INSPECTION REPORT TO THE
13 APPROPRIATE RAILROAD OFFICIAL.

14 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO A CLASS
15 II RAILROAD OR CLASS III RAILROAD UNLESS THE RAILROAD IS
16 TRANSPORTING HAZARDOUS MATERIAL AT A SPEED EXCEEDING TEN MILES
17 PER HOUR.

18 (4) A RAILROAD OPERATING A TRAIN ON ANY MAIN LINE IN THE
19 STATE SHALL NOT PERMIT ANY TRAIN, FREIGHT CAR, PASSENGER CAR, OR
20 RAILROAD TRANSPORTATION ENGINE TO OBSTRUCT A PUBLIC CROSSING
21 FOR LONGER THAN TEN MINUTES. THIS SUBSECTION (4) DOES NOT APPLY
22 IF THE TRAIN, FREIGHT CAR, PASSENGER CAR, OR RAILROAD
23 TRANSPORTATION ENGINE IS CONTINUOUSLY MOVING OR IF
24 CIRCUMSTANCES BEYOND THE RAILROAD'S CONTROL PREVENT THE TRAIN,
25 FREIGHT CAR, PASSENGER CAR, OR RAILROAD TRANSPORTATION ENGINE
26 FROM MOVING.

27 **40-20-304. Reporting violation to union representative -**

1 **investigation - permission to enter. (1)** A CREW MEMBER OF A TRAIN
2 OPERATED BY A RAILROAD IN THE STATE MAY REPORT TO THE CREW
3 MEMBER'S DESIGNATED UNION REPRESENTATIVE:

4 (a) A VIOLATION OF ANY OF THE SAFETY REQUIREMENTS SPECIFIED
5 IN THIS PART 3;

6 (b) AN INJURY THE CREW MEMBER OR ANOTHER CREW MEMBER
7 SUSTAINED WHILE OPERATING A TRAIN ON ANY MAIN LINE IN THE STATE;
8 OR

9 (c) A DEATH THAT OCCURRED DURING THE OPERATION OF A TRAIN.

10 (2) A DESIGNATED UNION REPRESENTATIVE RECEIVING A REPORT
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY ENTER A RAILROAD'S
12 PLACE OF OPERATION DURING REASONABLE HOURS TO INVESTIGATE THE
13 REPORT. BEFORE ENTERING, THE DESIGNATED UNION REPRESENTATIVE
14 SHALL GIVE REASONABLE NOTICE TO THE APPROPRIATE RAILROAD
15 OFFICER.

16 **40-20-305. Violations - penalties - rules. (1)** IF A RAILROAD OR
17 ANY OFFICER, AGENT, OR EMPLOYEE OF THE RAILROAD VIOLATES SECTION
18 40-20-303 OR, BY DENYING ENTRY TO A PLACE OF OPERATION, SECTION
19 40-20-304 (2), THE PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF
20 NOT LESS THAN TEN THOUSAND DOLLARS BUT NOT MORE THAN
21 TWENTY-FIVE THOUSAND DOLLARS ON THE RAILROAD. EACH DAY OF A
22 CONTINUING VIOLATION CONSTITUTES A SEPARATE VIOLATION.

23 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
24 PUBLIC UTILITIES COMMISSION MAY IMPOSE A FINE OF UP TO ONE HUNDRED
25 THOUSAND DOLLARS PER VIOLATION IF THE COMMISSION FINDS:

26 (a) THE RAILROAD INTENTIONALLY OR KNOWINGLY VIOLATED
27 SECTION 40-20-303 OR 40-20-304 (2); OR

1 (b) THE RAILROAD'S VIOLATION WAS PART OF A PATTERN AND
2 PRACTICE OF REPEATED VIOLATIONS OF SECTION 40-20-303 OR 40-20-304
3 (2).

4 (3) THE PUBLIC UTILITIES COMMISSION SHALL TRANSFER ALL FINES
5 COLLECTED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION TO
6 THE STATE TREASURER, WHO SHALL CREDIT THE FINES TO THE FUND.

7 (4) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES
8 FOR THE DETERMINATION, IMPOSITION, AND APPEAL OF FINES UNDER THIS
9 SECTION.

10 **40-20-306. Front range passenger rail district maintenance**
11 **and safety fund - created.** (1) THE FRONT RANGE PASSENGER RAIL
12 DISTRICT MAINTENANCE AND SAFETY FUND IS HEREBY CREATED IN THE
13 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY CREDITED TO THE
14 FUND PURSUANT TO SECTION 40-20-305 (3) AND ANY OTHER MONEY THAT
15 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

16 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
17 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
18 FUND TO THE FUND.

19 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
20 STATE TREASURER FOR THE PURPOSE OF ISSUING WARRANTS AS SET FORTH
21 IN THIS SUBSECTION (3). IF THERE IS MONEY IN THE FUND ON THE LAST DAY
22 OF ANY CALENDAR MONTH, THE STATE TREASURER SHALL ISSUE A
23 WARRANT FROM THE FUND IN THE AMOUNT OF THE BALANCE OF THE FUND
24 TO THE FRONT RANGE PASSENGER RAIL DISTRICT CREATED IN SECTION
25 32-22-103 (1). THE DISTRICT MAY EXPEND THE MONEY RECEIVED
26 THROUGH WARRANTS FOR THE PURPOSES OF:

27 (a) SAFETY PLANNING AND DEVELOPMENT DURING THE RESEARCH,

1 DEVELOPMENT, AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

2 (b) MAINTAINING A PASSENGER RAIL SYSTEM; AND

3 (c) COMPLETING CAPITAL DEVELOPMENT PROJECTS TO IMPROVE
4 THE SAFETY OF A PASSENGER RAIL SYSTEM.

5 **40-20-307. Training.** (1) ON OR BEFORE JULY 1, 2025, AND AT
6 LEAST ONCE EVERY THREE YEARS THEREAFTER, EACH RAILROAD SHALL
7 OFFER TRAINING TO EACH FIRE DEPARTMENT HAVING JURISDICTION ALONG
8 TRACKS UPON WHICH THE RAILROAD OPERATES IN THE STATE. IN
9 SATISFYING THIS REQUIREMENT, A RAILROAD MAY OFFER SUCH TRAINING
10 SIMULTANEOUSLY TO MORE THAN ONE FIRE DEPARTMENT.

11 (2) THE TRAINING DESCRIBED IN SUBSECTION (1) OF THIS SECTION
12 MUST:

13 (a) ADDRESS THE GENERAL HAZARDS OF DANGEROUS GOODS AND
14 HAZARDOUS MATERIALS, TECHNIQUES TO ASSESS RISKS POSED TO THE
15 ENVIRONMENT AND TO THE SAFETY OF EMERGENCY RESPONDERS AND THE
16 PUBLIC, FACTORS AN INCIDENT COMMANDER MUST CONSIDER IN
17 DETERMINING WHETHER TO ATTEMPT TO SUPPRESS A FIRE OR TO
18 EVACUATE THE PUBLIC AND EMERGENCY RESPONDERS FROM AN AREA,
19 AND OTHER STRATEGIES FOR INITIAL RESPONSE BY EMERGENCY
20 RESPONDERS; AND

21 (b) INCLUDE SAFETY DRILLS THAT IMPLEMENT SUGGESTED
22 PROTOCOLS OR PRACTICES FOR EMERGENCY RESPONDERS TO USE TO
23 SAFELY ACCOMPLISH THE TASKS DESCRIBED IN SUBSECTION (2)(a) OF THIS
24 SECTION.

25 **40-20-308. Insurance coverage required - rules - investigations**
26 **- public hearings - violations - fines.** (1) IN ADDITION TO ANY
27 INSURANCE COVERAGE REQUIRED BY ANY PROVISION OF LAW, A RAILROAD

1 THAT TRANSPORTS HAZARDOUS MATERIAL IN COLORADO SHALL MAINTAIN
2 INSURANCE COVERAGE IN AN AMOUNT THAT IS ADEQUATE TO PAY FOR
3 COSTS, DAMAGES, AND LIABILITIES ARISING FROM ACCIDENTS INVOLVING
4 SUCH TRANSPORTATION. A RAILROAD SHALL MAINTAIN THE INSURANCE
5 COVERAGE IN THE MINIMUM AMOUNTS AS ARE REQUIRED BY RULES
6 PROMULGATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
7 SUBSECTION (3) OF THIS SECTION.

8 (2) ON OR BEFORE JANUARY 1, 2025, AND ON OR BEFORE EACH
9 JANUARY 1 THEREAFTER, EACH RAILROAD THAT TRANSPORTS HAZARDOUS
10 MATERIAL IN COLORADO SHALL SUBMIT TO THE PUBLIC UTILITIES
11 COMMISSION A CERTIFICATE OF INSURANCE OR SIMILAR DOCUMENTATION
12 THAT DEMONSTRATES THE RAILROAD'S COMPLIANCE WITH THIS SECTION
13 AND RULES PROMULGATED PURSUANT TO THIS SECTION.

14 (3) ON OR BEFORE NOVEMBER 1, 2024, THE PUBLIC UTILITIES
15 COMMISSION SHALL PROMULGATE RULES ESTABLISHING MINIMUM
16 INSURANCE COVERAGE REQUIREMENTS FOR RAILROADS THAT TRANSPORT
17 HAZARDOUS MATERIAL IN COLORADO, AS DESCRIBED IN SUBSECTION (1)
18 OF THIS SECTION. IN ESTABLISHING THE REQUIREMENTS, THE PUBLIC
19 UTILITIES COMMISSION SHALL CONSIDER THE TYPE AND QUANTITY OF
20 HAZARDOUS MATERIALS TRANSPORTED, THE ROUTES USED, AND OTHER
21 RELEVANT RISK FACTORS.

22 (4) THE PUBLIC UTILITIES COMMISSION SHALL CONDUCT PERIODIC
23 AUDITS OR INVESTIGATIONS TO ENSURE EACH RAILROAD'S COMPLIANCE
24 WITH THE INSURANCE REQUIREMENTS DESCRIBED IN THIS SECTION.

25 (5) AT LEAST ONCE EACH YEAR, THE PUBLIC UTILITIES COMMISSION
26 SHALL HOLD A PUBLIC HEARING AT WHICH INTERESTED STAKEHOLDERS
27 AND MEMBERS OF THE PUBLIC MAY PROVIDE COMMENTS CONCERNING THE

1 IMPLEMENTATION OF THIS SECTION.

2 (6) A RAILROAD THAT VIOLATES THIS SECTION IS SUBJECT TO A
3 FINE IN AN AMOUNT OF AT LEAST ONE THOUSAND DOLLARS, BUT NOT
4 EXCEEDING FIVE THOUSAND DOLLARS, FOR EACH DAY OF
5 NONCOMPLIANCE.

6 **SECTION 2. Effective date.** This act takes effect July 1, 2024.

7 **SECTION 3. Safety clause.** The general assembly finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety or for appropriations for
10 the support and maintenance of the departments of the state and state
11 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Attachment D

Bill D

LLS NO. 24-0240.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Boesenecker and Mauro,

SENATE SPONSORSHIP

Cutter and Priola,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF BUSINESSES THAT OBTAIN A PERMIT**
102 **FROM THE PUBLIC UTILITIES COMMISSION TO TOW 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. The bill requires a driver of tow trucks to undergo a fingerprint-based criminal history record check (check). If the check produces a criminal history that the public utilities commission (commission) determines is inappropriate to drive a tow truck, the driver will not be permitted to drive the tow

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

truck.

Current law authorizes the commission to deny or refuse to renew a towing carrier permit if:

- The towing carrier was convicted within the last 5 years of a felony or a towing-related offense or has failed to satisfy a civil penalty imposed by the commission; or
- The commission determines that it is not in the public interest for the towing carrier to hold a towing carrier permit.

The bill:

- Authorizes the commission to suspend or revoke a permit for each of these specified violations;
- Authorizes the commission to suspend or revoke a permit if it is not in the public interest for the towing carrier to hold a towing permit; and
- Sets a rebuttable presumption that it is not in the public interest for a towing carrier to hold a permit if the towing carrier has violated the towing laws.

The bill prohibits a member of the towing task force in the department of regulatory agencies, which advises the commission on towing matters, from voting on a matter that will financially benefit the member or if the member is the subject of a complaint about which the task force is advising the commission.

Current law requires the commission to report certain towing issues and financial information to certain committees of the Senate and House of Representatives of the general assembly. The bill requires the commission to promulgate a rule to require towing carriers to provide:

- Any information needed to prepare the report;
- Audited financial statements; and
- Any other information required by the commission.

The bill directs the commission to aggregate and anonymize the financial statements and make the aggregated and anonymized data publicly available.

A towing carrier is forbidden from patrolling or monitoring property to enforce parking restrictions on behalf of the property owner.

Currently, the owner of a motor vehicle pays to retrieve the motor vehicle when the vehicle has been nonconsensually towed from another person's property. The bill requires certain property owners to pay for the removal of the vehicle from their property and for any storage for the first 30 days. The towing carrier is required to notify the vehicle owner that the vehicle owner can retrieve the vehicle free of charge for the first 30 days.

If a motor vehicle is nonconsensually towed in violation of the rights granted in state statute, the towing carrier must, within 48 hours after the determination of a statutory violation, return the vehicle to the

place it was towed from.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-110, **amend**
3 (1)(a) as follows:

4 **40-10.1-110. Record check - rules.** (1) (a) An individual who
5 wishes to drive: A taxicab for a motor carrier that is the holder of a
6 certificate to provide taxicab service issued under part 2 of this article
7 10.1; a motor vehicle for a motor carrier that is the holder of a permit to
8 operate as a charter bus, children's activity bus, luxury limousine, or
9 off-road scenic charter under part 3 of this article 10.1; A TOW TRUCK FOR
10 A TOWING CARRIER THAT IS THE HOLDER OF A PERMIT ISSUED UNDER PART
11 4 OF THIS ARTICLE 10.1; or a motor vehicle for a motor carrier that is the
12 holder of a permit to operate as a large-market taxicab service under part
13 7 of this article 10.1 must have the individual's fingerprints taken by a
14 local law enforcement agency or any third party approved by the
15 Colorado bureau of investigation for the purpose of obtaining a
16 fingerprint-based criminal history record check.

17 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-401, **amend**
18 (2) as follows:

19 **40-10.1-401. Permit requirements.** (2) (a) (I) The commission
20 may deny an application FOR or SUSPEND, REVOKE, OR refuse to renew a
21 permit under this part 4 of a person ~~who~~ THAT has, within the
22 immediately preceding five years, been convicted of, or pled guilty or
23 nolo contendere to, a felony or a towing-related offense. The commission
24 may also deny an application under this part 4 or SUSPEND, REVOKE, OR
25 refuse to renew the permit of a towing carrier based upon a determination

1 that the towing carrier or any of its owners, principals, officers, members,
2 partners, or directors has not satisfied a civil penalty arising out of ~~any~~ AN
3 administrative or enforcement action brought by the commission.

4 (II) A TOWING CARRIER THAT APPLIES FOR A PERMIT OR THAT
5 APPLIES TO RENEW A PERMIT SHALL DISCLOSE TO THE COMMISSION EACH
6 PERSON THAT:

7 (A) OWNS MORE THAN FIFTEEN PERCENT OF THE TOWING CARRIER;

8 (B) IS A PRINCIPAL OF, AN OFFICER OF, OR A DIRECTOR OF THE
9 TOWING CARRIER; OR

10 (C) IS A MEMBER OR PARTNER OF THE TOWING CARRIER.

11 (b) The commission may deny an application FOR or SUSPEND,
12 REVOKE, OR refuse to renew a permit of a towing carrier under this part
13 4 based on a determination that ~~there is good cause to believe the~~
14 ~~issuance of or renewal of the permit~~ IT is not in the public interest FOR
15 THE TOWING CARRIER TO POSSESS A PERMIT. The determination is subject
16 to appeal in accordance with commission rules. IT IS REBUTTABLY
17 PRESUMED THAT A TOWING CARRIER'S POSSESSION OF A PERMIT IS NOT IN
18 THE PUBLIC INTEREST IF:

19 (I) THE TOWING CARRIER HAS WILLFULLY VIOLATED THIS ARTICLE
20 10.1 OR PART 18 OR 21 OF ARTICLE 4 OF TITLE 42; OR

21 (II) THE TOWING CARRIER HAS FAILED TO COMPLY WITH THIS
22 ARTICLE 10.1 OR PART 18 OR 21 OF ARTICLE 4 OF TITLE 42.

23 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-403, **amend**
24 (4)(d)(II); and **add** (3.5), (4)(e), and (4)(f) as follows:

25 **40-10.1-403. Towing task force - creation - conflict of interest**
26 **- rules - report - repeal.** (3.5) (a) A MEMBER SHALL NOTIFY THE TASK
27 FORCE AND ABSTAIN FROM VOTING IF:

1 (I) THE MEMBER WILL FINANCIALLY BENEFIT FROM, OR HAS A
2 FINANCIAL INTEREST IN A PERSON THAT WILL BENEFIT FROM, A RATE
3 SETTING RECOMMENDATION MADE BY THE TASK FORCE; OR

4 (II) THE TASK FORCE IS ADVISING THE COMMISSION ABOUT A
5 COMPLAINT, AND THE MEMBER IS THE SUBJECT OF THE COMPLAINT OR HAS
6 A FINANCIAL INTEREST IN A PERSON THAT IS THE SUBJECT OF THE
7 COMPLAINT.

8 (b) A MEMBER DOES NOT HAVE A CONFLICT OF INTEREST IF THE
9 MEMBER BENEFITS MERELY FROM BELONGING TO A CLASS THAT IS
10 AFFECTED BY THE RATE SETTING DESCRIBED IN SUBSECTION (2.2)(a)(I) OF
11 THIS SECTION.

12 (4) (d) (II) This subsection (4)(d) is repealed, effective ~~July 1,~~
13 ~~2026~~ SEPTEMBER 1, 2025.

14 (e) (I) BY FEBRUARY 7, 2025, THE COMMISSION SHALL
15 PROMULGATE RULES REQUIRING EACH TOWING CARRIER TO PROVIDE THE
16 FOLLOWING AS A CONDITION OF PERMIT ISSUANCE OR RENEWAL ON OR
17 AFTER A DATE SPECIFIED IN THE RULES:

18 (A) ANY INFORMATION NEEDED TO PREPARE THE REPORT
19 REQUIRED BY SUBSECTION (4)(d)(I) OF THIS SECTION; AND

20 (B) AUDITED FINANCIAL STATEMENTS FOR ONE OR MORE YEARS,
21 AS DETERMINED BY THE COMMISSION.

22 (II) THE COMMISSION SHALL AGGREGATE AND ANONYMIZE THE
23 FINANCIAL STATEMENTS OBTAINED IN ACCORDANCE WITH SUBSECTION
24 (4)(e)(I)(B) OF THIS SECTION AND MAKE THE AGGREGATED AND
25 ANONYMIZED DATA PUBLICLY AVAILABLE.

26 (f) THE COMMISSION MAY PROMULGATE RULES TO COLLECT OTHER
27 INFORMATION REQUIRED AS PART OF THE TOWING CARRIER PERMITTING

1 PROCESS. THE INFORMATION REQUIRED BY RULE MAY INCLUDE THE
2 ANNUAL VOLUME OF TOWS BY CATEGORY, CURRENT PRICING PER
3 CATEGORY OF TOW FOR ALL FEES CHARGED FOR CONSENSUAL AND
4 NONCONSENSUAL TOWS, AND THE NUMBER OF TOW TRUCKS EACH TOW
5 CARRIER OPERATES.

6 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-405, **amend**
7 (4)(b)(II), (4)(f)(I)(A), (4)(f)(I)(B), (5)(b), (5)(c) introductory portion,
8 and (8); and **add** (3)(d), (4)(f)(I)(C), and (4)(h) as follows:

9 **40-10.1-405. Nonconsensual tows - rights of owners,**
10 **operators, and lienholders - rules. (3) Authorization and notice**
11 **required for tows from private property. (d) A TOWING CARRIER**
12 **SHALL NOT PATROL OR MONITOR PROPERTY TO ENFORCE PARKING**
13 **RESTRICTIONS ON BEHALF OF THE PROPERTY OWNER.**

14 (4) **Notice, disclosures, and signs. (b) A towing carrier shall**
15 **maintain a clearly visible sign at the entrance to the storage facility**
16 **holding a nonconsensually towed vehicle. The sign must:**

17 (II) State: "If a vehicle is nonconsensually towed from private
18 property, the owner may retrieve the contents of the vehicle OR THE
19 VEHICLE WITHIN THE FIRST THIRTY DAYS even if the owner does not pay
20 the towing carrier's fees. If the owner fills out the appropriate form, the
21 owner may retrieve the vehicle after paying a reduced fee, but the owner
22 still owes the towing carrier the balance of those fees ACCRUED AFTER
23 THE FIRST THIRTY DAYS."

24 (f) (I) A towing carrier shall not perform a nonconsensual tow of
25 a vehicle, other than an abandoned motor vehicle as defined in section
26 42-4-2102 (1), from private property normally used for parking unless:

27 (A) Notice of the parking regulations was provided to the vehicle

1 operator when the vehicle entered the private property and parked; ~~and~~

2 (B) Notice that any vehicle parked in violation of the regulations
3 is subject to tow ~~at the vehicle owner's expense~~ was provided to the
4 vehicle operator when the vehicle entered the private property and
5 parked; AND

6 (C) THE TOWING CARRIER HAS A CONTRACT WITH THE PROPERTY
7 OWNER REQUIRING THE PROPERTY OWNER TO PAY ALL FEES FOR THE
8 NONCONSENSUAL TOW, ALL FEES FOR THE REQUIRED NOTIFICATIONS, AND
9 ALL STORAGE FEES FOR THE FIRST THIRTY DAYS THE VEHICLE IS STORED
10 AS A RESULT OF THE NONCONSENSUAL TOW.

11 (h) THE TOWING CARRIER SHALL, IMMEDIATELY UPON BEING
12 CONTACTED BY AN AUTHORIZED OR INTERESTED PERSON ABOUT A
13 NONCONSENSUALLY TOWED VEHICLE, NOTIFY THE AUTHORIZED OR
14 INTERESTED PERSON THAT THE VEHICLE MAY BE RETRIEVED WITHOUT
15 CHARGE WITHIN THE FIRST THIRTY DAYS AND THEREAFTER FOR A
16 REDUCED FEE. THE TOWING CARRIER SHALL NOT REQUIRE THE PERSON TO
17 UNDERGO AN APPROVAL PROCESS OTHER THAN SIGNING THE FORM
18 CREATED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.

19 (5) **No mechanic's liens on contents.** (b) If an authorized or
20 interested person requests that a towing carrier return the contents of a
21 vehicle that was towed without consent within thirty days after the
22 postmarked date the notice was mailed in accordance with section
23 42-4-2103 (4) or the date the operator received notice that no record
24 exists for the motor vehicle, the towing carrier shall ~~immediately retrieve~~
25 ~~or~~ allow the authorized or interested person to retrieve the vehicle's
26 contents. This subsection (5)(b) does not apply to the contents of a
27 vehicle if the contents of the vehicle are subject to a hold order issued by

1 a court, district attorney, law enforcement agency, or peace officer.

2 (c) The towing carrier shall immediately retrieve a vehicle that
3 has been nonconsensually towed or allow the owner to retrieve the
4 vehicle WITHIN THE FIRST THIRTY DAYS FOLLOWING THE TOW. THE
5 TOWING CARRIER SHALL IMMEDIATELY RETRIEVE A VEHICLE THAT HAS
6 BEEN NONCONSENSUALLY TOWED OR ALLOW THE OWNER TO RETRIEVE
7 THE VEHICLE AFTER THE FIRST THIRTY DAYS FOLLOWING A TOW if:

8 (8) **Towing carrier responsibility.** (a) For a nonconsensual tow,
9 the towing carrier is responsible for the security and safety of the towed
10 vehicle until it is released to an authorized or interested person.

11 (b) WITHIN FORTY-EIGHT HOURS AFTER A NONCONSENSUAL TOW
12 IS DETERMINED TO HAVE BEEN PERFORMED IN VIOLATION OF THIS
13 SECTION, THE TOWING CARRIER SHALL RETURN AN IMPROPERLY TOWED
14 VEHICLE BACK TO THE LOCATION FROM WHERE IT WAS TOWED UNLESS THE
15 AUTHORIZED OR INTERESTED PERSON NOTIFIES THE TOWING CARRIER
16 THAT THE PERSON PREFERS TO RETRIEVE THE VEHICLE FROM THE TOW
17 CARRIER'S IMPOUND LOT WITHOUT CHARGE.

18 **SECTION 5.** In Colorado Revised Statutes, 42-4-2105, **amend**
19 (1)(b)(II) as follows:

20 **42-4-2105. Liens upon towed motor vehicles.** (1) (b) The lien
21 granted in subsection (1)(a) of this section attaches to the motor vehicle
22 in accordance with the following schedule:

23 (II) If the operator recovered, removed, or stored the motor
24 vehicle upon instructions of the owner or lessee of real property upon
25 which a motor vehicle was illegally parked or abandoned or upon the
26 owner's or lessee's agent authorized in writing, the lien attaches to the
27 motor vehicle ~~thirty~~ SIXTY days after the postmarked date the notice was

1 mailed in accordance with section 42-4-2103 (4) or the date the operator
2 received notice that no record exists for the motor vehicle.

3 **SECTION 6. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly; except that, if a referendum petition is filed pursuant
7 to section 1 (3) of article V of the state constitution against this act or an
8 item, section, or part of this act within such period, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2024 and, in such case, will take
11 effect on the date of the official declaration of the vote thereon by the
12 governor.

13 (2) This act applies to acts committed on or after the applicable
14 effective date of this act.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

Attachment E

Bill E

LLS NO. 24-0242.01 Nicole Myers x4326

SENATE BILL

SENATE SPONSORSHIP

Priola and Jaquez Lewis, Cutter, Exum, Winter F.

HOUSE SPONSORSHIP

Dickson and Vigil, Froelich, Lindsay, Lindstedt, Mabrey, Mauro, Parenti

Senate Committees

House Committees

A BILL FOR AN ACT

101 CONCERNING METHODS TO INCREASE THE USE OF TRANSIT.

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. Statewide transit pass exploratory committee. Section 1 of the bill creates the statewide transit pass exploratory committee (committee) within the department of transportation (department) to produce a viable proposal for the creation, implementation, and administration of a statewide transit pass. The committee is required to meet as necessary to produce a viable proposal by July 1, 2026, with the goal of implementing a statewide transit pass by January 1, 2028.

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

The committee consists of 15 members appointed by the executive director of the department and is required to include representatives of a diverse group of transit agencies throughout the state, a representative of an entity or interest group involved in passenger rail systems, a representative of an organization with a statewide perspective regarding transportation, and 2 representatives of the department, one who is knowledgeable about the department's inter-city regional bus service and one who is knowledgeable about innovative mobility.

In conducting its work and in producing a viable proposal for the creation, implementation, and administration of a statewide transit pass the committee is required to consider:

- Various specified logistics of creating a statewide transit pass;
- A method for determining the price of a statewide transit pass;
- A structure for the sale of the statewide transit pass to individuals and to employers for their employees;
- The services that will be offered to statewide transit pass holders;
- The types of statewide transit passes that would be offered, including different options for the duration of the pass to accommodate Colorado residents and visitors to Colorado;
- Additional opportunities for collaboration across transit agencies in the state to make it easier and more appealing for people to use transit;
- The technology that would be necessary to monitor the use of the statewide transit pass and track ridership across transit agencies;
- Local, tribal, state, and federal laws, rules, or regulations that need to be considered in connection with the creation of a statewide transit pass;
- The best method for advertising and marketing a statewide transit pass;
- The potential impacts that a statewide transit pass will have on transit pass programs that are currently offered by transit agencies;
- The potential impacts of section 20 of article X of the state constitution to local governments in connection with revenue generated by the sale of a statewide transit pass;
- A proposal for the structure and composition of a permanent advisory board to oversee the creation, implementation, and administration of a statewide transit pass; and
- Any other issues that need to be discussed or addressed, as deemed necessary and appropriate by a majority vote of the

members of the committee.

In producing a viable proposal for the creation, implementation, and administration of a statewide transit pass, the committee is required to solicit input from specified subject matter experts and interested parties across the state.

The committee is required to submit its proposal for the creation, implementation, and administration of a statewide transit pass, including recommendations for any necessary legislation in connection with the proposal, to the executive director and the members of the transportation legislation review committee of the general assembly on or before July 1, 2026.

Ozone season transit grant program. The ozone season transit grant program was created in the Colorado energy office in 2022. **Section 2** makes the following changes to the ozone season transit grant program:

- Relocates the ozone season transit grant program to the department;
- Requires the transit association that receives money from the state and uses the money to make grants to transit agencies to consider grants that have been or will be awarded to the transit agency through the youth fare free transit grant program, created in the bill, when making grants to ensure that transit agencies do not receive grants through the ozone season transit grant program for services that are paid for with grants from the youth fare free transit grant program;
- Requires the state treasurer to transfer \$7 million to the ozone season transit grant program fund on July 1, 2024, and on July 1 of each year thereafter; and
- Makes the ozone season transit grant program permanent by repealing the statute that would repeal the ozone season transit grant program on July 1, 2024.

Youth fare free transit grant program. **Section 3** creates the youth fare free transit grant program in the department to provide grants to the regional transportation district (RTD) and a transit association to provide fare free year-round transit services for individuals who are 19 years of age or younger (youth).

To receive a grant, a transit association or the RTD must submit an application to the department in accordance with the policies established by the department. A transit association that receives a grant may use the money to make grants to eligible transit agencies. The eligible transit agencies and the RTD may use the grant money to provide operating support for its transit operations and general transit programs, so long as the eligible transit agency or the RTD provides uninterrupted fare free year-round transit services for youth riders.

The RTD is required to report to the department and an eligible

transit agency that receives a grant from a transit association is required to report to the transit association regarding the estimated change in youth ridership during the year in which fare free services were offered compared to previous years, any changes that the RTD or the eligible transit agency would make in how it provides fare free transit services to youth or in its use of the grant money based on its experiences, and how the RTD or the eligible transit agency marketed the fare free transit services for youth. The transit association is required to submit to the department a summary of the reported information for all eligible transit agencies that received a grant through the transit association.

The bill creates the youth fare free transit grant program fund (fund) and transfers \$7 million from the general fund to the fund on July 1, 2024, and on July 1 of each year thereafter. The money in the fund is continuously appropriated to the department for the youth fare free transit grant program.

The department is required to establish policies governing the youth fare free transit grant program and to report to the house of representatives transportation, housing, and local government committee and the senate transportation committee, or their successor committees, by December 31 of each year of the program.

Income tax credit for the purchase of a transit pass. For income tax years beginning on or after January 1, 2024, but before January 1, 2029, **section 4** creates an income tax credit allowed to any taxpayer in an amount equal to 30% of the amount spent by the taxpayer to purchase one or more transit passes for use by the taxpayer during the income tax year for which the credit is claimed.

To claim the credit a taxpayer is required to include a credit certificate issued by the department with the income tax return filed with the department of revenue. The credit certificate that the department issues must identify the taxpayer and certify that the taxpayer purchased one or more transit passes for the taxpayer's use during the income tax year for which the credit is claimed.

The amount of the credit not used as an offset against income taxes in the current income tax year is refunded to the taxpayer.

No later than January 1, 2025, and no later than January 1 of each year thereafter through January 1, 2029, the department is required to provide the department of revenue with an electronic report of the taxpayers receiving a credit certificate.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-132 as
3 follows:

1 **43-1-132. Statewide transit pass exploratory committee -**
2 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
3 DECLARES THAT:

4 (a) (I) OVER-RELIANCE ON PERSONAL PASSENGER VEHICLES FOR
5 TRANSPORTATION CONTRIBUTES TO POOR AIR QUALITY AND CLIMATE
6 CHANGE AND HAS A NEGATIVE ECONOMIC IMPACT ON FAMILIES IN THE
7 STATE;

8 (II) (A) NATIONWIDE, THE NUMBER OF JOBS WITHIN THE TYPICAL
9 COMMUTE DISTANCE FOR RESIDENTS IN MAJOR METROPOLITAN AREAS HAS
10 DECLINED OVER TIME ACCORDING TO A REPORT BY THE BROOKINGS
11 INSTITUTION TITLED "THE GROWING DISTANCE BETWEEN PEOPLE AND
12 JOBS IN METROPOLITAN AMERICA";

13 (B) COLORADANS DRIVE MORE MILES PER PERSON THAN THEY
14 USED TO, IN PART DUE TO STRESS ON TRANSPORTATION INFRASTRUCTURE
15 AND INCREASING HOUSEHOLD COSTS; AND

16 (C) SINCE 1981, PER CAPITA VEHICLE MILES TRAVELED IN
17 COLORADO HAVE RISEN BY OVER TWENTY PERCENT ACCORDING TO DATA
18 FROM THE FEDERAL HIGHWAY ADMINISTRATION;

19 (III) HIGH TRANSPORTATION COSTS IMPACT LOW-INCOME
20 HOUSEHOLDS IN PARTICULAR, WITH HOUSEHOLDS MAKING LESS THAN
21 FORTY THOUSAND DOLLARS PER YEAR IN THE WESTERN UNITED STATES
22 SPENDING OVER TWENTY-FOUR PERCENT OF THEIR INCOME ON
23 TRANSPORTATION, WHEN SPENDING MORE THAN FIFTEEN PERCENT OF
24 INCOME ON TRANSPORTATION IS CONSIDERED COST BURDENED,
25 ACCORDING TO DATA FROM THE BUREAU OF LABOR STATISTICS
26 CONSUMER EXPENDITURE SURVEYS;

27 (IV) (A) IN ADDITION TO ECONOMIC IMPACTS, THE INCREASE IN

1 VEHICLE TRAFFIC HAS AN ENVIRONMENTAL IMPACT;

2 (B) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
3 HAS CLASSIFIED THE DENVER METRO/NORTH FRONT RANGE AREA AS
4 BEING IN SEVERE NONATTAINMENT FOR OZONE AND GROUND LEVEL
5 OZONE, WHICH HAS SERIOUS IMPACTS ON HUMAN HEALTH, PARTICULARLY
6 FOR VULNERABLE POPULATIONS;

7 (C) ACCORDING TO THE GREENHOUSE GAS POLLUTION REDUCTION
8 ROADMAP, PUBLISHED BY THE COLORADO ENERGY OFFICE AND DATED
9 JANUARY 14, 2021, THE TRANSPORTATION SECTOR IS THE SINGLE LARGEST
10 SOURCE OF GREENHOUSE GAS POLLUTION IN COLORADO;

11 (D) NEARLY SIXTY PERCENT OF THE GREENHOUSE GAS EMISSIONS
12 FROM THE TRANSPORTATION SECTOR COME FROM LIGHT-DUTY VEHICLES,
13 WHICH CONSTITUTE THE MAJORITY OF CARS AND TRUCKS THAT
14 COLORADANS DRIVE EVERY DAY;

15 (E) AS PART OF THE GREENHOUSE GAS POLLUTION REDUCTION
16 ROADMAP, A STRATEGIC ACTION PLAN TO ACHIEVE LEGISLATIVELY
17 ADOPTED TARGETS OF REDUCING GREENHOUSE GAS POLLUTION
18 ECONOMY-WIDE BY FIFTY PERCENT BELOW 2005 LEVELS BY 2030 AND
19 NINETY PERCENT BY 2050, THE STATE COMMITTED TO REDUCING
20 EMISSIONS FROM THE TRANSPORTATION SECTOR BY FORTY-ONE PERCENT
21 BY 2030 FROM A 2005 BASELINE; AND

22 (F) THE GREENHOUSE GAS TRANSPORTATION PLANNING
23 STANDARD ADOPTED BY THE TRANSPORTATION COMMISSION IN 2021 SET
24 A TARGET TO REDUCE TRANSPORTATION GREENHOUSE GAS EMISSIONS
25 THROUGH THE TRANSPORTATION PLANNING PROCESS BY ONE MILLION FIVE
26 HUNDRED THOUSAND TONS BY 2030;

27 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

1 (I) THE ENVIRONMENTAL AND ECONOMIC ISSUES THAT RESULT
2 FROM INCREASED RELIANCE ON PASSENGER VEHICLES AND AN INCREASE
3 IN THE NUMBER OF MILES TRAVELED PER PERSON IS A MATTER OF
4 STATEWIDE CONCERN;

5 (II) ONE OF THE KEY FINDINGS OF THE GREENHOUSE GAS
6 POLLUTION REDUCTION ROADMAP IS THAT REDUCING GROWTH IN DRIVING
7 IS AN IMPORTANT TOOL TO ACHIEVE THE STATE'S CLIMATE GOALS AND
8 THAT EXPANDING PUBLIC TRANSIT IS AN IMPORTANT NEAR-TERM ACTION
9 THAT CAN HELP ACHIEVE THOSE GOALS; AND

10 (III) IT IS THE STATE'S RESPONSIBILITY TO SUPPORT PROGRAMS
11 THAT REDUCE THE GROWTH IN DRIVING AND EXPAND PUBLIC TRANSIT.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "COMMITTEE" MEANS THE STATEWIDE TRANSIT PASS
15 EXPLORATORY COMMITTEE CREATED IN SUBSECTION (3) OF THIS SECTION.

16 (b) "STATEWIDE TRANSIT PASS" OR "PASS" MEANS A SINGLE
17 TRANSIT PASS THAT CAN BE USED ON TRANSIT PROVIDED BY TRANSIT
18 AGENCIES ACROSS THE STATE.

19 (c) "TRANSIT AGENCY" MEANS A PROVIDER OF PUBLIC
20 TRANSPORTATION, AS DEFINED IN 49 U.S.C. SEC. 5302 (15), AS AMENDED.

21 (3) (a) NO LATER THAN OCTOBER 1, 2024, THE EXECUTIVE
22 DIRECTOR SHALL CREATE A STATEWIDE TRANSIT PASS EXPLORATORY
23 COMMITTEE TO PRODUCE A VIABLE PROPOSAL FOR THE CREATION,
24 IMPLEMENTATION, AND ADMINISTRATION OF A STATEWIDE TRANSIT PASS.
25 THE COMMITTEE SHALL MEET AS NECESSARY TO PRODUCE A VIABLE
26 PROPOSAL BY JULY 1, 2026, WITH THE GOAL OF IMPLEMENTING A
27 STATEWIDE TRANSIT PASS BY JANUARY 1, 2028.

1 (b) THE COMMITTEE CONSISTS OF THE FOLLOWING FIFTEEN
2 MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR:

3 (I) THREE REPRESENTATIVES FROM THE FIVE LARGEST TRANSIT
4 AGENCIES IN THE STATE;

5 (II) EIGHT REPRESENTATIVES FROM A DIVERSE GROUP OF TRANSIT
6 AGENCIES THROUGHOUT THE STATE INCLUDING AT LEAST ONE
7 REPRESENTATIVE FROM A TRANSIT AGENCY THAT SERVES A RURAL PART
8 OF THE STATE THAT IS NOT A RESORT COMMUNITY AND AT LEAST ONE
9 REPRESENTATIVE FROM A TRANSIT AGENCY THAT SERVES ONE OR MORE
10 RESORT COMMUNITIES;

11 (III) ONE REPRESENTATIVE OF AN ENTITY OR INTEREST GROUP
12 INVOLVED IN THE PROMOTION, PLANNING, OR DEVELOPMENT OF
13 PASSENGER RAIL SYSTEMS;

14 (IV) ONE REPRESENTATIVE FROM AN ORGANIZATION WITH A
15 STATEWIDE PERSPECTIVE REGARDING TRANSPORTATION; AND

16 (V) TWO REPRESENTATIVES OF THE DEPARTMENT, ONE WHO IS
17 KNOWLEDGEABLE ABOUT THE DEPARTMENT'S INTER-CITY REGIONAL BUS
18 SERVICE AND ONE WHO IS KNOWLEDGEABLE ABOUT THE DEPARTMENT'S
19 INNOVATIVE MOBILITY PROGRAM.

20 (c) MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE
21 EXECUTIVE DIRECTOR AND WITHOUT COMPENSATION.

22 (4) IN CONDUCTING ITS WORK AND IN PRODUCING A VIABLE
23 PROPOSAL FOR THE CREATION, IMPLEMENTATION, AND ADMINISTRATION
24 OF A STATEWIDE TRANSIT PASS, THE COMMITTEE SHALL CONSIDER THE
25 FOLLOWING:

26 (a) THE LOGISTICS OF CREATING A STATEWIDE TRANSIT PASS,
27 INCLUDING:

1 (I) A VIABLE STRUCTURE FOR THE PASS TO ALLOW PASS HOLDERS
2 TO USE SERVICES PROVIDED BY TRANSIT AGENCIES ACROSS THE STATE
3 WITH A SINGLE PASS;

4 (II) A PLAN FOR COORDINATION AMONG TRANSIT AGENCIES
5 ACROSS THE STATE TO IMPLEMENT AND ADMINISTER THE PASS;

6 (III) A METHOD FOR COST-SHARING THE EXPENSES IN CONNECTION
7 WITH THE CREATION, IMPLEMENTATION, ADMINISTRATION, AND
8 ADVERTISEMENT OF THE PASS;

9 (IV) A STRUCTURE FOR SHARING, APPORTIONING, AND
10 DISTRIBUTING REVENUE FROM THE SALE OF THE PASS AMONG THE TRANSIT
11 AGENCIES THAT PARTICIPATE IN THE PASS; AND

12 (V) THE POSSIBILITY OF CREATING A FORMULA TO DISTRIBUTE
13 REVENUE FROM THE SALE OF THE PASS AMONG THE TRANSIT AGENCIES
14 THAT PARTICIPATE IN THE PASS, THE FACTORS TO CONSIDER IN THE
15 CREATION OF SUCH A FORMULA, AND A DETERMINATION REGARDING THE
16 FREQUENCY WITH WHICH THE FORMULA WOULD BE RECALCULATED;

17 (b) A METHOD FOR DETERMINING THE PRICE OF A STATEWIDE
18 TRANSIT PASS, INCLUDING WHETHER THERE WILL BE OPTIONS FOR
19 DISCOUNTED PASSES FOR LOW-INCOME POPULATIONS AND CONSIDERATION
20 OF HOW TRANSIT OPERATORS WOULD CONTINUE TO COLLECT A FARE FROM
21 THE PASS THAT IS CONSISTENT WITH THEIR EXISTING FARE STRUCTURE;

22 (c) A STRUCTURE FOR THE SALE OF THE STATEWIDE TRANSIT PASS
23 TO INDIVIDUALS AND TO EMPLOYERS FOR THEIR EMPLOYEES, INCLUDING:

24 (I) AN OPT-IN OR OPT-OUT PROGRAM WITH A MOTOR VEHICLE
25 REGISTRATION OR WITH THE RENEWAL OF A DRIVER LICENSE OR STATE
26 IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE;

27 (II) ONLINE SALES; AND

1 (III) SALES KIOSKS AT AIRPORTS, TRAIN AND BUS STATIONS,
2 TOURISM OFFICES, AND OTHER PHYSICAL LOCATIONS ACROSS THE STATE;

3 (d) THE SERVICES THAT WILL BE OFFERED TO STATEWIDE TRANSIT
4 PASS HOLDERS, INCLUDING:

5 (I) CONSIDERATION OF WHETHER THE PASS WOULD COVER ONLY
6 SERVICES ON FIXED ROUTES OR PROVIDE ACCESS-ON-DEMAND SERVICES IN
7 ADDITION TO SERVICES ON FIXED ROUTES;

8 (II) IF ACCESS-ON-DEMAND SERVICES WOULD BE INCLUDED IN THE
9 PASS, HOW THE COST OF THOSE RIDES FACTORS INTO THE COST OF THE
10 PASS;

11 (III) CONSIDERATION OF THE REQUIREMENTS OF THE FEDERAL
12 "AMERICANS WITH DISABILITIES ACT OF 1990", 42, U.S.C., SEC. 12101, ET
13 SEQ., AS AMENDED, REGARDING ACCESSIBILITY AND ACCESS TO TRANSIT;
14 AND

15 (IV) CONSIDERATION OF FEDERAL LAWS RELATING TO
16 ANTIDISCRIMINATION, INCLUDING TITLE VI OF THE FEDERAL "CIVIL
17 RIGHTS ACT OF 1964", PUB.L. 88-352, AS AMENDED;

18 (e) THE TYPES OF STATEWIDE TRANSIT PASSES THAT WOULD BE
19 OFFERED, INCLUDING DIFFERENT OPTIONS FOR THE DURATION OF THE PASS
20 TO ACCOMMODATE COLORADO RESIDENTS WHO MAY USE A PASS
21 YEAR-ROUND, FOR A PORTION OF THE YEAR, OR OTHER LONGER DURATION,
22 AND VISITORS TO COLORADO WHO MAY USE A PASS FOR A DAY, WEEK, OR
23 OTHER LIMITED DURATION;

24 (f) ADDITIONAL OPPORTUNITIES FOR COLLABORATION ACROSS
25 TRANSIT AGENCIES IN THE STATE, IN ADDITION TO THE CREATION,
26 IMPLEMENTATION, AND ADMINISTRATION OF A STATEWIDE TRANSIT PASS,
27 TO MAKE IT EASIER AND MORE APPEALING FOR PEOPLE TO USE TRANSIT,

1 INCLUDING:

2 (I) THE POSSIBILITY OF TRANSIT AGENCIES ALLOWING CUSTOMERS
3 TO PURCHASE A TICKET IN ONE TRANSACTION FOR AN ENTIRE TRIP THAT
4 REQUIRES TRANSIT SERVICES PROVIDED BY MULTIPLE TRANSIT AGENCIES;
5 AND

6 (II) THE POSSIBILITY OF TRANSIT AGENCIES SUBMITTING THEIR
7 TRIP PLANNING DATA TO A CENTRAL SOURCE TO ALLOW CUSTOMERS TO
8 CREATE AN ITINERARY THAT REQUIRES SERVICES PROVIDED BY MULTIPLE
9 TRANSIT AGENCIES;

10 (g) THE TECHNOLOGY THAT WOULD BE NEEDED TO MONITOR THE
11 USE OF THE STATEWIDE TRANSIT PASS AND TRACK RIDERSHIP ACROSS
12 TRANSIT AGENCIES TO ASSIST TRANSIT AGENCIES IN DETERMINING AND
13 UNDERSTANDING THE FINANCIAL IMPACT OF THE PASS IN THE FUTURE;

14 (h) ANY ADDITIONAL LOCAL, TRIBAL, STATE OR FEDERAL LAWS,
15 RULES, OR REGULATIONS THAT NEED TO BE CONSIDERED IN CONNECTION
16 WITH THE CREATION OF A STATEWIDE TRANSIT PASS;

17 (i) THE BEST METHOD FOR ADVERTISING AND MARKETING A
18 STATEWIDE TRANSIT PASS;

19 (j) THE POTENTIAL IMPACTS THAT A STATEWIDE TRANSIT PASS
20 WILL HAVE ON TRANSIT PASS PROGRAMS THAT ARE CURRENTLY OFFERED
21 BY TRANSIT AGENCIES;

22 (k) THE POTENTIAL IMPACTS OF SECTION 20 OF ARTICLE X OF THE
23 STATE CONSTITUTION TO LOCAL GOVERNMENTS IN CONNECTION WITH
24 REVENUE GENERATED BY THE SALE OF A STATEWIDE TRANSIT PASS;

25 (l) A PROPOSAL FOR THE STRUCTURE AND COMPOSITION OF A
26 PERMANENT ADVISORY BOARD TO OVERSEE THE CREATION,
27 IMPLEMENTATION, AND ADMINISTRATION OF A STATEWIDE TRANSIT PASS;

1 AND

2 (m) ANY OTHER ISSUES THAT NEED TO BE DISCUSSED OR
3 ADDRESSED, AS DEEMED NECESSARY AND APPROPRIATE BY A MAJORITY
4 VOTE OF THE MEMBERS OF THE COMMITTEE.

5 (5) IN PRODUCING A VIABLE PROPOSAL FOR THE CREATION,
6 IMPLEMENTATION, AND ADMINISTRATION OF A STATEWIDE TRANSIT PASS,
7 THE COMMITTEE SHALL SOLICIT INPUT FROM SUBJECT MATTER EXPERTS
8 AND INTERESTED PARTIES ACROSS THE STATE, INCLUDING:

9 (a) THE TRANSIT AND RAIL ADVISORY COMMITTEE CREATED IN
10 SECTION 43-1-1104 (1)(b);

11 (b) TRANSIT AGENCIES FROM ACROSS THE STATE, INCLUDING A
12 PRESENTATION BY AND DISCUSSION WITH MEMBERS OF THE COMMITTEE
13 REGARDING A STATEWIDE TRANSIT PASS AT AN ANNUAL MEETING
14 ORGANIZED BY A NONPROFIT ENTITY TO PROVIDE TRAINING ON A VARIETY
15 OF TOPICS, INCLUDING TRANSIT MANAGEMENT, LEADERSHIP
16 DEVELOPMENT, DRIVER SAFETY, SYSTEM SAFETY, HUMAN SERVICES
17 ISSUES, MOBILITY, AND POLICY ISSUES IN CONNECTION WITH THE FEDERAL
18 TRANSIT ADMINISTRATION AND THE DEPARTMENT; AND

19 (c) MEMBERS OF THE PUBLIC, INCLUDING AN OPPORTUNITY FOR
20 MEMBERS OF THE PUBLIC TO FOLLOW THE WORK OF THE COMMITTEE AND
21 TO PROVIDE WRITTEN COMMENTS REGARDING THE PROPOSAL FOR THE
22 CREATION, IMPLEMENTATION, AND ADMINISTRATION OF A STATEWIDE
23 TRANSIT PASS OR DISCUSSIONS IN CONNECTION WITH THE PROPOSAL.

24 (6) THE COMMITTEE SHALL SUBMIT ITS PROPOSAL FOR THE
25 CREATION, IMPLEMENTATION, AND ADMINISTRATION OF A STATEWIDE
26 TRANSIT PASS, INCLUDING RECOMMENDATIONS FOR ANY NECESSARY
27 LEGISLATION IN CONNECTION WITH THE PROPOSAL, TO THE EXECUTIVE

1 DIRECTOR AND THE MEMBERS OF THE TRANSPORTATION LEGISLATION
2 REVIEW COMMITTEE OF THE GENERAL ASSEMBLY ON OR BEFORE JULY 1,
3 2026.

4 **SECTION 2.** In Colorado Revised Statutes, **add with amended**
5 **and relocated provisions** 43-1-133 as follows:

6 **43-1-133. [Formerly 24-38.5-114]. Ozone season transit grant**
7 **program - fund - creation - policies - report - definitions.** (1) As used
8 in this section, unless the context otherwise requires:

9 (a) "Eligible transit agency" means a transit agency that is:

10 (I) A regional service authority providing surface transportation
11 pursuant to part 1 of article 7 of title 32, a regional transportation
12 authority created pursuant to part 6 of article 4 of title 43, or any other
13 political subdivision of the state, public entity, or nonprofit corporation
14 providing mass transportation services to the general public other than the
15 regional transportation district; and

16 (II) Eligible to receive money under a grant authorized by 49
17 U.S.C. sec. 5307 or 49 U.S.C. sec. 5311.

18 (b) "Fund" means the ozone season transit grant program fund
19 established in subsection (8) of this section.

20 (c) "~~Office~~" means the ~~Colorado energy office created in section~~
21 ~~24-38.5-101.~~

22 (d) (c) "Ozone season" means the period from June 1 to August
23 31 of a calendar year; except that, if an eligible transit agency operates in
24 an area in which ozone-causing traffic levels are typically highest during
25 a different period than June 1 to August 31 of a calendar year and the
26 eligible transit agency identifies the different period in an application for
27 a grant to offer fare-free service during the identified period that is

1 submitted to a transit association in accordance with the requirements of
2 this section, "ozone season" means, for that eligible transit agency, the
3 different period identified in the grant application.

4 (e) (d) "Program" means the ozone season transit grant program
5 created in subsection (2) of this section.

6 (f) (e) "Regional transportation district" means the regional
7 transportation district established in article 9 of title 32.

8 (f.5) (f) "Transit agency" means a provider of public
9 transportation, as defined in 49 U.S.C. sec. 5302 (15), as amended.

10 (g) "Transit association" means a Colorado nonprofit corporation
11 formed to represent transit interests in Colorado whose membership
12 includes transit agencies, transit-related businesses, and governmental
13 entities.

14 (2) The ozone season transit grant program is created in the ~~office~~
15 DEPARTMENT. The purposes of the program are:

16 (a) To provide grants to transit associations for the purpose of
17 providing grants to eligible transit agencies in order to offer free transit
18 services for a minimum of thirty days during ozone season; and

19 (b) To provide grants to the regional transportation district for the
20 purpose of providing free transportation services for a minimum of thirty
21 days during ozone season.

22 (3) The ~~office~~ DEPARTMENT shall administer the program and
23 award grants in accordance with this section and the policies developed
24 by the ~~office~~ DEPARTMENT pursuant to subsection (6) of this section.
25 Subject to available appropriations, grants shall be paid out of the fund.

26 (4) (a) To receive a grant, a transit association or the regional
27 transportation district must submit an application to the ~~office~~

1 DEPARTMENT in accordance with the requirements of this section and the
2 policies established by the ~~office~~ DEPARTMENT in accordance with
3 subsection (6) of this section. The ~~office~~ DEPARTMENT may award grants
4 of up to three million dollars each year to a transit association and up to
5 eleven million dollars each year to the regional transportation district;
6 except that:

7 (I) If the ~~office~~ DEPARTMENT awards a grant for a year to a transit
8 association in an amount less than three million dollars, then the
9 maximum amount of the grant that the ~~office~~ DEPARTMENT may award to
10 the transit association for the next year is three million dollars plus an
11 amount equal to the difference between three million dollars and the
12 amount of the grant awarded to the transit association for the prior year;
13 and

14 (II) If the ~~office~~ DEPARTMENT awards a grant for a year to the
15 regional transportation district in an amount less than eleven million
16 dollars, then the maximum amount of the grant that the ~~office~~
17 DEPARTMENT may award to the regional transportation district for the next
18 year is eleven million dollars plus an amount equal to the difference
19 between eleven million dollars and the amount of the grant awarded to the
20 regional transportation district for the prior year.

21 (b) A transit association, the regional transportation district, or an
22 eligible transit agency that receives a grant ~~from a transit association~~
23 THROUGH THE PROGRAM is not required to expend a grant in the year in
24 which it is received and retains the grant amount until it is expended. The
25 retention of all or a portion of a grant received during one year by a transit
26 association or the regional transportation district for use in a subsequent
27 year does not reduce the maximum amount that the transit association or

1 regional transportation district is eligible to receive as a new grant during
2 the subsequent year as set forth in this subsection (4).

3 (5) A grant recipient may use the grant money as follows:

4 (a) (I) A transit association that receives a grant may use the
5 money to establish a grant program for eligible transit agencies in
6 accordance with this section. A transit association may use a portion of
7 the grant money to pay its direct and indirect costs in administering the
8 grant program including reasonable costs to market the program to
9 eligible transit agencies.

10 (II) To receive a grant from the transit association, an eligible
11 transit agency must submit an application to the transit association. At a
12 minimum, the application must describe the free transit services that will
13 be newly provided, expanded to include additional free types of service,
14 expanded to include additional free routes, or provided more frequently
15 with the grant money, indicate to what extent the eligible transit agency
16 will match the grant money with other money, and commit to providing
17 the new or expanded free services for at least thirty days during the ozone
18 season.

19 (III) An eligible transit agency that receives a grant through the
20 transit association may use the money to cover the costs associated with
21 providing new or expanded free transit services within its service area
22 during ozone season, including offering additional free services or free
23 routes or increasing the frequency of service on routes for which the
24 eligible transit agency currently offers free service. Grant money may be
25 used to replace fare box revenue and to pay for other expenses necessary
26 to implement and measure the effectiveness of the program, including
27 reasonable marketing expenses incurred to raise awareness of free service

1 and increase ridership, expenses incurred in conducting rider surveys to
2 better measure the impact of the program on ridership and vehicle miles
3 traveled in private motor vehicles, and expenses associated with an
4 increase in ridership as a result of the program.

5 (IV) An eligible transit agency shall not use grant money to offset
6 or replace funding for free transit services that the eligible transit agency
7 offers as of January 1 of the funding year; except that an eligible transit
8 agency may use grant money that was not expended in the year in which
9 it was received or grant money from a grant awarded for a subsequent
10 year to continue funding for any such free transit services that were
11 previously funded with grant money.

12 (V) In awarding grants under this subsection (5)(a), the transit
13 association shall:

14 (A) Allocate money among applicants with the goals of reducing
15 ozone formation, increasing ridership on transit, and reducing vehicle
16 miles traveled in the state; and

17 (B) Consider the extent to which the applicant will match grant
18 money with other money; AND

19 (C) CONSIDER THE GRANTS THAT APPLICANTS HAVE BEEN
20 AWARDED THROUGH THE YOUTH FARE FREE TRANSIT GRANT PROGRAM,
21 CREATED IN SECTION 43-1-134, TO ENSURE THAT THE APPLICANT DOES
22 NOT RECEIVE GRANT MONEY PURSUANT TO THE PROGRAM FOR
23 TRANSPORTATION SERVICES COVERED BY GRANTS AWARDED THROUGH
24 THE YOUTH FARE FREE TRANSIT GRANT PROGRAM.

25 (VI) Each eligible transit agency that receives a grant shall report
26 on the use of the money to the transit association in accordance with
27 policies established by the transit association and the ~~office~~ DEPARTMENT.

1 The report must include, at a minimum, information on how the grant
2 money was spent; the free services that were offered using the grant
3 money; and estimates of the change in ridership during the period that
4 free services were offered compared to previous months, the same month
5 in previous years, and the months after the program concluded. The report
6 may include additional information, including a narrative analysis, to
7 provide context on the ridership data included in the report. On or before
8 December 1 of each year of the grant program, the transit association
9 shall submit a report to the ~~office~~ DEPARTMENT compiling and
10 summarizing the reported information for all eligible transit agencies that
11 received a grant through the transit association.

12 (VII) A transit association receiving a grant shall develop and
13 publicize policies for the grant, including the process and deadlines for
14 an eligible transit agency to apply for and receive a grant, the information,
15 including notice that the eligible transit agency must identify any period
16 other than June 1 to August 31 of a calendar year for its ozone season in
17 the application, and documentation required for the application, reporting
18 requirements and deadlines, and any additional requirements necessary
19 to administer the grant.

20 (b) (I) The regional transportation district may use grant money
21 to cover the costs of providing at least thirty days of free transit on all
22 services offered by the regional transportation district. Grant money may
23 be used to replace fare box revenue and to pay for other expenses
24 necessary to implement the program, including reasonable marketing
25 expenses incurred to raise awareness of free service and increase
26 ridership and expenses associated with an increase in ridership as a result
27 of the program.

1 (II) On or before December 1 of each year for which the regional
2 transportation district receives a grant, the regional transportation district
3 shall submit a report to the ~~office~~ DEPARTMENT on the implementation of
4 the program in accordance with the policies established by the ~~office~~
5 DEPARTMENT. At a minimum, the report must include information on how
6 the grant money was spent; the free services that were offered using the
7 grant money; and estimates of the change in ridership during the period
8 that free services were offered compared to previous months, the same
9 month in previous years, and the months after the program concluded.
10 The report may include additional information, including a narrative
11 analysis, to provide context on the ridership data included in the report.

12 (III) The state auditor shall audit the regional transportation
13 district's use of the grant money as part of its next performance audit of
14 the regional transportation district conducted pursuant to section 32-9-115
15 (3).

16 (6) The ~~office~~ DEPARTMENT shall establish and publicize policies
17 for the program. At a minimum, the policies must address the process and
18 any deadlines for applying for and receiving a grant under the program,
19 the information and documentation required for the application, reporting
20 requirements and deadlines, and any additional policies necessary to
21 administer the program.

22 (7) The ~~office~~ DEPARTMENT may seek, accept, and expend gifts,
23 grants, or donations from private or public sources for the purposes of this
24 section. The ~~office~~ DEPARTMENT shall transmit all money received
25 through gifts, grants, or donations to the state treasurer, who shall credit
26 the money to the fund.

27 (8) (a) The ozone season transit grant program fund is hereby

1 created in the state treasury. The fund consists of money transferred to the
2 fund in accordance with ~~subsection (8)(d)~~ SUBSECTIONS (8)(d) AND (8)(e)
3 of this section, any other money that the general assembly appropriates or
4 transfers to the fund, and any gifts, grants, or donations credited to the
5 fund pursuant to subsection (7) of this section.

6 (b) The state treasurer shall credit all interest and income derived
7 from the deposit and investment of money in the fund to the fund.

8 (c) Money in the fund is continuously appropriated to the ~~office~~
9 DEPARTMENT for the purposes specified in this section.

10 (d) Three days after May 26, 2022, the state treasurer shall
11 transfer twenty-eight million dollars from the general fund to the fund.

12 (e) ON JULY 1, 2024, AND ON JULY 1 OF EACH YEAR THEREAFTER,
13 THE GENERAL ASSEMBLY SHALL TRANSFER SEVEN MILLION DOLLARS TO
14 THE FUND.

15 (9) On or before December 31 of each year of the program, the
16 ~~office~~ DEPARTMENT shall submit a report on the implementation of the
17 program to the house of representatives transportation and local
18 government committee and the senate transportation and energy
19 committee, or their successor committees. The report must summarize
20 and compile the information submitted to the ~~office~~ DEPARTMENT
21 pursuant to subsections (5)(a)(VI) and (5)(b)(II) of this section.

22 (10) ~~This section is repealed, effective July 1, 2024.~~

23 **SECTION 3.** In Colorado Revised Statutes, **add** 43-1-134 as
24 follows:

25 **43-1-134. Youth fare free transit grant program - fund -**
26 **creation - policies - report - definitions - repeal.** (1) AS USED IN THIS
27 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "ELIGIBLE TRANSIT AGENCY" MEANS A TRANSIT AGENCY THAT
2 IS:

3 (I) A REGIONAL SERVICE AUTHORITY PROVIDING SURFACE
4 TRANSPORTATION PURSUANT TO PART 1 OF ARTICLE 7 OF TITLE 32, A
5 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6
6 OF ARTICLE 4 OF TITLE 43, OR ANY OTHER POLITICAL SUBDIVISION OF THE
7 STATE, PUBLIC ENTITY, OR NONPROFIT CORPORATION PROVIDING MASS
8 TRANSPORTATION SERVICES TO THE GENERAL PUBLIC OTHER THAN THE
9 REGIONAL TRANSPORTATION DISTRICT; AND

10 (II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY
11 49 U.S.C. SEC. 5307 OR 49 U.S.C. SEC. 5311.

12 (b) "FUND" MEANS THE YOUTH FARE FREE TRANSIT GRANT
13 PROGRAM FUND ESTABLISHED IN SUBSECTION (8) OF THIS SECTION.

14 (c) "PROGRAM" MEANS THE YOUTH FARE FREE TRANSIT GRANT
15 PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

16 (d) "REGIONAL TRANSPORTATION DISTRICT" MEANS THE REGIONAL
17 TRANSPORTATION DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

18 (e) "TRANSIT AGENCY" MEANS A PROVIDER OF PUBLIC
19 TRANSPORTATION, AS DEFINED IN 49 U.S.C. SEC. 5302 (15), AS AMENDED.

20 (f) "TRANSIT ASSOCIATION" MEANS A COLORADO NONPROFIT
21 CORPORATION FORMED TO REPRESENT TRANSIT INTERESTS IN COLORADO
22 WHOSE MEMBERSHIP INCLUDES TRANSIT AGENCIES, TRANSIT-RELATED
23 BUSINESSES, AND GOVERNMENTAL ENTITIES.

24 (g) "YOUTH" MEANS AN INDIVIDUAL WHO IS NINETEEN YEARS OF
25 AGE OR YOUNGER.

26 (2) THE YOUTH FARE FREE TRANSIT GRANT PROGRAM IS CREATED
27 IN THE DEPARTMENT. THE PURPOSES OF THE PROGRAM ARE:

1 (a) TO PROVIDE GRANTS TO TRANSIT ASSOCIATIONS FOR THE
2 PURPOSE OF PROVIDING GRANTS TO ELIGIBLE TRANSIT AGENCIES IN ORDER
3 TO OFFER YEAR-ROUND FARE FREE TRANSIT SERVICES TO YOUTH RIDERS;
4 AND

5 (b) TO PROVIDE GRANTS TO THE REGIONAL TRANSPORTATION
6 DISTRICT FOR THE PURPOSE OF PROVIDING YEAR-ROUND FARE FREE
7 TRANSIT SERVICES TO YOUTH RIDERS.

8 (3) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM AND
9 AWARD GRANTS IN ACCORDANCE WITH THIS SECTION AND THE POLICIES
10 DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (6) OF THIS
11 SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS ARE PAID OUT
12 OF THE FUND.

13 (4) (a) TO RECEIVE A GRANT, A TRANSIT ASSOCIATION OR THE
14 REGIONAL TRANSPORTATION DISTRICT MUST SUBMIT AN APPLICATION TO
15 THE DEPARTMENT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
16 SECTION AND THE POLICIES ESTABLISHED BY THE DEPARTMENT IN
17 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. THE DEPARTMENT
18 MAY AWARD GRANTS OF UP TO FIVE MILLION DOLLARS EACH YEAR TO A
19 TRANSIT ASSOCIATION AND UP TO FOUR MILLION FIVE HUNDRED
20 THOUSAND DOLLARS EACH YEAR TO THE REGIONAL TRANSPORTATION
21 DISTRICT; EXCEPT THAT:

22 (I) IF THE DEPARTMENT AWARDS A GRANT FOR A YEAR TO A
23 TRANSIT ASSOCIATION IN AN AMOUNT LESS THAN FIVE MILLION DOLLARS,
24 THEN THE MAXIMUM AMOUNT OF THE GRANT THAT THE DEPARTMENT MAY
25 AWARD TO THE TRANSIT ASSOCIATION FOR THE NEXT YEAR IS FIVE MILLION
26 DOLLARS PLUS AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN FIVE
27 MILLION DOLLARS AND THE AMOUNT OF THE GRANT AWARDED TO THE

1 TRANSIT ASSOCIATION FOR THE PRIOR YEAR; AND

2 (II) IF THE DEPARTMENT AWARDS A GRANT FOR A YEAR TO THE
3 REGIONAL TRANSPORTATION DISTRICT IN AN AMOUNT LESS THAN FOUR
4 MILLION FIVE HUNDRED THOUSAND DOLLARS, THEN THE MAXIMUM
5 AMOUNT OF THE GRANT THAT THE DEPARTMENT MAY AWARD TO THE
6 REGIONAL TRANSPORTATION DISTRICT FOR THE NEXT YEAR IS FOUR
7 MILLION FIVE HUNDRED THOUSAND DOLLARS PLUS AN AMOUNT EQUAL TO
8 THE DIFFERENCE BETWEEN FOUR MILLION FIVE HUNDRED THOUSAND
9 DOLLARS AND THE AMOUNT OF THE GRANT AWARDED TO THE REGIONAL
10 TRANSPORTATION DISTRICT FOR THE PRIOR YEAR.

11 (b) A TRANSIT ASSOCIATION, THE REGIONAL TRANSPORTATION
12 DISTRICT, OR AN ELIGIBLE TRANSIT AGENCY THAT RECEIVES A GRANT IS
13 NOT REQUIRED TO EXPEND A GRANT IN THE YEAR IN WHICH IT IS RECEIVED
14 AND RETAINS THE GRANT AMOUNT UNTIL IT IS EXPENDED. THE RETENTION
15 OF ALL OR A PORTION OF A GRANT RECEIVED DURING ONE YEAR BY A
16 TRANSIT ASSOCIATION OR THE REGIONAL TRANSPORTATION DISTRICT FOR
17 USE IN A SUBSEQUENT YEAR DOES NOT REDUCE THE MAXIMUM AMOUNT
18 THAT THE TRANSIT ASSOCIATION OR REGIONAL TRANSPORTATION DISTRICT
19 IS ELIGIBLE TO RECEIVE PURSUANT TO THIS SUBSECTION (4) AS A NEW
20 GRANT DURING THE SUBSEQUENT YEAR.

21 (5) (a) (I) A TRANSIT ASSOCIATION THAT RECEIVES A GRANT MAY
22 USE THE MONEY TO ESTABLISH A GRANT PROGRAM FOR ELIGIBLE TRANSIT
23 AGENCIES IN ACCORDANCE WITH THIS SECTION. A TRANSIT ASSOCIATION
24 MAY USE A PORTION OF THE GRANT MONEY TO PAY ITS DIRECT AND
25 INDIRECT COSTS IN ADMINISTERING THE GRANT PROGRAM INCLUDING
26 REASONABLE COSTS TO CREATE A STATEWIDE MARKETING CAMPAIGN FOR
27 USE BY ELIGIBLE TRANSIT AGENCIES.

1 (II) TO RECEIVE A GRANT FROM A TRANSIT ASSOCIATION, AN
2 ELIGIBLE TRANSIT AGENCY MUST SUBMIT AN APPLICATION TO THE TRANSIT
3 ASSOCIATION. AT A MINIMUM, THE APPLICATION MUST DESCRIBE THE
4 ELIGIBLE TRANSIT AGENCY'S CURRENT YOUTH RIDERSHIP AND THE
5 METHOD THAT THE ELIGIBLE TRANSIT AGENCY USES TO TRACK YOUTH
6 RIDERS.

7 (III) AN ELIGIBLE TRANSIT AGENCY THAT RECEIVES A GRANT
8 THROUGH THE TRANSIT ASSOCIATION MAY USE THE GRANT MONEY TO
9 PROVIDE OPERATING SUPPORT FOR ITS TRANSIT OPERATIONS AND GENERAL
10 TRANSIT PROGRAMS, SO LONG AS THE ELIGIBLE TRANSIT AGENCY PROVIDES
11 UNINTERRUPTED FARE FREE YEAR-ROUND TRANSIT SERVICES FOR YOUTH
12 RIDERS.

13 (IV) IN AWARDING GRANTS UNDER THIS SUBSECTION (5)(a), A
14 TRANSIT ASSOCIATION SHALL:

15 (A) ALLOCATE MONEY AMONG APPLICANTS WITH THE GOALS OF
16 INCREASING YOUTH RIDERSHIP ON TRANSIT, REDUCING OZONE FORMATION,
17 AND REDUCING VEHICLE MILES TRAVELED IN THE STATE; AND

18 (B) CONSIDER DISTRIBUTING GRANT MONEY USING A FORMULA
19 DEVELOPED BY THE TRANSIT ASSOCIATION THAT TAKES INTO ACCOUNT
20 YOUTH RIDERSHIP IN THE SERVICE AREA OF THE APPLICANT AND THE
21 EXTENT TO WHICH THE APPLICANT WILL MATCH GRANT MONEY WITH
22 OTHER MONEY; EXCEPT THAT APPLICANTS ARE NOT REQUIRED TO MATCH
23 GRANT MONEY TO BE ELIGIBLE TO RECEIVE A GRANT.

24 (V) (A) EACH ELIGIBLE TRANSIT AGENCY THAT RECEIVES A GRANT
25 SHALL REPORT ON THE USE OF THE MONEY TO THE TRANSIT ASSOCIATION
26 IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE TRANSIT
27 ASSOCIATION AND THE DEPARTMENT. THE REPORT MUST INCLUDE, AT A

1 MINIMUM, ESTIMATES OF THE CHANGE IN YOUTH RIDERSHIP DURING THE
2 YEAR IN WHICH FARE FREE SERVICES WERE OFFERED TO YOUTH RIDERS
3 COMPARED TO PREVIOUS YEARS, ANY CHANGES THAT THE ELIGIBLE
4 TRANSIT AGENCY WOULD MAKE IN HOW IT PROVIDES FARE FREE TRANSIT
5 SERVICES TO YOUTH RIDERS OR IN ITS USE OF THE GRANT MONEY BASED ON
6 ITS EXPERIENCES, AND HOW THE ELIGIBLE TRANSIT AGENCY MARKETED
7 THE FARE FREE TRANSIT SERVICES FOR YOUTH RIDERS. THE REPORT MAY
8 INCLUDE ADDITIONAL INFORMATION, INCLUDING A NARRATIVE ANALYSIS,
9 TO PROVIDE CONTEXT ON THE RIDERSHIP DATA INCLUDED IN THE REPORT.
10 EACH ELIGIBLE TRANSIT AGENCY THAT RECEIVES A GRANT THROUGH THE
11 TRANSIT ASSOCIATION SHALL SUBMIT ITS REPORT TO THE TRANSIT
12 ASSOCIATION BY JANUARY 31, 2025, AND BY JANUARY 31 OF EACH YEAR
13 THEREAFTER.

14 (B) BY FEBRUARY 28, 2025, AND BY FEBRUARY 28 OF EACH YEAR
15 THEREAFTER, THE TRANSIT ASSOCIATION SHALL SUBMIT A REPORT TO THE
16 DEPARTMENT COMPILING AND SUMMARIZING THE REPORTED INFORMATION
17 FOR ALL ELIGIBLE TRANSIT AGENCIES THAT RECEIVED A GRANT THROUGH
18 THE TRANSIT ASSOCIATION.

19 (VI) A TRANSIT ASSOCIATION THAT RECEIVES A GRANT FROM THE
20 DEPARTMENT SHALL DEVELOP AND PUBLICIZE POLICIES FOR THE GRANT,
21 INCLUDING THE PROCESS AND DEADLINES FOR AN ELIGIBLE TRANSIT
22 AGENCY TO APPLY FOR AND RECEIVE A GRANT, THE INFORMATION AND
23 DOCUMENTATION REQUIRED FOR THE APPLICATION, REPORTING
24 REQUIREMENTS AND DEADLINES, AND ANY ADDITIONAL REQUIREMENTS
25 NECESSARY TO ADMINISTER THE GRANT.

26 (b) (I) THE REGIONAL TRANSPORTATION DISTRICT MAY USE GRANT
27 MONEY TO PROVIDE OPERATING SUPPORT FOR ITS TRANSIT OPERATIONS

1 AND GENERAL TRANSIT PROGRAMS, SO LONG AS THE REGIONAL
2 TRANSPORTATION DISTRICT PROVIDES UNINTERRUPTED FARE FREE
3 YEAR-ROUND TRANSIT SERVICES FOR YOUTH RIDERS.

4 (II) ON OR BEFORE DECEMBER 1 OF EACH YEAR FOR WHICH THE
5 REGIONAL TRANSPORTATION DISTRICT RECEIVES A GRANT, THE REGIONAL
6 TRANSPORTATION DISTRICT SHALL SUBMIT A REPORT TO THE DEPARTMENT
7 ON THE IMPLEMENTATION OF THE PROGRAM IN ACCORDANCE WITH THE
8 POLICIES ESTABLISHED BY THE DEPARTMENT. THE REPORT MUST INCLUDE,
9 AT A MINIMUM, ESTIMATES OF THE CHANGE IN YOUTH RIDERSHIP DURING
10 THE YEAR IN WHICH FARE FREE SERVICES WERE OFFERED TO YOUTH RIDERS
11 COMPARED TO PREVIOUS YEARS, ANY CHANGES THAT THE REGIONAL
12 TRANSPORTATION DISTRICT WOULD MAKE IN HOW IT PROVIDES FARE FREE
13 TRANSIT SERVICES TO YOUTH RIDERS OR IN ITS USE OF THE GRANT MONEY
14 BASED ON ITS EXPERIENCES, AND HOW THE REGIONAL TRANSPORTATION
15 DISTRICT MARKETED THE FARE FREE TRANSIT SERVICES FOR YOUTH
16 RIDERS. THE REPORT MAY INCLUDE ADDITIONAL INFORMATION, INCLUDING
17 A NARRATIVE ANALYSIS, TO PROVIDE CONTEXT ON THE RIDERSHIP DATA
18 INCLUDED IN THE REPORT.

19 (III) THE STATE AUDITOR SHALL AUDIT THE REGIONAL
20 TRANSPORTATION DISTRICT'S USE OF THE GRANT MONEY AS PART OF ITS
21 NEXT PERFORMANCE AUDIT OF THE REGIONAL TRANSPORTATION DISTRICT
22 CONDUCTED PURSUANT TO SECTION 32-9-115 (3).

23 (6) (a) (I) THE DEPARTMENT SHALL ESTABLISH AND PUBLICIZE
24 POLICIES FOR THE PROGRAM. AT A MINIMUM, THE POLICIES MUST ADDRESS
25 THE PROCESS AND ANY DEADLINES FOR APPLYING FOR AND RECEIVING A
26 GRANT UNDER THE PROGRAM, THE INFORMATION AND DOCUMENTATION
27 REQUIRED FOR THE APPLICATION, REPORTING REQUIREMENTS AND

1 DEADLINES, AND ANY ADDITIONAL POLICIES NECESSARY TO ADMINISTER
2 THE PROGRAM.

3 (II) IN ADMINISTERING THE GRANT PROGRAM, THE DEPARTMENT
4 SHALL AWARD FORMULA-BASED GRANTS TO A TRANSIT ASSOCIATION AND
5 THE REGIONAL TRANSPORTATION DISTRICT FOR USE BY THE TRANSIT
6 ASSOCIATION OR THE REGIONAL TRANSPORTATION DISTRICT DURING THE
7 TWELVE MONTHS FOLLOWING THE AWARD OF THE GRANT MONEY. THE
8 DEPARTMENT SHALL ENSURE THAT GRANTS ARE AWARDED BY JULY 15,
9 2024, AND BY JULY 15 OF EACH YEAR THEREAFTER.

10 (7) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
11 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
12 PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSMIT ALL
13 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
14 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

15 (8) (a) THE YOUTH FARE FREE TRANSIT GRANT PROGRAM FUND IS
16 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF
17 MONEY TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTION
18 (8)(d) OF THIS SECTION, ANY OTHER MONEY THAT THE GENERAL ASSEMBLY
19 APPROPRIATES OR TRANSFERS TO THE FUND, AND ANY GIFTS, GRANTS, OR
20 DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS
21 SECTION.

22 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
23 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
24 FUND TO THE FUND.

25 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
26 DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS SECTION.

27 (d) ON JULY 1, 2024, AND ON JULY 1 OF EACH YEAR THEREAFTER,

1 THE STATE TREASURER SHALL TRANSFER SEVEN MILLION DOLLARS FROM
2 THE GENERAL FUND TO THE FUND.

3 (9) ON OR BEFORE DECEMBER 31 OF EACH YEAR OF THE PROGRAM,
4 THE DEPARTMENT SHALL SUBMIT A REPORT ON THE IMPLEMENTATION OF
5 THE PROGRAM TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND
6 LOCAL GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION AND
7 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT
8 MUST SUMMARIZE AND COMPILE THE INFORMATION SUBMITTED TO THE
9 DEPARTMENT PURSUANT TO SUBSECTIONS (5)(a)(V) AND (5)(b)(II) OF THIS
10 SECTION.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 39-22-560 as
12 follows:

13 **39-22-560. Credit against tax - taxpayer expenditures for**
14 **transit passes - legislative declaration - definitions.** (1) IN
15 ACCORDANCE WITH SECTION 39-21-304 (1), WHICH REQUIRES EACH BILL
16 THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE A TAX PREFERENCE
17 PERFORMANCE STATEMENT AS PART OF A STATUTORY LEGISLATIVE
18 DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
19 THAT:

20 (a) THE GENERAL LEGISLATIVE PURPOSES OF THE TAX CREDIT
21 ALLOWED BY THIS SECTION ARE:

22 (I) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,
23 SPECIFICALLY THE PURCHASE OF TRANSIT PASSES AND THE USE OF TRANSIT
24 AS AN ALTERNATIVE TO TRAVELING IN PERSONAL MOTOR VEHICLES; AND

25 (II) TO PROVIDE TAX RELIEF TO TAXPAYERS THAT USE TRANSIT AS
26 AN ALTERNATIVE TO TRAVELING IN PERSONAL MOTOR VEHICLES.

27 (b) THE SPECIFIC LEGISLATIVE PURPOSE OF THE TAX CREDIT

1 ALLOWED BY THIS SECTION IS TO INCREASE THE USE OF TRANSIT BY
2 TAXPAYERS AS AN ALTERNATIVE TO TRAVELING IN PERSONAL MOTOR
3 VEHICLES BY PROVIDING AN INCENTIVE TO TAXPAYERS WHO USE TRANSIT
4 ON A REGULAR BASIS AS EVIDENCED BY THE PURCHASE OF A TRANSIT PASS.
5 TO ALLOW THE GENERAL ASSEMBLY AND THE STATE AUDITOR TO
6 MEASURE THE EFFECTIVENESS OF THE CREDIT, THE DEPARTMENT OF
7 REVENUE, WHEN ADMINISTERING THE CREDIT, SHALL REQUIRE EACH
8 TAXPAYER WHO CLAIMS THE CREDIT TO PROVIDE INFORMATION ABOUT
9 THE SPECIFIC TRANSIT PASS PURCHASED, THE NUMBER OF MONTHS IN
10 WHICH THE TAXPAYER PURCHASED A TRANSIT PASS DURING THE INCOME
11 TAX YEAR FOR WHICH THE CREDIT IS CLAIMED, AND IF FEASIBLE, THE
12 NUMBER OF TRIPS TAKEN BY THE TAXPAYER USING TRANSIT DURING THE
13 INCOME TAX YEAR FOR WHICH THE CREDIT IS CLAIMED.

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

16 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
17 CREATED IN SECTION 43-1-103 (1).

18 (b) "PUBLIC TRANSPORTATION ENTITY" MEANS A MASS TRANSIT
19 DISTRICT, A MASS TRANSIT AUTHORITY, OR ANY OTHER PUBLIC ENTITY
20 AUTHORIZED UNDER THE LAWS OF THIS STATE TO PROVIDE MASS
21 TRANSPORTATION SERVICES TO THE GENERAL PUBLIC.

22 (c) "TRANSIT PASS" MEANS ANY PASS, COUPON, CARD,
23 IDENTIFICATION, OR OTHER DOCUMENT ISSUED BY A PUBLIC
24 TRANSPORTATION ENTITY THAT CAN BE USED TO OBTAIN PUBLIC TRANSIT
25 FOR A PERIOD OF AT LEAST ONE MONTH.

26 (3) FOR INCOME TAX YEARS BEGINNING ON OR AFTER JANUARY 1,
27 2024, BUT BEFORE JANUARY 1, 2029, SUBJECT TO THE PROVISIONS OF

1 SUBSECTION (4) OF THIS SECTION, THERE IS ALLOWED A CREDIT TO ANY
2 TAXPAYER IN AN AMOUNT EQUAL TO THIRTY PERCENT OF THE AMOUNT
3 SPENT BY THE TAXPAYER TO PURCHASE ONE OR MORE TRANSIT PASSES FOR
4 USE BY THE TAXPAYER DURING THE INCOME TAX YEAR FOR WHICH THE
5 CREDIT IS CLAIMED.

6 (4) (a) TO CLAIM THE CREDIT UNDER THIS SECTION, A TAXPAYER
7 MUST INCLUDE A CREDIT CERTIFICATE WITH THE INCOME TAX RETURN
8 FILED WITH THE DEPARTMENT OF REVENUE.

9 (b) THE DEPARTMENT SHALL DEVELOP A PROCESS FOR ISSUING
10 CREDIT CERTIFICATES TO TAXPAYERS WHO INTEND TO CLAIM THE CREDIT
11 ALLOWED IN THIS SECTION. THE CREDIT CERTIFICATE MUST IDENTIFY THE
12 TAXPAYER AND CERTIFY THAT THE TAXPAYER PURCHASED ONE OR MORE
13 TRANSIT PASSES FOR THE TAXPAYER'S USE DURING THE INCOME TAX YEAR
14 FOR WHICH THE CREDIT IS CLAIMED. THE DEPARTMENT SHALL DETERMINE
15 THE FORM AND MANNER FOR A TAXPAYER WHO REQUESTS A CREDIT
16 CERTIFICATE TO PROVIDE PROOF TO THE DEPARTMENT THAT THE
17 TAXPAYER PURCHASED ONE OR MORE TRANSIT PASSES FOR THE
18 TAXPAYER'S USE.

19 (5) THE AMOUNT OF ANY CREDIT ALLOWED UNDER THIS SECTION
20 THAT EXCEEDS THE TAXPAYER'S INCOME TAXES DUE IS REFUNDED TO THE
21 TAXPAYER.

22 (6) NO LATER THAN JANUARY 1, 2025, AND NO LATER THAN
23 JANUARY 1 OF EACH YEAR THEREAFTER THROUGH JANUARY 1, 2029, THE
24 DEPARTMENT SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH AN
25 ELECTRONIC REPORT OF THE TAXPAYERS RECEIVING A CREDIT CERTIFICATE
26 AS ALLOWED IN THIS SECTION FOR THE PREVIOUS CALENDAR YEAR THAT
27 INCLUDES THE FOLLOWING INFORMATION:

- 1 (a) EACH TAXPAYER'S NAME;
- 2 (b) THE AMOUNT THAT EACH TAXPAYER SPENT ON ONE OR MORE
- 3 TRANSIT PASSES DURING AN INCOME TAX YEAR FOR WHICH THE CREDIT IS
- 4 CLAIMED FOR THE TAXPAYER'S USE; AND
- 5 (c) THE AMOUNT OF THE CREDIT ALLOWED PURSUANT TO THIS
- 6 SECTION.

7 (7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2033.

8 **SECTION 5.** In Colorado Revised Statutes, **repeal** 24-38.5-114.

9 **SECTION 6. Effective date.** This act takes effect upon passage;

10 except that section 2 of this act takes effect July 1, 2024.

11 **SECTION 7. Safety clause.** The general assembly finds,

12 determines, and declares that this act is necessary for the immediate

13 preservation of the public peace, health, or safety or for appropriations for

14 the support and maintenance of the departments of the state and state

15 institutions.