

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0387.01 Jason Gelender x4330

HOUSE BILL 17-1153

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A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF INTERSTATE HIGHWAY 25 IN
102 CONJUNCTION WITH THE MITIGATION OF TRAFFIC CONGESTION
103 BY CLARIFYING THAT A HIGH OCCUPANCY VEHICLE LANE OR A
104 HIGH OCCUPANCY TOLL LANE IS RESERVED FOR TOLL-FREE USE
105 BY A VEHICLE CARRYING TWO OR MORE INDIVIDUALS,
106 INCLUDING THE DRIVER.

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>.)

The bill clarifies that high occupancy vehicle lanes are lanes on

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.

which a vehicle carrying 2 or more individuals, including the driver, may travel and that high occupancy toll lanes are lanes on which a vehicle carrying fewer than 2 individuals, including the driver, must pay a toll. The bill also raises the priority of currently unfunded projects to expand the capacity of interstate highway 25 between the town of Castle Rock and the town of Monument and between state highway 14 and state highway 66 (high priority projects) by:

- ! Requiring the department of transportation (CDOT) to put the high priority projects above all other unfunded projects on its priority list for project funding;
- ! Requiring all federal money received by CDOT that the federal government does not require to be allocated for other projects and that CDOT has not previously allocated for other projects to be used to fund the high priority projects before being used to fund other projects; and
- ! Requiring any environmental studies or other studies required to be completed before the high priority projects may begin to be completed no later than 6 months following the effective date of the bill and prohibiting study findings from being used to prevent the high priority projects from being undertaken.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1012, **amend**
3 (1)(a) and (1)(b)(II) as follows:

4 **42-4-1012. High occupancy vehicle (HOV) and high occupancy**
5 **toll (HOT) lanes.** (1) (a) The department of transportation and local
6 authorities, with respect to streets and highways under their respective
7 jurisdictions, may designate exclusive or preferential lanes for vehicles
8 that carry ~~a specified number of persons~~ TWO OR MORE INDIVIDUALS,
9 INCLUDING THE DRIVER. The ~~occupancy level of vehicles and the time of~~
10 day when lane usage is restricted to high occupancy vehicles, if
11 applicable, ~~shall~~ MUST be designated by official traffic control devices.

12 (b) (II) The high occupancy toll lane ~~shall~~ MUST be a lane for use
13 by vehicles carrying ~~less than the specified number of persons~~ FEWER

1 THAN TWO INDIVIDUALS, INCLUDING THE DRIVER, for ~~such~~ THE high
2 occupancy vehicle lane that pay a specified toll or fee.

3 **SECTION 2.** In Colorado Revised Statutes, 43-4-808, **amend**
4 (1)(a) as follows:

5 **43-4-808. Toll highways - special provisions - limitations.**

6 (1) The transportation enterprise or any partner of the enterprise
7 operating surface transportation infrastructure that is a toll highway under
8 the terms of a public-private partnership shall, in operating the toll
9 highway:

10 (a) Ensure unrestricted access by all vehicles to the toll highway
11 and shall not require that a particular class of vehicles travel upon the toll
12 highway; except that the enterprise or its partner may designate one or
13 more highway lanes for high-occupancy vehicle use BY VEHICLES
14 CARRYING TWO OR MORE INDIVIDUALS, INCLUDING THE DRIVER, only and
15 may restrict access to vehicles carrying hazardous materials or other
16 vehicles to the extent necessary to protect the health and safety of the
17 public; and

18 **SECTION 3.** In Colorado Revised Statutes, **add** 43-1-125 as
19 follows:

20 **43-1-125. Prioritization of interstate 25 capacity expansion**

21 **projects.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE
22 OF THE DEPARTMENT, ACTION OF THE COMMISSION, OR PREVIOUSLY
23 DEVELOPED TRANSPORTATION PROJECT PRIORITIZATION LIST, ON AND
24 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1):

25 (a) THE DEPARTMENT SHALL PRIORITIZE UNFUNDED CAPACITY
26 EXPANSION PROJECTS FOR PORTIONS OF INTERSTATE 25 BETWEEN THE
27 TOWN OF CASTLE ROCK AND THE TOWN OF MONUMENT AND BETWEEN

1 STATE HIGHWAY 14 AND STATE HIGHWAY 66 THAT ARE INCLUDED IN THE
2 COMPREHENSIVE STATEWIDE TRANSPORTATION PLAN DEVELOPED BY THE
3 DEPARTMENT AS REQUIRED BY SECTION 43-1-1103 (5) AS OF JANUARY 1,
4 2017, ABOVE ALL OTHER PROJECTS THAT HAVE NOT YET BEEN FUNDED;
5 AND

6 (b) THE DEPARTMENT SHALL ALLOCATE ALL FEDERAL MONEY
7 RECEIVED BY THE DEPARTMENT THAT THE FEDERAL GOVERNMENT DOES
8 NOT REQUIRE TO BE ALLOCATED FOR OTHER PROJECTS AND THAT THE
9 DEPARTMENT HAS NOT PREVIOUSLY ALLOCATED FOR OTHER PROJECTS TO
10 THE UNFUNDED INTERSTATE 25 CAPACITY EXPANSION PROJECTS REFERRED
11 TO IN SUBSECTION (1)(a) OF THIS SECTION BEFORE ALLOCATING SUCH
12 FEDERAL MONEY TO ANY OTHER PROJECTS.

13 (2) IF AN ENVIRONMENTAL STUDY OR OTHER STUDY MUST BE
14 COMPLETED BEFORE ANY INTERSTATE 25 CAPACITY EXPANSION PROJECTS
15 REFERRED TO IN SUBSECTION (1)(a) OF THIS SECTION MAY BEGIN, THE
16 STUDY SHALL BE COMPLETED NO LATER THAN SIX MONTHS FOLLOWING
17 THE EFFECTIVE DATE OF THIS SUBSECTION (2) AND STUDY FINDINGS SHALL
18 NOT PREVENT ANY PROJECTS FROM BEING UNDERTAKEN.

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