

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

INTRODUCED

LLS NO. 11-0551.02 Jason Gelender

HOUSE BILL 11-1133

HOUSE SPONSORSHIP

Wilson, Coram, Fields, Hullinghorst, Kerr A., Lee, Pace, Ryden, Todd

SENATE SPONSORSHIP

Schwartz,

House Committees
Transportation

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALTERNATIVE ENERGY VEHICLE REFUELING STATIONS.**

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://www.leg.state.co.us/billsummaries>.)

The bill:

- ! Defines "alternative fuel vehicle" as a self-propelled vehicle that is designed primarily for travel on the public highways, generally and commonly used to transport persons and property over the public highways, and powered primarily by electricity or natural gas.
- ! Requires the department of transportation (CDOT) to

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

award a concession to one or more commercial entities to install and maintain alternative fuel vehicle refueling stations at state highway rest areas if the department concludes that the concession will not be detrimental to public safety or the environment and will not result in positive net state expenditures;

- ! Requires CDOT, in consultation with the division of parks and outdoor recreation (division), to award a concession to one or more commercial entities to install and maintain alternative fuel vehicle refueling stations at state parks if both CDOT and the division conclude that the concession will not be detrimental to public safety or the environment and will not result in positive net state expenditures;
- ! Specifies that a concessionaire need not install and maintain an alternative fuel vehicle refueling station at a specific state highway rest area or state park if CDOT, or CDOT and the division, as applicable, determine that it would be cost-prohibitive, damaging to the environment, detrimental to public safety, or, in the case of a state park, detrimental to the public's enjoyment of the park;
- ! Requires a concession contract to specify the maximum amount of the fees that a concessionaire may charge for the use of any refueling station that it installs and maintains; and
- ! Requires CDOT to prominently display on its web site a list by location of all alternative fuel vehicle refueling stations that a concessionaire operates and maintains and all other publicly available refueling stations in the state that are known to CDOT, to regularly update the list, and to provide a means, if feasible, by which members of the public can add refueling stations to the list.

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

2 **SECTION 1.** Part 1 of article 2 of title 43, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **43-2-151. Alternative fuel vehicle refueling stations - operation**
6 **by concessionaires at rest areas and state parks - listing on**
7 **department of transportation web site.** (1) AS USED IN THIS SECTION,

1 "ALTERNATIVE FUEL VEHICLE" MEANS A SELF-PROPELLED VEHICLE THAT
2 IS DESIGNED PRIMARILY FOR TRAVEL ON THE PUBLIC HIGHWAYS,
3 GENERALLY AND COMMONLY USED TO TRANSPORT PERSONS AND
4 PROPERTY OVER THE PUBLIC HIGHWAYS, AND POWERED PRIMARILY BY
5 ELECTRICITY OR NATURAL GAS.

6 (2) THE DEPARTMENT OF TRANSPORTATION SHALL AWARD A
7 CONCESSION TO ONE OR MORE COMMERCIAL ENTITIES TO INSTALL AND
8 MAINTAIN ALTERNATIVE FUEL VEHICLE REFUELING STATIONS AT STATE
9 HIGHWAY REST AREAS IF THE DEPARTMENT CONCLUDES THAT THE
10 CONCESSION WILL NOT BE DETRIMENTAL TO PUBLIC SAFETY OR THE
11 ENVIRONMENT AND WILL NOT RESULT IN POSITIVE NET STATE
12 EXPENDITURES. IN ADDITION, THE DEPARTMENT, IN CONSULTATION WITH
13 THE DIVISION OF PARKS AND OUTDOOR RECREATION IN THE DEPARTMENT
14 OF NATURAL RESOURCES, SHALL AWARD A CONCESSION TO ONE OR MORE
15 COMMERCIAL ENTITIES TO INSTALL AND MAINTAIN ALTERNATIVE FUEL
16 VEHICLE REFUELING STATIONS AT STATE PARKS IF BOTH THE DEPARTMENT
17 AND THE DIVISION CONCLUDE THAT THE CONCESSION WILL NOT BE
18 DETRIMENTAL TO PUBLIC SAFETY OR THE ENVIRONMENT AND WILL NOT
19 RESULT IN POSITIVE NET STATE EXPENDITURES. A CONCESSION CONTRACT
20 NEED NOT REQUIRE THAT THE CONCESSIONAIRE INSTALL AND MAINTAIN
21 AN ALTERNATIVE FUEL VEHICLE REFUELING STATION AT A SPECIFIC STATE
22 HIGHWAY REST AREA OR STATE PARK IF THE DEPARTMENT, OR THE
23 DEPARTMENT AND THE DIVISION, AS APPLICABLE, DETERMINE THAT IT
24 WOULD BE COST-PROHIBITIVE, DAMAGING TO THE ENVIRONMENT,
25 DETRIMENTAL TO PUBLIC SAFETY, OR, IN THE CASE OF A STATE PARK,
26 DETRIMENTAL TO THE PUBLIC'S ENJOYMENT OF THE PARK. A CONCESSION
27 CONTRACT SHALL SPECIFY THE MAXIMUM AMOUNT OF THE FEES THAT A

1 CONCESSIONAIRE MAY CHARGE FOR THE USE OF ANY REFUELING STATION
2 THAT IT INSTALLS AND MAINTAINS.

3 (3) NO LATER THAN JANUARY 1, 2012, THE DEPARTMENT OF
4 TRANSPORTATION SHALL PROMINENTLY DISPLAY ON ITS WEB SITE A LIST
5 BY LOCATION OF ALL ALTERNATIVE VEHICLE REFUELING STATIONS THAT
6 A CONCESSIONAIRE OPERATES AND MAINTAINS AT STATE HIGHWAY REST
7 AREAS AND STATE PARKS AND ALL OTHER PUBLICLY AVAILABLE
8 REFUELING STATIONS IN THE STATE THAT ARE KNOWN TO THE
9 DEPARTMENT. THE DEPARTMENT SHALL REGULARLY UPDATE THE LIST
10 AND SHALL, IF FEASIBLE, PROVIDE A MEANS BY WHICH MEMBERS OF THE
11 PUBLIC CAN ADD REFUELING STATIONS TO THE LIST.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 shall take effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part shall not take effect
19 unless approved by the people at the general election to be held in
20 November 2012 and shall take effect on the date of the official
21 declaration of the vote thereon by the governor.