

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0518.01 Richard Sweetman

**HOUSE BILL 10-1238**

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**HOUSE SPONSORSHIP**

**Curry,**

**SENATE SPONSORSHIP**

**Schwartz,**

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

Transportation  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING WILDLIFE CROSSING ZONES.**

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**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 allows the department of transportation (department), in consultation with the division of wildlife in the department of natural resources, to establish areas within the public highways of the state as wildlife crossing zones. If the department receives authorization from the federal government to designate areas of the federal highways of the state as wildlife crossing zones, the department may do so. The department is prohibited from establishing a lower speed limit for more than 100 miles

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.*

HOUSE  
3rd Reading Unamended  
April 14, 2010

HOUSE  
Amended 2nd Reading  
April 13, 2010

of the public highways of the state that have been established as wildlife crossing zones.

If the department establishes an area as a wildlife crossing zone, the department may erect signs identifying the zone and establishing a lower speed limit for the portion of the highway that lies within the zone. In establishing a lower speed limit within a wildlife crossing zone, the department shall give due consideration to the percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway, the relative levels of traffic congestion and mobility in the area, and the relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway. If the department erects a new wildlife crossing zone sign, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the zone.

The bill requires the department to prepare and submit a report to the transportation and energy committee of the house of representatives and the transportation committee of the senate concerning the establishment of wildlife crossing zones. The report, at a minimum, shall include the location and length of each wildlife crossing zone; the total number of miles within the public highways of the state that the department has established as wildlife crossing zones; the total number of wildlife crossing zones for which the department of transportation has established a lower speed limit; the effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the wildlife crossing zone; and a recommendation by the department as to whether the general assembly should discontinue the establishment of wildlife crossing zones, continue the limited establishment of wildlife crossing zones, or expand the establishment of wildlife crossing zones.

The bill subjects a person who commits a moving traffic violation in a wildlife crossing zone to increased penalties and surcharges. If the department erects a traffic sign designating an area of a public highway as a wildlife crossing zone, the department shall establish when the area will be deemed to be a wildlife crossing zone and ensure that the sign indicates when the area will be deemed to be a wildlife crossing zone.

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

2           **SECTION 1.** Part 1 of article 4 of title 42, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

1           **42-4-118. Establishment of wildlife crossing zones - report -**

2 **repeal.** (1) THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION  
3 43-1-103, C.R.S., IN CONSULTATION WITH BOTH THE COLORADO STATE  
4 PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S., AND THE  
5 DIVISION OF WILDLIFE CREATED PURSUANT TO SECTION 24-1-124 (3) (h),  
6 C.R.S., IN THE DEPARTMENT OF NATURAL RESOURCES, MAY ESTABLISH  
7 AREAS      OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND  
8 ASPEN AS WILDLIFE CROSSING ZONES.

9           (2)      IF THE DEPARTMENT OF TRANSPORTATION ESTABLISHES AN  
10 AREA OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN  
11 AS A WILDLIFE CROSSING ZONE, THE DEPARTMENT OF TRANSPORTATION  
12 MAY ERECT SIGNS:

13           (a) IDENTIFYING THE ZONE IN ACCORDANCE WITH THE PROVISIONS  
14 OF SECTION 42-4-616; AND

15           (b) ESTABLISHING A LOWER SPEED LIMIT FOR THE PORTION OF THE  
16 HIGHWAY THAT LIES WITHIN THE ZONE.

17                    

18           (3) IF THE DEPARTMENT OF TRANSPORTATION ERECTS A NEW  
19 WILDLIFE CROSSING ZONE SIGN PURSUANT TO SUBSECTION (2)      OF THIS  
20 SECTION, IT SHALL ENSURE THAT THE SIGN INDICATES, IN CONFORMITY  
21 WITH THE STATE TRAFFIC CONTROL MANUAL, THAT INCREASED TRAFFIC  
22 PENALTIES ARE IN EFFECT WITHIN THE WILDLIFE CROSSING ZONE. FOR THE  
23 PURPOSES OF THIS SECTION, IT SHALL BE SUFFICIENT THAT THE SIGN  
24 STATES "INCREASED PENALTIES IN EFFECT".

25           (4) IN ESTABLISHING A LOWER SPEED LIMIT WITHIN A WILDLIFE  
26 CROSSING ZONE, THE DEPARTMENT OF TRANSPORTATION SHALL GIVE DUE  
27 CONSIDERATION TO FACTORS INCLUDING, BUT NOT LIMITED TO, THE

1 FOLLOWING:

2 (a) THE PERCENTAGE OF TRAFFIC ACCIDENTS THAT OCCUR WITHIN  
3 THE AREA THAT INVOLVE THE PRESENCE OF WILDLIFE ON THE PUBLIC  
4 HIGHWAY;

5 (b) THE RELATIVE LEVELS OF TRAFFIC CONGESTION AND MOBILITY  
6 IN THE AREA; AND

7 (c) THE RELATIVE NUMBERS OF TRAFFIC ACCIDENTS THAT OCCUR  
8 WITHIN THE AREA DURING THE DAYTIME AND EVENING HOURS AND  
9 INVOLVE THE PRESENCE OF WILDLIFE ON THE PUBLIC HIGHWAY.

10 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
11 REQUIRES, "WILDLIFE" SHALL HAVE THE SAME MEANING AS "BIG GAME" AS  
12 SET FORTH IN SECTION 33-1-102 (2), C.R.S.

13 (6) (a) ON OR BEFORE MARCH 1, 2012, THE DEPARTMENT OF  
14 TRANSPORTATION SHALL PREPARE AND SUBMIT TO THE TRANSPORTATION  
15 AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
16 TRANSPORTATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR  
17 COMMITTEES, A REPORT CONCERNING THE IMPLEMENTATION OF THIS  
18 SECTION. THE REPORT, AT A MINIMUM, SHALL INCLUDE:

19 (I) THE LOCATION AND LENGTH OF EACH WILDLIFE CROSSING ZONE  
20 THAT THE DEPARTMENT OF TRANSPORTATION HAS ESTABLISHED  
21 PURSUANT TO THIS SECTION;

22 (II) THE TOTAL NUMBER OF MILES OF STATE HIGHWAY 82 BETWEEN  
23 GLENWOOD SPRINGS AND ASPEN \_\_\_\_\_ THAT THE DEPARTMENT OF  
24 TRANSPORTATION HAS ESTABLISHED AS WILDLIFE CROSSING ZONES  
25 PURSUANT TO THIS SECTION;

26 (III) THE TOTAL NUMBER OF WILDLIFE CROSSING ZONES OF STATE  
27 HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND ASPEN \_\_\_\_\_ FOR WHICH

1 THE DEPARTMENT OF TRANSPORTATION HAS ESTABLISHED A LOWER SPEED  
2 LIMIT, INCLUDING IDENTIFICATION OF EACH WILDLIFE CROSSING ZONE FOR  
3 WHICH THE DEPARTMENT HAS ESTABLISHED A LOWER SPEED LIMIT;

4 (IV) THE EFFECT, IF ANY, THAT THE ESTABLISHMENT OF EACH  
5 WILDLIFE CROSSING ZONE HAS HAD IN REDUCING THE FREQUENCY OF  
6 TRAFFIC ACCIDENTS WITHIN THE AREA OF STATE HIGHWAY 82 THAT HAS  
7 BEEN ESTABLISHED AS A WILDLIFE CROSSING ZONE; AND

8 (V) A RECOMMENDATION BY THE DEPARTMENT OF  
9 TRANSPORTATION AS TO WHETHER THE GENERAL ASSEMBLY SHOULD:

10 (A) DISCONTINUE THE ESTABLISHMENT OF WILDLIFE CROSSING  
11 ZONES;

12 (B) CONTINUE THE ESTABLISHMENT OF WILDLIFE CROSSING ZONES  
13 IN AREAS OF STATE HIGHWAY 82 BETWEEN GLENWOOD SPRINGS AND  
14 ASPEN; OR ==

15 (C) EXPAND THE ESTABLISHMENT OF WILDLIFE CROSSING ZONES  
16 BEYOND THE LIMITS DESCRIBED IN == THIS SECTION.

17 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

18 **SECTION 2.** Part 6 of article 4 of title 42, Colorado Revised  
19 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
20 read:

21 **42-4-616. Wildlife crossing zones - increase in penalties for**  
22 **moving traffic violations - repeal.** (1) EXCEPT AS DESCRIBED BY  
23 SUBSECTION (4) OF THIS SECTION, A PERSON WHO COMMITS A MOVING  
24 TRAFFIC VIOLATION IN A WILDLIFE CROSSING ZONE IS SUBJECT TO THE  
25 INCREASED PENALTIES AND SURCHARGES IMPOSED BY SECTION 42-4-1701  
26 (4) (d.5).

27 (2) FOR THE PURPOSES OF THIS SECTION, "WILDLIFE CROSSING

1 ZONE" MEANS AN AREA ON A PUBLIC HIGHWAY THAT:

2 (a) BEGINS AT A SIGN THAT CONFORMS TO THE STATE TRAFFIC  
3 CONTROL MANUAL, WAS ERECTED BY THE DEPARTMENT OF  
4 TRANSPORTATION IN AN AREA OF STATE HIGHWAY 82 PURSUANT TO  
5 SECTION 42-4-118, AND INDICATES THAT A PERSON IS ABOUT TO ENTER A  
6 WILDLIFE CROSSING ZONE; AND

7 (b) EXTENDS TO:

8 (I) A SIGN THAT CONFORMS TO THE STATE TRAFFIC CONTROL  
9 MANUAL, WAS ERECTED BY THE DEPARTMENT OF TRANSPORTATION IN AN  
10 AREA OF STATE HIGHWAY 82 PURSUANT TO SECTION 42-4-118, AND  
11 INDICATES THAT A PERSON IS ABOUT TO LEAVE A WILDLIFE CROSSING  
12 ZONE; OR

13 (II) IF NO SIGN EXISTS THAT COMPLIES WITH SUBPARAGRAPH (I) OF  
14 THIS PARAGRAPH (b), THE DISTANCE INDICATED ON THE SIGN INDICATING  
15 THE BEGINNING OF THE WILDLIFE CROSSING ZONE; OR

16 (III) IF NO SIGN EXISTS THAT COMPLIES WITH SUBPARAGRAPH (I)  
17 OR (II) OF THIS PARAGRAPH (b), ONE-HALF MILE BEYOND THE SIGN  
18 INDICATING THE BEGINNING OF THE WILDLIFE CROSSING ZONE.

19 (3)      IF THE DEPARTMENT OF TRANSPORTATION ERECTS A SIGN  
20 THAT INDICATES THAT A PERSON IS ABOUT TO ENTER A WILDLIFE CROSSING  
21 ZONE PURSUANT TO SECTION 42-4-118, THE DEPARTMENT OF  
22 TRANSPORTATION SHALL:

23 (a) ESTABLISH THE TIMES OF DAY AND THE PERIODS OF THE  
24 CALENDAR YEAR DURING WHICH THE AREA WILL BE DEEMED TO BE A  
25 WILDLIFE CROSSING ZONE FOR THE PURPOSES OF THIS SECTION; AND

26 (b) ENSURE THAT THE SIGN INDICATES THE TIMES OF DAY AND THE  
27 PERIODS OF THE CALENDAR YEAR DURING WHICH THE AREA WILL BE

1 DEEMED TO BE A WILDLIFE CROSSING ZONE FOR THE PURPOSES OF THIS  
2 SECTION.

3 ==

4 (4) THIS SECTION SHALL NOT APPLY IF:

5 (a) THE PERSON WHO COMMITS A MOVING TRAFFIC VIOLATION IN  
6 A WILDLIFE CROSSING ZONE IS ALREADY SUBJECT TO INCREASED  
7 PENALTIES AND SURCHARGES FOR SAID VIOLATION PURSUANT TO SECTION  
8 42-4-614 OR 42-4-615;

9 (b) THE SIGN INDICATING THAT A PERSON IS ABOUT TO ENTER A  
10 WILDLIFE CROSSING ZONE DOES NOT INDICATE THAT INCREASED TRAFFIC  
11 PENALTIES ARE IN EFFECT IN THE ZONE; OR

12 (c) THE PERSON WHO COMMITS A MOVING TRAFFIC VIOLATION IN  
13 A WILDLIFE CROSSING ZONE COMMITS THE VIOLATION DURING A TIME THAT  
14 THE AREA IS NOT DEEMED BY THE DEPARTMENT OF TRANSPORTATION TO  
15 BE A WILDLIFE CROSSING ZONE FOR THE PURPOSES OF THIS SECTION.

16 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

17 **SECTION 3.** 42-4-1701 (4), Colorado Revised Statutes, is  
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **42-4-1701. Traffic offenses and infractions classified -**  
20 **penalties - penalty and surcharge schedule - repeal.** (4) (d.5) (I) THE  
21 PENALTY AND SURCHARGE IMPOSED FOR ANY MOVING TRAFFIC VIOLATION  
22 UNDER SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (4) ARE  
23 DOUBLED IF THE VIOLATION OCCURS WITHIN A WILDLIFE CROSSING ZONE  
24 PURSUANT TO SECTION 42-4-616.

25 (II) (A) THERE IS HEREBY CREATED, WITHIN THE HIGHWAY USERS  
26 TAX FUND, THE WILDLIFE CROSSING ZONES SAFETY ACCOUNT.

27 (B) IF A PENALTY AND SURCHARGE ARE DOUBLED PURSUANT TO

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d.5), ONE-HALF OF THE PENALTY  
2 AND SURCHARGE ALLOCATED TO THE STATE BY SECTIONS 42-1-217 AND  
3 43-4-205, C.R.S., SHALL BE TRANSFERRED TO THE STATE TREASURER,  
4 WHO SHALL DEPOSIT THE MONEYS IN THE WILDLIFE CROSSING ZONES  
5 SAFETY ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND TO BE  
6 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION  
7 FOR WILDLIFE CROSSING ZONES SIGNS AND LAW ENFORCEMENT.

8 (III) (A) THIS PARAGRAPH (d.5) IS REPEALED, EFFECTIVE JULY 1,  
9 2011.

10 (B) ANY MONEYS REMAINING IN THE WILDLIFE CROSSING ZONE  
11 SAFETY ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND ON JULY 1,  
12 2011, SHALL BE CREDITED BY THE STATE TREASURER TO THE HIGHWAY  
13 USERS TAX FUND.

14 **SECTION 4. Applicability.** This act shall apply to offenses  
15 committed on or after the effective date of this act.

16 **SECTION 5. Act subject to petition - specified effective date.**  
17 This act shall take effect September 1, 2010; except that, if a referendum  
18 petition is filed pursuant to section 1 (3) of article V of the state  
19 constitution against this act or an item, section, or part of this act within  
20 the ninety-day period after final adjournment of the general assembly,  
21 then the act, item, section, or part shall not take effect unless approved by  
22 the people at the general election to be held in November 2010 and shall  
23 take effect on the date of the official declaration of the vote thereon by  
24 the governor.