

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0020.01 Jason Gelender x4330

SENATE BILL 15-172

SENATE SPONSORSHIP

Jones,

HOUSE SPONSORSHIP

Foote,

Senate Committees

Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED PUBLIC PARTICIPATION FOR THE**
102 **HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, AND, IN**
103 **CONNECTION THEREWITH, ENSURING THAT THE PUBLIC CAN SEE**
104 **ALL PUBLIC-PRIVATE PARTNERSHIP AGREEMENT TERMS, THAT**
105 **THE ENTERPRISE CONSIDERS PUBLIC COMMENTS, AND THAT**
106 **ENTERPRISE REPORTS CONVEY INFORMATION THAT THE PUBLIC**
107 **NEEDS TO ASSESS BOTH THE POSITIVE AND NEGATIVE ASPECTS**
108 **OF AN AGREEMENT.**

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

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.

During the 2014 legislative session, the general assembly passed Senate Bill 14-197, which contained several provisions relating to high-performance transportation enterprise (enterprise) transparency and public participation in the process by which the enterprise enters into a public-private partnership. The governor vetoed Senate Bill 14-197, objecting to several limits, but also issued an executive order directing the enterprise to increase the transparency of its public-private partnership (PPP) related activities. This bill repropose all provisions of Senate Bill 14-197, other than the limits that the governor objected to in his veto letter, and includes the outreach opportunities in the executive order. Specifically the bill:

- ! Modifies the board (board) of the enterprise as follows:
 - ! Newly appointed members of the board are subject to senate confirmation and are appointed for 4-year terms. Board members may be reappointed once.
 - ! The number of board members is increased to 8 by adding the executive director of the department of transportation as an ex officio nonvoting member.
- ! To increase public notice of and participation in, and legislative oversight of, any public-private partnership involving the enterprise, requires the board to:
 - ! Hold public meetings, in coordination with interested local governments, at the visioning, initial request for proposal preparation, and draft request for proposal revision stages of a PPP;
 - ! Provide full and timely notice in the area of the PPP to state legislators, county and municipal governing bodies, and the general public;
 - ! Provide specified information to the public and consider public suggestions and ideas received at the meetings; and
 - ! After entering into a PPP, provide the terms of the PPP to the committees of the general assembly that have jurisdiction over transportation and post the terms of the PPP on its web site.
- ! Requires the enterprise:
 - ! To provide public notice of any change in the status of a high-occupancy vehicle lane as a high-occupancy vehicle lane or the qualifications required to access such a lane for free use as a high-occupancy vehicle lane;
 - ! When considering a project that includes one or more high-occupancy vehicle lanes, high-occupancy

toll lanes, or managed lanes, to evaluate the suitability of express bus service or bus rapid transit service for the proposed project corridor and consider funding such service from user fee revenues as part of the costs of the proposed project. The enterprise may use user fee revenues generated by a project within a corridor to support transit within the corridor and must expend a minimum of 10% of any net user fee revenues shared back from a party to the PPP that governs the operation of the project that generated the user fees to support transit in the project corridor.

! To include additional specified information and meet modified deadlines when annually reporting to the general assembly regarding its activities.

! Allows the state auditor to audit the enterprise.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-4-806, **amend** (1)
3 (b), (1) (c), (2) (a) (I), (2) (a) (II), (6) introductory portion, (6) (g), (9) (a),
4 and (10); and **add** (1) (d) and (8.5) as follows:

5 **43-4-806. High-performance transportation enterprise -**
6 **creation - board - funds - powers and duties - limitations - reporting**
7 **and approval requirements - legislative declaration - definition.**

8 (1) The general assembly hereby finds and declares that:

9 (b) Such innovative means of financing projects include, but are
10 not limited to, public-private partnerships, operating concession
11 agreements, user fee-based project financing, and availability payment
12 and design-build contracting; ~~and~~

13 (c) It is the intent of the general assembly that the
14 high-performance transportation enterprise created in this section actively
15 seek out opportunities for public-private partnerships for the purpose of
16 completing surface transportation infrastructure projects and that this

1 section be broadly construed to allow the transportation enterprise
2 sufficient flexibility, consistent with the requirements of the state
3 constitution, to pursue any available means of financing such surface
4 transportation infrastructure projects that will allow the efficient
5 completion of the projects; AND

6 (d) IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT THE
7 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE PLACE A HIGH
8 PRIORITY ON THE MOVEMENT OF PEOPLE, AND NOT ONLY THE MOVEMENT
9 OF VEHICLES, WHEN SELECTING, PLANNING, DEVELOPING, OR
10 PARTICIPATING IN A PUBLIC-PRIVATE PARTNERSHIP FOR THE COMPLETION
11 OR OPERATION OF A SURFACE TRANSPORTATION INFRASTRUCTURE
12 PROJECT.

13 (2) (a) (I) The high-performance transportation enterprise is
14 hereby created. The transportation enterprise ~~shall operate~~ OPERATES as
15 a government-owned business within the department and ~~shall be~~ IS a
16 division of the department. The board of the transportation enterprise
17 ~~shall consist~~ CONSISTS of the following ~~seven~~ EIGHT members:

18 (A) Four members appointed by the governor, each of whom ~~shall~~
19 MUST have professional expertise in transportation planning or
20 development, local government, design-build contracting, public or
21 private finance, engineering, environmental issues, or any other area that
22 the governor believes will benefit the board in the execution of its powers
23 and performance of its duties. The governor shall appoint one member
24 who resides within the planning area of the Denver regional council of
25 governments, one member who resides within the planning area of the
26 Pikes Peak area council of governments, one member who resides within
27 the planning area of the north front range metropolitan planning

1 organization, and one member who resides within the interstate 70
2 mountain corridor. MEMBERS APPOINTED BY THE GOVERNOR ON OR AFTER
3 THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (A), AS AMENDED,
4 MUST BE CONFIRMED BY THE SENATE.

5 (B) Three members of the commission appointed by resolution of
6 the commission. MEMBERS APPOINTED BY THE COMMISSION ON OR AFTER
7 THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (B), AS AMENDED,
8 MUST BE CONFIRMED BY THE SENATE.

9 (C) THE EXECUTIVE DIRECTOR, WHO SERVES AS AN EX OFFICIO
10 NONVOTING MEMBER OF THE BOARD.

11 (II) ~~Initial appointments to the transportation enterprise board~~
12 ~~shall be made no later than July 1, 2009. Members~~ A MEMBER of the
13 board ~~shall serve at the pleasure of the appointing authority and without~~
14 ~~compensation~~ SERVING ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH
15 (II), AS AMENDED, SERVES UNTIL HIS OR HER TERM EXPIRES AS SPECIFIED
16 IN THE GOVERNOR'S EXECUTIVE ORDER OR COMMISSION RESOLUTION BY
17 WHICH HE OR SHE WAS APPOINTED. Vacancies in the membership of the
18 transportation enterprise board ~~shall be~~ ARE filled in the same manner as
19 regular appointments. MEMBERS OF THE BOARD APPOINTED ON OR AFTER
20 THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), AS AMENDED, SERVE
21 FOR FOUR-YEAR TERMS AND MAY BE REAPPOINTED ONCE.

22 (6) In addition to any other powers and duties specified in this
23 section, the transportation enterprise board ~~shall have~~ HAS the following
24 powers and duties:

25 (g) (I) SUBJECT TO THE REQUIREMENTS AND LIMITATIONS
26 SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (g), to make and
27 enter into contracts or agreements with any private or public entity to

1 facilitate a public-private partnership, including, but not limited to:

2 ~~(F)~~ (A) An agreement pursuant to which the transportation
3 enterprise or the enterprise on behalf of the department operates,
4 maintains, or provides services or property in connection with a surface
5 transportation infrastructure project; or

6 ~~(H)~~ (B) An agreement pursuant to which a private entity
7 completes all or any portion of a surface transportation infrastructure
8 project on behalf of the transportation enterprise.

9 (II) IN ORDER TO ENSURE ADEQUATE PUBLIC NOTICE OF AND
10 SIGNIFICANT PARTICIPATION IN, AND MEANINGFUL LEGISLATIVE
11 OVERSIGHT OF, ANY PUBLIC-PRIVATE PARTNERSHIP, THE TRANSPORTATION
12 ENTERPRISE SHALL:

13 (A) AT THE VISIONING STAGE DURING WHICH THE
14 TRANSPORTATION ENTERPRISE IS DEVELOPING A SURFACE
15 TRANSPORTATION INFRASTRUCTURE PROJECT CONCEPT FOR THE
16 PUBLIC-PRIVATE PARTNERSHIP, HOLD AT LEAST ONE TOWN HALL MEETING,
17 IN COORDINATION WITH INTERESTED LOCAL GOVERNMENTS, AT WHICH
18 MEMBERS OF THE PUBLIC MAY OBTAIN INFORMATION REGARDING THE
19 CONCEPT BEING DEVELOPED, EXPRESS THEIR OPINIONS AND IDEAS
20 REGARDING THE CONCEPT, AND MAKE SUGGESTIONS REGARDING
21 ALTERNATIVE CONCEPTS OR MEANS OF IMPROVING THE CONCEPT. AT EACH
22 MEETING HELD, THE ENTERPRISE SHALL PROVIDE AN OVERVIEW OF THE
23 TRANSPORTATION NEEDS THAT IT SEEKS TO ADDRESS AND THE PERCEIVED
24 ADVANTAGES AND DISADVANTAGES OF THE CONCEPT. THE ENTERPRISE
25 SHALL CONSIDER THE SUGGESTIONS AND IDEAS PRESENTED BY THE PUBLIC.
26 THE ENTERPRISE SHALL PROVIDE FULL AND TIMELY NOTICE OF EACH
27 MEETING DIRECTLY TO EACH MEMBER OF THE GENERAL ASSEMBLY WHOSE

1 DISTRICT INCLUDES ANY PART OF THE PROJECT CONCEPT AREA AND TO THE
2 GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY THAT INCLUDES
3 ANY PART OF THE PROJECT CONCEPT AREA AND SHALL ALSO PROVIDE FULL
4 AND TIMELY NOTICE TO THE GENERAL PUBLIC BY PROVIDING
5 INFORMATIONAL RELEASES TO APPROPRIATE MEDIA SOURCES AND BY
6 OTHER APPROPRIATE MEANS. THE ENTERPRISE SHALL HOLD THE MEETINGS
7 AT LOCATIONS THAT ARE LIKELY TO BE CONVENIENT FOR INDIVIDUALS
8 WHO LIVE IN AREAS TO BE SERVED OR IMPACTED BY THE PUBLIC-PRIVATE
9 PARTNERSHIP.

10 (B) BEFORE PREPARING ANY REQUEST FOR PROPOSAL FOR A
11 PUBLIC-PRIVATE PARTNERSHIP, HOLD AT LEAST ONE TOWN HALL MEETING,
12 IN COORDINATION WITH INTERESTED LOCAL GOVERNMENTS, AT WHICH
13 MEMBERS OF THE PUBLIC MAY OBTAIN INFORMATION REGARDING THE
14 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT OR PROJECTS FOR
15 WHICH THE TRANSPORTATION ENTERPRISE IS CONSIDERING PREPARING A
16 REQUEST FOR PROPOSAL, EXPRESS THEIR OPINIONS AND IDEAS REGARDING
17 THE PROPOSED PROJECTS, MAKE SUGGESTIONS REGARDING ALTERNATIVE
18 PROJECTS OR MEANS OF IMPROVING THE PROJECT OR PROJECTS UNDER
19 CONSIDERATION, AND QUESTION REPRESENTATIVES OF THE ENTERPRISE.
20 THE ENTERPRISE SHALL CONSIDER THE SUGGESTIONS AND IDEAS
21 PRESENTED BY THE PUBLIC. AT EACH MEETING HELD, THE ENTERPRISE
22 SHALL PROVIDE DETAILED INFORMATION REGARDING THE
23 TRANSPORTATION NEEDS THAT IT SEEKS TO ADDRESS, ANY POSSIBLE
24 ALTERNATIVE PROJECTS THAT MIGHT ADDRESS THOSE NEEDS, AND ANY
25 ALTERNATIVE MEANS, DESCRIBED BY A FINANCIAL ANALYSIS, OF FUNDING
26 THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT OR PROJECTS,
27 INCLUDING BUT NOT LIMITED TO ANY ALTERNATIVE MEANS THAT RELY

1 EXCLUSIVELY ON PUBLIC FUNDING, WITHOUT ENTERING INTO A
2 PUBLIC-PRIVATE PARTNERSHIP. THE ENTERPRISE SHALL PROVIDE FULL AND
3 TIMELY NOTICE OF ANY SUCH MEETINGS DIRECTLY TO EACH MEMBER OF
4 THE GENERAL ASSEMBLY WHOSE DISTRICT INCLUDES ANY PART OF THE
5 PROJECT AREA AND TO THE GOVERNING BODY OF EACH COUNTY AND
6 MUNICIPALITY THAT INCLUDES ANY PART OF THE PROJECT AREA AND
7 SHALL ALSO PROVIDE FULL AND TIMELY NOTICE TO THE GENERAL PUBLIC
8 BY PROVIDING INFORMATIONAL RELEASES TO APPROPRIATE MEDIA
9 SOURCES AND BY OTHER APPROPRIATE MEANS. THE ENTERPRISE SHALL
10 HOLD THE MEETINGS AT LOCATIONS THAT ARE LIKELY TO BE CONVENIENT
11 FOR INDIVIDUALS WHO LIVE IN AREAS TO BE SERVED OR IMPACTED BY THE
12 PUBLIC-PRIVATE PARTNERSHIP.

13 (C) AFTER PREPARING AN INITIAL DRAFT OF, BUT BEFORE ISSUING,
14 A REQUEST FOR PROPOSAL FOR A PUBLIC-PRIVATE PARTNERSHIP, HOLD AT
15 LEAST ONE TOWN HALL MEETING, IN COORDINATION WITH INTERESTED
16 LOCAL GOVERNMENTS, AT WHICH MEMBERS OF THE PUBLIC MAY OBTAIN
17 INFORMATION, EXPRESS OPINIONS AND IDEAS, SUGGEST IMPROVEMENTS,
18 AND QUESTION REPRESENTATIVES OF THE TRANSPORTATION ENTERPRISE
19 REGARDING THE DRAFT REQUEST FOR PROPOSAL. THE ENTERPRISE SHALL
20 POST A COPY OF THE DRAFT REQUEST FOR PROPOSAL ON ITS WEB SITE AT
21 LEAST ONE WEEK BEFORE ANY SUCH MEETING, AND SHALL PROVIDE A
22 SUMMARY OF THE PARAMETERS OF THE DRAFT REQUEST FOR PROPOSAL TO
23 MEMBERS OF THE PUBLIC ATTENDING ANY SUCH MEETING. THE
24 ENTERPRISE SHALL CONSIDER THE SUGGESTIONS AND IDEAS PRESENTED BY
25 THE PUBLIC. THE ENTERPRISE SHALL PROVIDE FULL AND TIMELY NOTICE
26 OF ANY SUCH MEETINGS DIRECTLY TO EACH MEMBER OF THE GENERAL
27 ASSEMBLY WHOSE DISTRICT INCLUDES ANY PART OF THE PROJECT AREA

1 AND TO THE GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY THAT
2 INCLUDES ANY PART OF THE PROJECT AREA AND SHALL ALSO PROVIDE
3 FULL AND TIMELY NOTICE TO THE GENERAL PUBLIC BY PROVIDING
4 INFORMATIONAL RELEASES TO APPROPRIATE MEDIA SOURCES AND BY
5 OTHER APPROPRIATE MEANS. THE ENTERPRISE SHALL HOLD THE MEETINGS
6 AT LOCATIONS THAT ARE LIKELY TO BE CONVENIENT FOR INDIVIDUALS
7 WHO LIVE IN AREAS TO BE SERVED OR IMPACTED BY THE PUBLIC-PRIVATE
8 PARTNERSHIP.

9 (D) AFTER ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP,
10 PROVIDE TO THE COMMITTEES OF THE GENERAL ASSEMBLY THAT HAVE
11 JURISDICTION OVER TRANSPORTATION THE TERMS OF THE PUBLIC-PRIVATE
12 PARTNERSHIP AND POST THE TERMS OF THE PUBLIC-PRIVATE PARTNERSHIP
13 ON ITS WEB SITE.

14 (8.5) THE TRANSPORTATION ENTERPRISE SHALL PROVIDE NOTICE
15 TO THE PUBLIC OF ANY CHANGE IN THE STATUS OF A HIGH-OCCUPANCY
16 VEHICLE LANE AS A HIGH-OCCUPANCY VEHICLE LANE OR THE
17 QUALIFICATIONS REQUIRED TO ACCESS SUCH A LANE FOR FREE USE AS A
18 HIGH-OCCUPANCY VEHICLE LANE.

19 (9) (a) WHEN CONSIDERING A PROPOSED SURFACE
20 TRANSPORTATION INFRASTRUCTURE PROJECT THAT INCLUDES ONE OR
21 MORE HIGH-OCCUPANCY VEHICLE LANES, HIGH-OCCUPANCY TOLL LANES,
22 OR MANAGED LANES, THE TRANSPORTATION ENTERPRISE SHALL EVALUATE
23 THE SUITABILITY OF EXPRESS BUS SERVICE OR BUS RAPID TRANSIT SERVICE
24 FOR THE PROPOSED PROJECT CORRIDOR AND CONSIDER FUNDING SUCH
25 SERVICE FROM USER FEE REVENUES AS PART OF THE COSTS OF THE
26 PROPOSED PROJECT. THE TRANSPORTATION ENTERPRISE MAY EXPEND OR
27 AUTHORIZE THE EXPENDITURE OF USER FEE REVENUES GENERATED BY A

1 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT WITHIN A
2 CORRIDOR TO SUPPORT TRANSIT, INCLUDING CAPITAL AND OPERATING
3 COSTS OF TRANSIT, FIRST AND FINAL MILE CONNECTIONS, AND
4 TRANSPORTATION DEMAND MANAGEMENT PROGRAMS DESIGNED TO
5 INCREASE TRANSIT OR HIGH-OCCUPANCY VEHICLE RIDERSHIP WITHIN THE
6 CORRIDOR. THE TRANSPORTATION ENTERPRISE SHALL EXPEND A MINIMUM
7 OF TEN PERCENT OF ANY NET USER FEE REVENUES SHARED BACK TO THE
8 TRANSPORTATION ENTERPRISE FROM A PARTY TO THE PUBLIC-PRIVATE
9 PARTNERSHIP AGREEMENT THAT GOVERNS THE OPERATION OF THE
10 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT GENERATED
11 THE USER FEES TO SUPPORT TRANSIT IN THE PROJECT CORRIDOR. The
12 transportation enterprise shall not supplant or duplicate the services
13 provided by any public mass transit operator, as defined in section
14 43-1-102 (5), railroad, public highway authority created pursuant to part
15 5 of this article, or regional transportation authority created pursuant to
16 part 6 of this article except as described in detail in an intergovernmental
17 agreement or other contractual agreement entered into by the
18 transportation enterprise and the operator, railroad, or authority. The
19 creation of and undertaking of surface transportation infrastructure
20 projects by the transportation enterprise pursuant to this part 8 is not
21 intended to discourage any combination of local governments from
22 forming a public highway authority or a regional transportation authority.

23 (10) (a) ~~No later than February 15, 2010, and no later than~~
24 ~~February 15~~ NOVEMBER 1, 2015, AND NO LATER THAN NOVEMBER 1 of
25 each year thereafter, the transportation enterprise shall PROVIDE A
26 WRITTEN REPORT TO EACH MEMBER OF THE COMMITTEES OF THE HOUSE OF
27 REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER

1 TRANSPORTATION. NO LATER THAN JANUARY 31, 2016, AND NO LATER
2 THAN JANUARY 31 OF EACH YEAR THEREAFTER, THE ENTERPRISE SHALL
3 present a THE report to the SAID committees. ~~of the house of~~
4 ~~representatives and the senate that have jurisdiction over transportation.~~
5 THE REPORT PRESENTATION IS IN ADDITION TO THE DEPARTMENTAL
6 PRESENTATION REQUIRED BY SECTION 2-7-203 (2), C.R.S., AND MUST BE
7 PRESENTED SEPARATELY BY THE ENTERPRISE RATHER THAN THE
8 DEPARTMENT, BUT MAY BE PRESENTED AT THE SAME MEETING AS THE
9 DEPARTMENTAL PRESENTATION.

10 (b) The report ~~shall~~ MUST include, EITHER IN THE TEXT OF THE
11 REPORT ITSELF OR BY REFERENCE TO SPECIFIC LOCATIONS ON THE
12 DEPARTMENT'S WEB SITE:

13 (I) A summary of the transportation enterprise's activities for the
14 previous year;

15 (II) A summary of the status of any current surface transportation
16 infrastructure; ~~projects,~~

17 (III) A statement of the TRANSPORTATION enterprise's revenues,
18 ~~and expenses, and any recommendations for statutory changes that the~~
19 ~~enterprise deems necessary or desirable.~~ EXPENSES, AND COMMITMENTS
20 BY PROJECT IN THE TRANSPORTATION ENTERPRISE'S TRANSPORTATION
21 SPECIAL FUND;

22 (IV) A THOROUGH DESCRIPTION OF EACH CURRENT SURFACE
23 TRANSPORTATION INFRASTRUCTURE PROJECT, INCLUDING SIGNIFICANT
24 UPCOMING DECISIONS AND COST ESTIMATES;

25 (V) A SUMMARY OF THE TERMS AND PROVISIONS OF ANY
26 PUBLIC-PRIVATE PARTNERSHIP ALREADY ENTERED INTO, INCLUDING BUT
27 NOT LIMITED TO PROVISIONS CONCERNING:

1 (A) THE TERM OF THE PUBLIC-PRIVATE PARTNERSHIP;

2 (B) ANY NONCOMPETE AGREEMENTS THAT ARE PART OF THE

3 PUBLIC-PRIVATE PARTNERSHIP;

4 (C) CURRENT AND MAXIMUM PERMITTED TOLL RATES;

5 (D) TRANSIT AND CARPOOLING;

6 (E) GUARANTEES FOR PERFORMANCE OF CONSTRUCTION,

7 MAINTENANCE, OPERATION, OR OTHER OBLIGATIONS OF PARTIES TO THE

8 PUBLIC-PRIVATE PARTNERSHIP, INCLUDING REQUIRED SURETY BONDS AND

9 INSURANCE. THE REPORT MUST ALSO INCLUDE EVIDENCE THAT SUCH

10 GUARANTEES ARE ADEQUATE TO COVER THE ENTIRE TERM OF THE

11 PUBLIC-PRIVATE PARTNERSHIP.

12 (F) TOTAL PROJECT COSTS; AND

13 (G) THE TOTAL AMOUNT OF PROJECT COSTS, EXPRESSED IN BOTH

14 A DOLLAR AMOUNT AND AS A PERCENTAGE OF TOTAL PROJECT COSTS,

15 BEING COVERED BY THE PRIVATE PARTNER AND ANY OTHER PRIVATE

16 ENTITIES.

17 (VI) A SUMMARY OF EACH SURFACE TRANSPORTATION

18 INFRASTRUCTURE PROJECT THAT THE TRANSPORTATION ENTERPRISE IS

19 LIKELY TO SEEK TO DEVELOP AND IMPLEMENT THROUGH A

20 PUBLIC-PRIVATE PARTNERSHIP THAT INCLUDES:

21 (A) A DESCRIPTION OF THE SURFACE TRANSPORTATION

22 INFRASTRUCTURE PROJECT TO BE COMPLETED THROUGH THE

23 PUBLIC-PRIVATE PARTNERSHIP; AND

24 (B) A SUMMARY OF THE PROPOSED OR ANTICIPATED TERMS AND

25 PROVISIONS THAT WILL GOVERN THE PROPOSED PUBLIC-PRIVATE

26 PARTNERSHIP THAT INCLUDES, TO THE EXTENT AVAILABLE, THE

27 INFORMATION SPECIFIED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (b).

1 THE SUMMARY MAY INCLUDE RANGES RATHER THAN FIXED ESTIMATES OF
2 ANTICIPATED TERMS AND PROVISIONS REGARDING THE AGREEMENT TERM,
3 TOLL RATES, PROJECT COSTS, PROFITS, AND ANY OTHER QUANTIFIABLE BUT
4 NOT YET QUANTIFIED PROPOSED TERMS AND PROVISIONS.

5 (VII) ANY DIFFERENCES BETWEEN THE PROPOSED OR ANTICIPATED
6 TERMS AND PROVISIONS RELATED TO A SOLICITATION FOR A
7 PUBLIC-PRIVATE PARTNERSHIP REPORTED PURSUANT TO SUBPARAGRAPH
8 (VI) OF THIS PARAGRAPH (b) AND THE ACTUAL TERMS AND PROVISIONS OF
9 ANY PUBLIC-PRIVATE PARTNERSHIP AGREEMENT THAT RESULTS FROM THE
10 SOLICITATION REPORTED PURSUANT TO SUBPARAGRAPH (V) OF THIS
11 PARAGRAPH (b); AND

12 (VIII) ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT
13 THE TRANSPORTATION ENTERPRISE DEEMS NECESSARY OR DESIRABLE.

14 (c) The committees OF THE HOUSE OF REPRESENTATIVES AND THE
15 SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION shall review the
16 report and may recommend legislation. The report ~~shall be~~ is public and
17 ~~shall~~ MUST be available on the web site of the department on or before
18 THE January 15 of the year in which the report is presented. IMMEDIATELY
19 FOLLOWING THE PROVISION OF THE WRITTEN REPORT TO EACH MEMBER OF
20 THE COMMITTEES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10).

21 **SECTION 2.** In Colorado Revised Statutes, **amend** 2-3-121 as
22 follows:

23 **2-3-121. Performance audits of public highway authorities.**

24 (1) At the discretion of the legislative audit committee, the state auditor
25 shall conduct or cause to be conducted a performance audit of:

26 (a) Any public highway authority created and operating pursuant
27 to part 5 of article 4 of title 43, C.R.S.; except that the legislative audit

1 committee may not require the state auditor to conduct such a
2 performance audit during any year in which the transportation legislation
3 review committee created in section 43-2-145 (1), C.R.S., is required or
4 authorized to meet; OR

5 (b) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE
6 CREATED IN SECTION 43-4-806 (2) (a), C.R.S.

7 (2) The state auditor shall prepare a report and recommendations
8 on each audit conducted and shall present the report and
9 recommendations to the committee. The state auditor shall pay the costs
10 of any audit conducted pursuant to this section.

11 **SECTION 3.** In Colorado Revised Statutes, 43-4-808, **amend** (3)
12 introductory portion as follows:

13 **43-4-808. Toll highways - special provisions - limitations.**

14 (3) Notwithstanding any other provision of law and subject to the
15 requirements of section 43-4-806 (8) AND (8.5) and any limitations set
16 forth in the state constitution or in federal law, the transportation
17 enterprise may:

18 **SECTION 4. Applicability.** This act applies to public-private
19 partnerships entered into on or after the effective date of this act.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.