

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0790.04 Jason Gelender x4330

SENATE BILL 24-184

SENATE SPONSORSHIP

Fenberg and Marchman,

HOUSE SPONSORSHIP

McCluskie and Boesenecker,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING SUPPORT FOR THE DEVELOPMENT OF SURFACE
102 TRANSPORTATION INFRASTRUCTURE, AND, IN CONNECTION
103 THEREWITH, PROVIDING FUNDING AND OPERATIONAL
104 FLEXIBILITY NEEDED TO SUPPORT THE DEVELOPMENT OF
105 TRANSIT AND RAIL INFRASTRUCTURE.

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 the scope of the high-performance transportation enterprise's (transportation enterprise) powers and duties to expand its

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.

capacity to execute its charge and more explicitly prioritize mitigation of traffic congestion and traffic-related pollution through the completion of multimodal surface transportation infrastructure projects as follows:

- **Section 10:**
 - Authorizes the transportation enterprise to impose a congestion impact fee, as a new user fee, in maximum amounts of up to \$3 per day on the short-term rental of a motor vehicle that is powered by an internal combustion engine and up to \$2 per day for a motor vehicle that is a battery electric or plug-in hybrid electric vehicle that are subsequently adjusted for inflation, and, in conjunction with **section 9**, requires the fee to be collected and administered in the same manner as an existing state daily vehicle rental fee;
 - Clarifies that providing diverse multimodal transportation options, including rail projects, that reduce traffic congestion and degradation of existing surface transportation infrastructure is part of the transportation enterprise's statutory charge;
 - Clarifies that project-specific limitations on the expenditure of the transportation enterprise's project-specific user fee revenue, which do not apply to congestion impact fee revenue, allow multimodal improvements in the same travel shed where the fees were paid;
 - Requires the transportation enterprise to develop a new multimodal strategic capital plan that aligns with the 10-year transportation plan of the Colorado department of transportation (CDOT) and statewide greenhouse gas pollution reduction goals and priorities, complies with specified environmental standards adopted by the transportation commission, and prioritizes benefits to user fee payers and the reduction of adverse impacts on highways;
 - Requires the transportation enterprise to complete an initial assessment of opportunities available through 2030 to leverage federal money made available to the state and to thereafter assess such opportunities on an ongoing basis;
 - Clarifies the scope of an existing requirement of approval from each directly affected metropolitan planning organization and other transportation planning regions for a proposed surface transportation infrastructure project that adds

substantial capacity or significantly alters traffic patterns; and

- Requires the transportation enterprise to detail its work to reduce traffic congestion and greenhouse gas emissions and support the expansion of public transit in its annual report to the legislative committees with oversight over transportation; and
- **Section 8** modifies an existing definition of "surface transportation infrastructure" to more clearly include multimodal transportation options. **Section 8** also modifies an existing definition of "user fee" to include the new congestion impact fee and creates new definitions of "surface transportation infrastructure project network" (network) and "travel shed" to ensure, in conjunction with **section 11**, that the transportation enterprise's user fee revenue can be spent with more flexibility, from a geographic standpoint, than is currently the case.

Section 3 authorizes the regional transportation district (RTD) to extend construction and operations of its northwest rail fixed guideway corridor beyond its boundaries, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service in order to gain the opportunity to access federal intercity rail service money, if all capital and operating expenses outside the district are fully accounted for and already reimbursed to the district by a public body. **Section 3** also requires the district, in cooperation with CDOT, the transportation enterprise, and the front range passenger rail district (rail district), to provide to the transportation legislation review committee and the governor:

- A report containing an implementation plan, which must include, among other things, identification and evaluation of options for creating a separate legal entity or intergovernmental agreement as a business model, for construction and operations of the corridor to the legislative committees that oversee transportation and may also consider the creation of a Colorado rail authority to house some or all passenger rail services under one entity; and
- A report, which must also include the cooperation of any separate legal entity created, concerning a plan to begin providing front range passenger rail service no later than January 1, 2028.

Sections 4, 5, and 6 respectively provide specific, explicit authorization to the RTD, the rail district, CDOT, and the transportation enterprise in accordance with an implementation plan developed as required by **section 3** to enter into a standalone intergovernmental agreement with or create a separate legal entity with each other, to

implement the completion of construction and operation of the RTD's northwest fixed guideway corridor, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service. **Section 7** requires CDOT and the rail district to annually report to the legislative committees that oversee transportation regarding the status of the service development plan for front range passenger rail service between Trinidad, Pueblo, and Fort Collins.

Sections 1 and 2 make legislative findings and declarations.

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) Efficient, safe, and sustainable modes of transportation play a
5 vital role in the well-being of Colorado's residents and the prosperity of
6 its communities, and continued investment in transit and rail
7 infrastructure will foster economic development, reduce traffic
8 congestion, improve safety, mitigate environmental impacts, improve air
9 quality, and improve accessibility for all citizens, fostering a more
10 interconnected and vibrant state;

11 (b) The state needs to strategically address the growing challenges
12 of population growth and growth in recreational traffic and the associated
13 increase in demand for transportation alternatives, and the expansion and
14 improvement of transit and rail networks will alleviate traffic congestion
15 and wear and tear on highways and provide safer and more reliable
16 transportation options;

17 (c) A dedicated state funding source for transit and rail projects
18 is essential to building a comprehensive and integrated transportation
19 system that meets the diverse needs of Colorado's residents and visitors;

20 (d) Rental cars have a large impact on our public highways,
21 adding congestion, wear and tear, and more greenhouse gas (GHG)

1 emissions. Additional cars on our roads from out-of-state visitors, in-state
2 leisure travel, heavy trucks, and vans for moving services have a
3 documented impact, and investments in offsets such as transit and rail
4 services benefit the drivers of those rental vehicles by reducing the
5 amount of traffic congestion that they encounter.

6 (e) While out-of-state visitors and tourists have a positive impact
7 on our economy, the large amount of out-of-state visitors and tourism also
8 has a large impact on traffic congestion and conditions on our public
9 highway system and presents significant challenges to our ability to
10 manage growth in a sustainable way;

11 (f) Continued investment in transit and rail projects and services
12 advances Colorado's commitment to reducing air pollution, addressing
13 ozone nonattainment, safeguarding the environment and the health of its
14 residents by addressing climate change, and reducing GHG emissions that
15 create climate change;

16 (g) Although the general assembly and the federal government
17 have passed laws enabling investments to transition single occupancy
18 vehicles and other fleets to electric vehicles, the state cannot reach its
19 traffic congestion and GHG reduction goals without more transit and rail
20 options in the state to provide transportation alternatives and spur
21 transit-oriented development;

22 (h) Colorado charges road user fees for the purpose of improving
23 our surface transportation systems, and rental cars are one user of our
24 public highway system with a demonstrated impact on traffic congestion
25 on our public highways that could be alleviated and offset by providing
26 new transit and rail services that reduce the traffic congestion and wear
27 and tear they encounter;

1 (i) Rental cars account for over three percent of the vehicle miles
2 traveled (VMT) on Colorado roadways. Based on the "Urban Mobility
3 Report" produced by the Texas A&M Transportation Institute, the annual
4 cost of traffic congestion, which takes into account the cost of wasted fuel
5 consumption and travel delays, in the Denver metropolitan area alone was
6 \$2.394 billion in 2019, which comes out to \$1,263 per commuter and
7 \$21.50 per hour of delay. This suggests that the cost of congestion
8 attributable to rental cars statewide is at least \$74 million per year, and
9 likely higher. This impact from rental cars can be mitigated with new
10 investments in transit and rail. Investment in passenger rail systems and
11 additional revenue service miles of transit will offset VMT and reduce
12 congestion.

13 (j) The fee proposed in this legislation would also be applied to
14 the rental of heavy motor vehicles like moving truck rentals, which have
15 significantly higher wear and tear impacts to Colorado roads than
16 traditional passenger vehicles;

17 (k) The federal government has made available billions of dollars
18 to states, local governments, and private entities in the 2021 bipartisan
19 "Infrastructure Investment and Jobs Act". These federal grants usually
20 provide an 80% federal share and require only a 20% match from the
21 grant recipient, making passenger rail expansion a cost-effective tool for
22 reducing congestion but requiring more state matching money to access
23 federal dollars.

24 (l) Having adequate money to provide the non-federal match for
25 federal grants is essential to allow Colorado to take advantage of this
26 federal money;

27 (m) In 2021, the general assembly created the front range

1 passenger rail district. The Colorado department of transportation's
2 (CDOT) transit and rail division (division) is conducting a service
3 development plan for front range passenger rail to fulfill the direction of
4 that law. In October 2023, the transportation commission approved funds
5 to commence a service development plan for the northern rocky mountain
6 rail corridor extending from Denver through northwest Colorado and long
7 distance bus service expansion. The division will complete these projects
8 and continue to support project planning for associated projects.

9 (n) Front range passenger rail would connect communities from
10 Fort Collins through Denver on to Trinidad through new passenger rail
11 service, shaping development in our state for generations to come and
12 unlocking smart urban planning decisions, density around transit hubs,
13 and mobility options for those who cannot access a car;

14 (o) Urgent action is also required to fulfill our commitment to
15 equity for a just transition for energy impacted communities such as Craig
16 and Hayden that have coal plants completely closing as soon as 2028. As
17 coal plant closures happen and the existing freight business ends with it,
18 we must ensure continuous use of that existing rail line through utilization
19 for passenger rail. Establishing passenger rail service from Union Station
20 to west Jefferson County, Winter Park, Steamboat Springs, Craig, and
21 Hayden is a just transition strategy that also reduces traffic congestion in
22 the interstate highway 70 mountain corridor. This train line uniquely
23 fulfills several objectives of the state including relieving traffic
24 congestion in mountain corridors, supporting affordable housing for the
25 local workforce, and aiding coal-dependent communities in enhancing
26 and diversifying their economies.

27 (p) The southern segment of front range passenger rail is as

1 important as the north segment and the proposed northern rocky mountain
2 rail service. It is imperative that the state continue to pursue this
3 important segment that completes the vision for the full front range
4 passenger rail and is a linchpin to the new federal long distance plan for
5 the country that would create two new long distance service routes
6 through Trinidad connecting to the full proposed front range passenger
7 rail route. The new proposed long distance study map makes Colorado's
8 full front range rail route essential to a new route connecting through
9 Trinidad, Colorado to Albuquerque, New Mexico on to Phoenix, Arizona,
10 and an additional new route that would connect Trinidad to Amarillo,
11 Texas, to Dallas, Texas, and on to Houston, Texas. This makes the
12 southern segment of front range passenger rail not just an important
13 Colorado transportation solution but also of national importance to the
14 future national rail passenger rail network.

15 (q) Efforts to expand passenger rail must be complemented by the
16 expansion of a more comprehensive statewide bus system, especially on
17 key corridors like interstate highways 70 and 25, building on the
18 successes of initiatives like CDOT's Bustang, Snowstang, and Pegasus
19 bus services, with a commitment to improving convenience, and
20 accessibility for all Coloradans and contributing to reductions in GHG
21 emissions and traffic congestion.

22 (2) The general assembly further finds and declares that:

23 (a) The Colorado high performance transportation enterprise,
24 which has been doing business as the Colorado transportation investment
25 office (CTIO) since 2021, has a strong track record of using user fee
26 revenue to support the development of surface transportation projects
27 with the primary objective of alleviating traffic congestion within the

1 state;

2 (b) The CTIO has historically supported multi-modal
3 transportation through the expansion of commuting options in express
4 lanes and the distribution of transit passes to low-income residents, but
5 with the creation of the new dedicated revenue source provided for in this
6 act must now utilize its existing power and charge, as set forth in its
7 enabling legislation, to fund transit and rail projects to further reduce
8 traffic congestion on our highway system;

9 (c) It is necessary and appropriate to direct the CTIO to update its
10 strategic plan to incorporate policies implementing legislative direction
11 in Senate Bill 21-260, which tasked the transportation commission to
12 establish GHG pollution reduction planning standards and to contribute
13 to the state's implementation of House Bill 19-1261, which established
14 GHG reduction goals for the state;

15 (d) A major barrier to expanding transit and rail in the state of
16 Colorado is a lack of financing infrastructure and a dedicated revenue
17 source;

18 (e) The state needs a more equitable transportation system that
19 mitigates the impact that automobiles place on the public highway system,
20 and the state lacks the dedicated revenue source for transit and rail that is
21 needed to fund such a system and mitigate those impacts;

22 (f) This act directs the regional transportation district (RTD), the
23 front range passenger rail district (FRPRD), the transportation
24 commission and the board of directors of the high-performance
25 transportation enterprise to develop a plan for using their joint authorities
26 and funding streams to deliver the first phase of front range passenger rail
27 from Denver to Fort Collins and to use existing contracts to the extent

1 possible to facilitate the best means to deliver that project and to conduct
2 rail traffic controller modeling and other analyses for intercity passenger
3 rail from Union Station to Fort Collins for at least two scenarios,
4 including a scenario of three round trips per day and a scenario of five
5 round trips per day;

6 (g) As it is the desire of the general assembly to ensure not just
7 train service from Union Station to Fort Collins, but also daily service
8 from Trinidad to Pueblo to Fort Collins, this act also requires the FRPRD:

9 (I) To report to the general assembly regarding a plan and an
10 expeditious timeline by which the FRPRD will implement the whole
11 front-range rail train service from Fort Collins to Pueblo and Trinidad;
12 and

13 (II) To report periodically to the general assembly regarding its
14 planning and implementation progress and the barriers and challenges it
15 faces for extending service to the southern portion of the FRPRD,
16 encouraging the inclusion in each report of a detailed analysis of the
17 extent of cooperation or a lack of cooperation among the host rail
18 companies; and

19 (h) In the near term, it is necessary and appropriate for CTIO to
20 use the new dedicated revenue stream provided for in this act to finance
21 service that originates from the service development plan for front range
22 passenger rail, the service development plan for the northern rocky
23 mountain rail corridor, the aforementioned statewide bus expansion study,
24 and other strategies to increase the use of public transportation.

25 **SECTION 2.** In Colorado Revised Statutes, 32-9-107.5, **add**
26 (1)(e) as follows:

27 **32-9-107.5. Regional fixed guideway mass transit system -**

1 **authorization - completion of northwest rail fixed guideway corridor**
2 **as first phase of front range passenger rail service - legislative**
3 **declarations. (1)(e) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:**

4 (I) THE COMPLETION OF CONSTRUCTION OF A FIXED GUIDEWAY
5 MASS TRANSIT SYSTEM IN THE DISTRICT'S NORTHWEST FIXED GUIDEWAY
6 CORRIDOR BETWEEN UNION STATION IN DENVER AND LONGMONT, WHICH
7 WAS PROMISED AS PART OF THE DISTRICT'S FASTRACKS TRANSIT
8 EXPANSION PROGRAM APPROVED BY THE VOTERS OF THE DISTRICT IN 2004
9 BUT CURRENTLY OPERATES ONLY BETWEEN UNION STATION AND
10 WESTMINSTER, WILL HELP REBUILD CONFIDENCE IN THE DISTRICT, AND IT
11 IS OF CRITICAL IMPORTANCE THAT EVERY EFFORT BE MADE TO SECURE
12 SUFFICIENT FUNDING TO QUICKLY COMPLETE THAT SYSTEM;

13 (II) THERE IS AN OPPORTUNITY TO OBTAIN SIGNIFICANT FEDERAL
14 MONEY FOR THE COMPLETION OF THE FIXED GUIDEWAY MASS TRANSIT
15 SYSTEM IN THE DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR IF
16 SERVICE EXTENDS BEYOND THE BOUNDARIES OF THE DISTRICT TO FORT
17 COLLINS AND QUALIFIES AS INTERCITY RAIL AS A FIRST PHASE OF FRONT
18 RANGE PASSENGER RAIL SERVICE; AND

19 (III) ACCELERATING THE PROVISION OF FIXED GUIDEWAY SERVICE
20 ON THE NORTHWEST RAIL CORRIDOR AS THE FIRST PHASE OF FRONT RANGE
21 PASSENGER RAIL SERVICE WILL NOT IN ANY WAY SLOW PLANNING,
22 DEVELOPMENT, GRANT SEEKING, OR OTHER ACTIVITIES NEEDED FOR THE
23 EXPEDITIOUS DELIVERY OF THE REMAINING ELEMENTS OF FRONT RANGE
24 PASSENGER RAIL SERVICE. BY COMPLETING THE NORTHWEST PORTION OF
25 FRONT RANGE PASSENGER RAIL SERVICE, WHICH WAS STATUTORILY
26 REQUIRED TO BE PRIORITIZED IN THE LEGISLATION THAT CREATED THE
27 FRONT RANGE PASSENGER RAIL DISTRICT, THE GENERAL ASSEMBLY

1 INTENDS TO EXPEDITE COMPLETION OF THE ENTIRE RAIL SERVICE.

2 **SECTION 3.** In Colorado Revised Statutes, 32-9-107.7, **add** (3)
3 and (4) as follows:

4 **32-9-107.7. Regional fixed guideway mass transit systems -**
5 **construction - authorization - completion of northwest rail fixed**
6 **guideway corridor - limited operations outside district - report. (3)**

7 THE DISTRICT MAY EXTEND CONSTRUCTION AND OPERATIONS OF THE
8 NORTHWEST RAIL FIXED GUIDEWAY CORRIDOR BEYOND THE BOUNDARIES
9 OF THE DISTRICT IF ANY AND ALL CAPITAL AND OPERATING EXPENSES THAT
10 IT UNDERTAKES OUTSIDE THE DISTRICT ARE FULLY ACCOUNTED FOR AND
11 REIMBURSED TO THE DISTRICT BY A PUBLIC BODY.

12 (4) (a) IN PURSUING THE COMPLETION OF CONSTRUCTION AND
13 OPERATION OF THE NORTHWEST FIXED GUIDEWAY CORRIDOR, INCLUDING
14 AN EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE FIRST PHASE
15 OF FRONT RANGE PASSENGER RAIL SERVICE, THE DISTRICT, IN
16 COOPERATION WITH THE DEPARTMENT OF TRANSPORTATION, THE
17 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
18 43-4-806 (2)(a)(I), AND THE FRONT RANGE PASSENGER RAIL DISTRICT,
19 CREATED IN SECTION 32-22-103 (1), SHALL PROVIDE A REPORT
20 CONTAINING AN IMPLEMENTATION PLAN FOR CONSTRUCTION AND
21 OPERATIONS OF THE CORRIDOR TO THE TRANSPORTATION LEGISLATION
22 REVIEW COMMITTEE, CREATED IN SECTION 43-2-145 (1)(a), OR ITS
23 SUCCESSOR COMMITTEE, AND TO THE GOVERNOR NO LATER THAN
24 SEPTEMBER 30, 2024. THE IMPLEMENTATION PLAN MUST:

25 (I) IDENTIFY ALL ONGOING OR COMPLETED STUDIES AND SERVICE
26 DEVELOPMENT PLANS THAT COULD BE LEVERAGED TO ACCELERATE
27 APPROVAL AND PERMITTING AND REQUIRE THE DISTRICT AND THE

1 DEPARTMENT OF TRANSPORTATION TO USE EXISTING CONTRACTS TO THE
2 EXTENT POSSIBLE TO CONDUCT RAIL TRAFFIC CONTROLLER MODELING AND
3 OTHER ANALYSES FOR INTERCITY PASSENGER RAIL FROM UNION STATION
4 TO FORT COLLINS FOR AT LEAST TWO SCENARIOS, INCLUDING A SCENARIO
5 OF THREE ROUND TRIPS PER DAY AND A SCENARIO OF FIVE ROUND TRIPS
6 PER DAY;

7 (II) IDENTIFY AND EVALUATE OPTIONS FOR CREATING A NEW
8 STANDALONE ENTITY SUCH AS A COLORADO RAIL AUTHORITY, A SEPARATE
9 LEGAL ENTITY CREATED PURSUANT TO SECTIONS 29-1-203 AND
10 29-1-203.5, OR A STANDALONE INTERGOVERNMENTAL AGREEMENT AS A
11 BUSINESS MODEL WITH A GOAL OF CREATING SUCH A SEPARATE LEGAL
12 ENTITY OR EXECUTING SUCH AN AGREEMENT NO LATER THAN DECEMBER
13 31, 2024; AND

14 (III) EXPLORE THE VIABILITY OF AMTRAK OR OTHER ENTITIES AS
15 POTENTIAL OPERATORS FOR INTERCITY PASSENGER RAIL SERVICE.

16 (b) IN ADDITION TO THE REPORT REQUIRED BY SUBSECTION (4)(a)
17 OF THIS SECTION, NO LATER THAN MARCH 1, 2025, THE DISTRICT, IN
18 COOPERATION WITH THE DEPARTMENT OF TRANSPORTATION, THE
19 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
20 43-4-806 (2)(a)(I), AND THE FRONT RANGE PASSENGER RAIL DISTRICT,
21 CREATED IN SECTION 32-22-103 (1), AND ANY SEPARATE LEGAL ENTITY
22 CREATED PURSUANT TO SECTIONS 29-1-203 AND 29-1-203.5 SHALL
23 PROVIDE A REPORT CONCERNING A PLAN TO BEGIN PROVIDING FRONT
24 RANGE PASSENGER RAIL SERVICE NO LATER THAN JANUARY 1, 2028, TO
25 THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL
26 GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION AND
27 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES AND THE

1 GOVERNOR.

2 **SECTION 4.** In Colorado Revised Statutes, 32-9-119, **add**
3 (1)(w.5) as follows:

4 **32-9-119. Additional powers of district.** (1) In addition to any
5 other powers granted to the district in this article, the district has the
6 following powers:

7 (w.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
8 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A
9 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
10 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
11 29-1-203.5 WITH THE DEPARTMENT OF TRANSPORTATION, THE
12 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
13 43-4-806 (2)(a)(I), AND THE FRONT RANGE PASSENGER RAIL DISTRICT,
14 CREATED IN SECTION 32-22-103 (1), TO IMPLEMENT THE COMPLETION OF
15 CONSTRUCTION AND OPERATION OF THE NORTHWEST FIXED GUIDEWAY
16 CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS
17 AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE;

18 **SECTION 5.** In Colorado Revised Statutes, 32-22-106, **amend**
19 (1)(s); and **add** (1)(s.5) as follows:

20 **32-22-106. District - general powers and duties - funds**
21 **created.** (1) In addition to any other powers granted to the district by this
22 article 22, the district has the following powers:

23 (s) To accept gifts, grants, and donations, whether cash or in-kind
24 in nature, from private or public sources for the purposes of this article
25 22; **and**

26 (s.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
27 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A

1 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
2 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
3 29-1-203.5 WITH THE DEPARTMENT OF TRANSPORTATION, THE
4 HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION
5 43-4-806 (2)(a)(I), AND THE REGIONAL TRANSPORTATION DISTRICT,
6 CREATED IN SECTION 32-9-105, TO IMPLEMENT THE COMPLETION OF
7 CONSTRUCTION AND OPERATION OF THE REGIONAL TRANSPORTATION
8 DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR, INCLUDING AN
9 EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE FIRST PHASE OF
10 FRONT RANGE PASSENGER RAIL SERVICE;

11 **SECTION 6.** In Colorado Revised Statutes, 43-1-106, **add**
12 (8)(q.5) as follows:

13 **43-1-106. Transportation commission - efficiency and**
14 **accountability committee - powers and duties - rules - definitions.**

15 (8) In addition to all other powers and duties imposed upon it by law, the
16 commission has the following powers and duties:

17 (q.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
18 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), AND ON BEHALF OF
19 THE DEPARTMENT, TO ENTER INTO A STANDALONE INTERGOVERNMENTAL
20 AGREEMENT WITH OR CREATE A SEPARATE LEGAL ENTITY PURSUANT TO
21 SECTIONS 29-1-203 AND 29-1-203.5 WITH THE REGIONAL
22 TRANSPORTATION DISTRICT, CREATED IN SECTION 32-9-105, THE FRONT
23 RANGE PASSENGER RAIL DISTRICT, CREATED IN SECTION 32-22-103 (1),
24 AND THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN
25 SECTION 43-4-806 (2)(a)(I), TO IMPLEMENT THE COMPLETION OF
26 CONSTRUCTION AND OPERATION OF THE REGIONAL TRANSPORTATION
27 DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR, INCLUDING AN

1 EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE FIRST PHASE OF
2 FRONT RANGE PASSENGER RAIL SERVICE;

3 **SECTION 7.** In Colorado Revised Statutes, **add** 43-1-132 as
4 follows:

5 **43-1-132. Front range passenger rail service - annual status**
6 **reports.** (1) NO LATER THAN SEPTEMBER 30, 2024, AND SEPTEMBER 30
7 OF EACH YEAR THEREAFTER, THE DEPARTMENT AND THE FRONT RANGE
8 PASSENGER RAIL DISTRICT, CREATED IN SECTION 32-22-103 (1) SHALL
9 JOINTLY REPORT TO THE TRANSPORTATION LEGISLATION REVIEW
10 COMMITTEE, CREATED IN SECTION 43-2-145 (1)(a), OR ITS SUCCESSOR
11 COMMITTEE, AND THE GOVERNOR REGARDING THE STATUS OF THE SERVICE
12 DEVELOPMENT PLAN FOR FRONT RANGE PASSENGER RAIL SERVICE
13 BETWEEN TRINIDAD, PUEBLO, AND FORT COLLINS. THE REPORT MUST
14 INCLUDE, AT A MINIMUM:

15 (a) A DESCRIPTION OF THE EFFORTS OF THE DEPARTMENT AND THE
16 DISTRICT TO COORDINATE WITH AFFECTED ENTITIES, INCLUDING CLASS I
17 RAILROADS, THE FEDERAL RAILWAY ADMINISTRATION, AND AMTRAK, AND
18 THE EXTENT TO WHICH AND MANNER IN WHICH SUCH AFFECTED ENTITIES
19 RESPONDED TO THOSE EFFORTS; AND

20 (b) A PLAN FOR FULL IMPLEMENTATION OF FRONT RANGE
21 PASSENGER RAIL SERVICE AS SOON AS PRACTICABLE THAT INCLUDES PLANS
22 FOR UPCOMING BALLOT MEASURES, FEDERAL GRANTS, AND OTHER
23 POSSIBLE INTERIM OPTIONS FOR FINANCING NECESSARY INFRASTRUCTURE
24 AND OPERATIONS.

25 (2) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
26 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
27 SECTION CONTINUES INDEFINITELY.

1 **SECTION 8.** In Colorado Revised Statutes, 43-4-803, **amend**
2 (11), (22), and (27); and **add** (23.5) and (26.3) as follows:

3 **43-4-803. Definitions.** As used in this part 8, unless the context
4 otherwise requires:

5 (11) "Designated bridge project" means a project that involves the
6 repair, reconstruction, replacement, or ongoing operation or maintenance,
7 or any combination thereof, of a designated bridge by the bridge
8 enterprise pursuant to an agreement between the BRIDGE enterprise and
9 the commission or department authorized by section 43-4-805 (5)(f). A
10 fair-rated bridge may be included in a designated bridge project or other
11 project involving the repair, replacement, or reconstruction of a
12 designated bridge if including the fair-rated bridge is an efficient use of
13 the bridge enterprise's resources and will result in cost savings or
14 schedule acceleration for a project that will improve safety.

15 (22) "Surface transportation infrastructure" means a highway, a
16 bridge other than a designated bridge, or any other infrastructure, facility,
17 or equipment used primarily or in large part to transport people on
18 systems that operate on or are affixed to the ground, INCLUDING
19 PASSENGER RAIL, BUS, OR OTHER PUBLIC TRANSPORTATION VEHICLES.

20 (23.5) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
21 NETWORK" MEANS ALL EXISTING OR PLANNED SURFACE TRANSPORTATION
22 INFRASTRUCTURE PROJECTS.

23 (26.3) "TRAVEL SHED" MEANS THE GEOGRAPHIC AREA, AS
24 DETERMINED BY THE TRANSPORTATION ENTERPRISE, WITHIN WHICH
25 DEVELOPMENT AND PERSONS TRAVELING ARE SERVED BY A SURFACE
26 TRANSPORTATION INFRASTRUCTURE PROJECT, INCLUDING ARTERIAL
27 HIGHWAYS OR MULTI-MODAL SURFACE TRANSPORTATION

1 INFRASTRUCTURE CONNECTED TO THE SURFACE TRANSPORTATION
2 INFRASTRUCTURE PROJECT.

3 (27) "User fee" means compensation to be paid to the
4 transportation enterprise or a partner of the transportation enterprise,
5 INCLUDING THE CONGESTION IMPACT FEE IMPOSED BY THE
6 TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (7.6), for
7 the privilege of EITHER using surface transportation infrastructure
8 constructed or operated by the transportation enterprise or operated by its
9 partner under the terms of a public-private partnership OR BENEFITTING
10 FROM THE REDUCED CONGESTION ON AND IMPROVED CONDITION OF OTHER
11 SURFACE TRANSPORTATION INFRASTRUCTURE IN THE STATE RESULTING
12 FROM THE AVAILABILITY OF SURFACE TRANSPORTATION INFRASTRUCTURE
13 CONSTRUCTED OR OPERATED BY THE TRANSPORTATION ENTERPRISE OR
14 OPERATED BY ITS PARTNER UNDER THE TERMS OF A PUBLIC-PRIVATE
15 PARTNERSHIP AND FROM THE OPPORTUNITY TO USE SUCH SURFACE
16 TRANSPORTATION INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE
17 TRANSPORTATION ENTERPRISE AND SUCH OTHER LESS CONGESTED AND
18 IMPROVED SURFACE TRANSPORTATION INFRASTRUCTURE.

19 **SECTION 9.** In Colorado Revised Statutes, 43-4-804, **amend**
20 (1)(b)(II) as follows:

21 **43-4-804. Highway safety projects - surcharges and fees -**
22 **crediting of money to highway users tax fund - definition.** (1) The
23 following surcharges, fees, and fines shall be collected and credited to the
24 highway users tax fund created in section 43-4-201 (1)(a) and allocated
25 to the state highway fund, counties, and municipalities as specified in
26 section 43-4-205 (6.3):

27 (b) (II) A person who collects the daily vehicle rental fee imposed

1 by ~~subparagraph (f) of this paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS
2 SECTION and who pays specific ownership tax on the vehicles rented in
3 the manner specified in either section 42-3-107 (11) or (12), ~~C.R.S.~~, or
4 both, shall, no later than the twentieth day of each month, submit to the
5 department of revenue a report, using forms furnished by the department
6 of revenue, of daily vehicle rental fees collected for the preceding month
7 and shall include with the report the remittance of all such fees. A person
8 who collects the daily vehicle rental fee imposed by ~~subparagraph (f) of~~
9 ~~this paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS SECTION but does not pay
10 specific ownership tax on the vehicles in the manner specified in either
11 section 42-3-107 (11) or (12), ~~C.R.S.~~, or both, shall submit the report and
12 the remittance of fees collected in the same manner or in such other
13 manner as the executive director of the department of revenue may
14 prescribe by rules promulgated in accordance with article 4 of title 24.
15 ~~C.R.S.~~ The executive director of the department of revenue shall forward
16 all daily vehicle rental fees collected, TOGETHER WITH ALL CONGESTION
17 IMPACT FEES IMPOSED BY THE TRANSPORTATION ENTERPRISE PURSUANT
18 TO SECTION 43-4-806 (7.6) COLLECTED, to the state treasurer ~~who~~ AND
19 SHALL IDENTIFY THE AMOUNTS OF EACH FEE BEING FORWARDED. THE
20 STATE TREASURER shall credit the daily vehicle rental fees IMPOSED
21 PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS SECTION to the highway
22 users tax fund AND SHALL CREDIT THE CONGESTION IMPACT FEES IMPOSED
23 BY THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806
24 (7.6) TO THE TRANSPORTATION SPECIAL FUND AS REQUIRED BY SECTION
25 43-4-806 (7.6)(b).

26 **SECTION 10.** In Colorado Revised Statutes, 43-4-806, **amend**
27 (1)(a), (2)(a)(III)(B), (2)(c)(I), (3)(a), (3)(c), (5), (6) introductory portion,

1 (6)(p), (8)(b), (9)(a), and (10)(a); and **add** (1.5), (6)(p.5), (7.6), (7.7),
2 (7.8), and (10)(c) as follows:

3 **43-4-806. Colorado transportation investment office - creation**
4 **- enterprise status - board - funds - powers and duties - user fees -**
5 **limitations - reporting requirements - violations on the peak period**
6 **shoulder lanes - legislative declaration - definitions.** (1) The general
7 assembly hereby finds and declares that:

8 (a) It is necessary, appropriate, and in the best interests of the state
9 for the state to aggressively pursue innovative means of more efficiently
10 financing important surface transportation infrastructure projects that will
11 improve the safety, capacity, and accessibility of the surface
12 transportation system, PROVIDE DIVERSE, MULTIMODAL TRANSPORTATION
13 OPTIONS THAT REDUCE TRAFFIC CONGESTION AND DEGRADATION OF
14 EXISTING SURFACE TRANSPORTATION INFRASTRUCTURE AND OFFER MORE
15 TRANSPORTATION CHOICES FOR SYSTEM USERS, can feasibly be
16 commenced in a reasonable amount of time, will allow more efficient
17 movement of people, goods, and information throughout the state, and
18 will accelerate the economic recovery of the state;

19 (1.5) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
20 THAT:

21 (a) (I) THE TRANSPORTATION ENTERPRISE PROVIDES BOTH
22 SERVICES TO PERSONS WHO PAY USER FEES FOR THE PRIVILEGE OF USING
23 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AND ADDITIONAL
24 IMPACT REMEDIATION SERVICES TO ALL PERSONS WHO USE OR INDIRECTLY
25 BENEFIT FROM THE USE OF THE SURFACE TRANSPORTATION
26 INFRASTRUCTURE PROJECT NETWORK AND OTHER SURFACE
27 TRANSPORTATION INFRASTRUCTURE IN THE STATE BY COMPLETING AND

1 OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT
2 REDUCE WEAR AND TEAR ON AND INCREASE THE RELIABILITY, SAFETY,
3 AND EXPECTED USEFUL LIFE OF STATE HIGHWAYS AND BRIDGES, REDUCE
4 TRAFFIC CONGESTION AND ATTENDANT DELAYS, PROVIDE ADDITIONAL
5 TRANSPORTATION OPTIONS, REDUCE EMISSIONS FROM AIR POLLUTANTS
6 AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCE
7 THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH EMISSIONS;
8 AND

9 (II) BY PROVIDING SERVICES AS AUTHORIZED BY THIS PART 8, THE
10 TRANSPORTATION ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN
11 THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND GENERATES
12 REVENUE BY COLLECTING FEES FROM SERVICES USERS, AND THEREFORE
13 OPERATES AS A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF
14 THE COLORADO SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY*
15 *AUTHORITY*, 896 P.2D 859 (COLO. 1995), AND THE COLORADO COURT OF
16 APPEALS IN *TABOR FOUNDATION V. COLORADO BRIDGE ENTERPRISE*,
17 2014COA 106;

18 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
19 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
20 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
21 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
22 X OF THE STATE CONSTITUTION AND THE DETERMINATION OF THE
23 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*
24 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36, THAT A CHARGE IS NOT A TAX
25 IF THE PRIMARY PURPOSE OF THE CHARGE IS TO NOT TO RAISE REVENUE
26 FOR GENERAL GOVERNMENTAL PURPOSES, IT IS THE CONCLUSION OF THE
27 GENERAL ASSEMBLY THAT THE REVENUE COLLECTED BY THE

1 TRANSPORTATION ENTERPRISE FROM USER FEES IS GENERATED BY FEES,
2 NOT TAXES, BECAUSE THE USER FEES IMPOSED BY THE TRANSPORTATION
3 ENTERPRISE:

4 (I) ARE IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
5 TRANSPORTATION ENTERPRISE TO DEFRAY THE COSTS OF COMPLETING,
6 OPERATING, AND MAINTAINING THE SURFACE TRANSPORTATION
7 INFRASTRUCTURE PROJECT NETWORK;

8 (II) THEREBY:

9 (A) FUND THE SPECIFIC BENEFIT OF THE PRIVILEGE OF ACCESSING
10 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR USER FEE
11 PAYERS;

12 (B) FUND ADDITIONAL BENEFITS OF THE REMEDIATION SERVICES
13 PROVIDED BY THE TRANSPORTATION ENTERPRISE, INCLUDING REDUCTION
14 OF TRAFFIC CONGESTION AND ATTENDANT DELAYS, PROVISION OF
15 ADDITIONAL TRANSPORTATION OPTIONS, REDUCED EMISSIONS FROM AIR
16 POLLUTANTS AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES,
17 AND REDUCED ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH
18 EMISSIONS CAUSED BY THE USE OF MOTOR VEHICLES, FOR USER FEE
19 PAYERS; AND

20 (III) WILL BE COLLECTED AT RATES THAT ARE REASONABLY
21 CALCULATED BY THE TRANSPORTATION ENTERPRISE BOARD BASED ON THE
22 COSTS OF PROVIDING THE BENEFITS PROVIDED TO USER FEE PAYERS AND
23 THE COSTS OF REMEDIATING THE IMPACTS CAUSED BY FEE PAYERS.

24 (2) (a) (III) (B) The powers, duties, and functions of the
25 ~~department~~ of transportation ENTERPRISE include the powers, duties, and
26 functions of the statewide tolling enterprise, created in the ~~commission~~
27 DEPARTMENT pursuant to section 43-4-803 (1), prior to the repeal and

1 reenactment of said section by Senate Bill 09-108, enacted in 2009, and
2 the statewide tolling enterprise is abolished.

3 (c) The business purpose of the transportation enterprise is to
4 pursue public-private partnerships and other innovative and efficient
5 means of completing surface transportation infrastructure projects. To
6 allow the transportation enterprise to accomplish this purpose and fully
7 exercise its powers and duties through the transportation enterprise board,
8 the transportation enterprise may:

9 (I) Subject to the limitations specified in section 43-4-808 (3) AND
10 SUBSECTION (7.6) OF THIS SECTION, impose user fees, INCLUDING THE
11 CONGESTION IMPACT FEE AUTHORIZED BY SUBSECTION (7.6) OF THIS
12 SECTION, for the privilege of using surface transportation infrastructure;

13 (3) (a) The statewide transportation enterprise special revenue
14 fund, referred to in this part 8 as the "transportation special fund", is
15 hereby created in the state treasury. All ~~revenues~~ REVENUE received by
16 the transportation enterprise, including ~~any revenues~~ ALL REVENUE from
17 BOTH user fees COLLECTED FROM USERS OF A PARTICULAR SURFACE
18 TRANSPORTATION INFRASTRUCTURE PROJECT AND CONGESTION IMPACT
19 FEES, collected pursuant to ~~subparagraph (f) of paragraph (c) of~~
20 ~~subsection (2)~~ SUBSECTIONS (2)(c)(I) AND (7.6) of this section, ~~shall~~ MUST
21 be deposited into the transportation special fund. The transportation
22 enterprise board may establish separate accounts within the transportation
23 special fund as needed in connection with any specific surface
24 transportation infrastructure project. The transportation enterprise also
25 may deposit or permit others to deposit other ~~moneys~~ MONEY into the
26 transportation special fund, but in no event may ~~revenues~~ REVENUE from
27 any tax otherwise available for general purposes be deposited into the

1 transportation special fund. The state treasurer, after consulting with the
2 transportation enterprise board, shall invest any ~~moneys~~ MONEY in the
3 transportation special fund, including any surplus or reserves, but
4 excluding any proceeds from the sale of bonds or earnings on such
5 proceeds invested pursuant TO section 43-4-807 (2), that are not needed
6 for immediate use. Such ~~moneys~~ MONEY may be invested in the types of
7 investments authorized in sections 24-36-109, 24-36-112, and 24-36-113.
8 ~~C.R.S.~~

9 (c) The transportation enterprise shall prepare a separate annual
10 accounting of the user fees collected from any surface transportation
11 infrastructure project upon which any user fee is imposed ~~except that~~ AND
12 OF CONGESTION IMPACT FEES. A partner of the enterprise may prepare the
13 annual accounting for a project upon which it imposes a user fee pursuant
14 to the terms of a public-private partnership.

15 (5) Notwithstanding any other provision of this section, user fee
16 ~~revenues shall~~ REVENUE COLLECTED FROM USERS OF A PARTICULAR
17 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT MUST be expended
18 only for purposes authorized by subsection (3) of this section and only for
19 ~~the surface transportation infrastructure project for which they were~~
20 ~~collected, to address ongoing congestion management needs related to the~~
21 ~~project, or as a portion of the expenditures made for another surface~~
22 ~~transportation infrastructure project that is integrated with the project as~~
23 ~~part of a surface transportation system~~ WITHIN A TRAVEL SHED SERVED BY
24 THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH
25 THE USER FEES WERE COLLECTED; ~~except that the transportation enterprise~~
26 board may ~~use~~ EXPEND user fee ~~revenues~~ REVENUE from each surface
27 transportation infrastructure project in proportion to the total amount of

1 such ~~revenues~~ REVENUE generated by the project to pay overhead of the
2 transportation enterprise. USER FEE REVENUE GENERATED BY THE
3 CONGESTION IMPACT FEE IMPOSED BY THE TRANSPORTATION ENTERPRISE
4 PURSUANT TO SUBSECTION (7.6) OF THIS SECTION MAY BE EXPENDED ON
5 ANY PART OF THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
6 NETWORK AND FOR OVERHEAD OF THE TRANSPORTATION ENTERPRISE.

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

10 (p) To transfer money, property, or other assets of the
11 transportation enterprise to the department to the extent necessary to
12 implement the financing of any surface transportation infrastructure
13 project or for any other purpose authorized in this part 8; ~~and~~

14 (p.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
15 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A
16 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
17 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
18 29-1-203.5 WITH THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN
19 SECTION 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED
20 IN SECTION 32-22-103 (1), AND THE DEPARTMENT, TO IMPLEMENT THE
21 COMPLETION OF CONSTRUCTION AND OPERATION OF THE REGIONAL
22 TRANSPORTATION DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR,
23 INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE
24 FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE; AND

25 (7.6) (a) (I) IN ADDITION TO ANY OTHER POWERS AND DUTIES
26 SPECIFIED IN THIS SECTION, ON AND AFTER JANUARY 1, 2025, THE
27 TRANSPORTATION ENTERPRISE SHALL IMPOSE A CONGESTION IMPACT FEE

1 ON ALL SHORT-TERM VEHICLE RENTALS AT A MAXIMUM RATE, AS
2 DETERMINED BY THE TRANSPORTATION ENTERPRISE BOARD, THAT IS
3 REASONABLY CALCULATED TO GENERATE ONLY THE AMOUNT OF REVENUE
4 NEEDED TO PAY THE OVERALL COSTS OF PROVIDING THE SERVICES TO FEE
5 PAYERS THAT WILL BE FUNDED WITH THAT REVENUE AND THAT IS, EXCEPT
6 AS OTHERWISE PROVIDED IN SUBSECTION (7.6)(c) OF THIS SECTION, NO
7 MORE THAN THREE DOLLARS PER DAY FOR ANY VEHICLE POWERED BY AN
8 INTERNAL COMBUSTION ENGINE AND NO MORE THAN TWO DOLLARS PER
9 DAY FOR ANY BATTERY ELECTRIC MOTOR VEHICLE OR PLUG-IN HYBRID
10 ELECTRIC MOTOR VEHICLE; EXCEPT THAT A SUBSEQUENT RENEWAL OF A
11 SHORT-TERM VEHICLE RENTAL IS EXEMPT FROM THE FEE TO THE EXTENT
12 THAT THE RENEWAL EXTENDS THE TOTAL RENTAL PERIOD BEYOND THIRTY
13 DAYS. A CAR SHARING PROGRAM SHALL COLLECT THE CONGESTION
14 IMPACT FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF TWENTY-FOUR
15 HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING PROGRAM.

16 (II) AS USED IN THIS SUBSECTION (7.6), UNLESS THE CONTEXT
17 OTHERWISE REQUIRES:

18 (A) "BATTERY ELECTRIC MOTOR VEHICLE" HAS THE SAME
19 MEANING AS SET FORTH IN SECTION 43-4-1202 (1).

20 (B) "CAR SHARING PROGRAM" HAS THE SAME MEANING AS SET
21 FORTH IN SECTION 6-1-1202 (4).

22 (C) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" HAS THE SAME
23 MEANING AS SET FORTH IN SECTION 43-4-1202 (14).

24 (D) "SHORT-TERM VEHICLE RENTAL" MEANS THE RENTAL OF ANY
25 MOTOR VEHICLE, AS DEFINED IN SECTION 42-1-102 (58), WITH A GROSS
26 VEHICLE WEIGHT RATING OF TWENTY-SIX THOUSAND POUNDS OR LESS
27 THAT IS RENTED WITHIN COLORADO FOR A PERIOD OF NOT MORE THAN

1 THIRTY DAYS.

2 (b) THE CONGESTION IMPACT FEE MUST BE COLLECTED, SUBMITTED
3 TO THE DEPARTMENT OF REVENUE, ADMINISTERED BY THE DEPARTMENT
4 OF REVENUE, AND FORWARDED BY THE DEPARTMENT OF REVENUE TO THE
5 STATE TREASURER IN THE SAME MANNER IN WHICH THE DAILY VEHICLE
6 RENTAL FEE IMPOSED PURSUANT TO SECTION 43-4-804 (1)(b)(I)(A) IS
7 COLLECTED, SUBMITTED, ADMINISTERED, AND FORWARDED PURSUANT TO
8 SECTION 43-4-804 (1)(b)(II). THE DEPARTMENT OF REVENUE, WHEN
9 FORWARDING THE CONGESTION IMPACT FEE TO THE STATE TREASURER
10 WITH THE DAILY VEHICLE RENTAL FEE IMPOSED PURSUANT TO SECTION
11 43-4-804 (1)(b)(I)(A), SHALL IDENTIFY THE AMOUNTS OF EACH FEE BEING
12 FORWARDED, AND THE STATE TREASURER SHALL CREDIT ALL CONGESTION
13 IMPACT FEES TO THE TRANSPORTATION SPECIAL FUND. ANY VEHICLE
14 RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT THAT IS
15 EXEMPT, PURSUANT TO SECTION 43-4-804 (1)(b)(III), FROM THE DAILY
16 VEHICLE RENTAL FEE IMPOSED PURSUANT TO SECTION 43-4-804
17 (1)(b)(I)(A) IS ALSO EXEMPT FROM THE CONGESTION IMPACT FEE.

18 (c) (I) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
19 STATE FISCAL YEAR 2026-27 AND FOR SHORT-TERM VEHICLE RENTAL
20 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
21 DAILY LIMITS ON THE AMOUNT OF THE CONGESTION IMPACT FEE SET FORTH
22 IN SUBSECTION (7.6)(a)(I) OF THIS SECTION ARE ANNUALLY ADJUSTED FOR
23 INFLATION, AND THE TRANSPORTATION ENTERPRISE SHALL IMPOSE THE
24 CONGESTION IMPACT FEE IN A MAXIMUM AMOUNT THAT IS THE MAXIMUM
25 AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION.
26 THE TRANSPORTATION ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF
27 REVENUE OF THE AMOUNT OF THE CONGESTION IMPACT FEE TO BE

1 COLLECTED FOR SHORT-TERM VEHICLE RENTALS DURING EACH STATE
2 FISCAL YEAR NO LATER THAN APRIL 1 OF THE CALENDAR YEAR IN WHICH
3 THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF REVENUE
4 SHALL PUBLISH THE AMOUNT NO LATER THAN MAY 1 OF THE CALENDAR
5 YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

6 (II) AS USED IN THIS SUBSECTION (7.6)(c), "INFLATION" MEANS
7 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
8 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
9 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
10 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
11 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
12 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE CONGESTION
13 IMPACT FEE IS TO BE MADE BEGINS.

14 (d) NOTWITHSTANDING SUBSECTION (7.6)(c) OF THIS SECTION, NO
15 LATER THAN MARCH 1, 2030, AND EVERY FIFTH MARCH 1 THEREAFTER,
16 THE TRANSPORTATION ENTERPRISE SHALL COMPLETE AN ANALYSIS OF THE
17 RATE AT WHICH IT IMPOSES THE CONGESTION IMPACT FEE, THE AMOUNT OF
18 REVENUE GENERATED BY THE FEE, AND THE USE OF FEE REVENUE IN
19 ORDER TO ENSURE THAT IT IS CONTINUING TO IMPOSE THE FEE AT RATES
20 THAT ARE REASONABLY CALCULATED TO GENERATE ONLY THE AMOUNT
21 OF REVENUE NEEDED TO PAY THE OVERALL COSTS OF PROVIDING THE
22 SERVICES TO FEE PAYERS THAT WILL BE FUNDED WITH THAT REVENUE. IF
23 THE TRANSPORTATION ENTERPRISE DETERMINES THAT IT IS IMPOSING OR
24 WITH ITS NEXT INFLATION ADJUSTMENT WILL BE IMPOSING THE FEE AT A
25 RATE THAT GENERATES OR WILL GENERATE MORE THAN THE NEEDED
26 AMOUNT OF REVENUE, IT SHALL LOWER THE RATE AT WHICH IT IS IMPOSING
27 THE FEE OR FOREGO OR REDUCE THE INFLATION ADJUSTMENT TO THE

1 EXTENT NECESSARY TO ENSURE THAT IT IS CONTINUING TO IMPOSE THE FEE
2 AT RATES THAT ARE REASONABLY CALCULATED TO GENERATE ONLY THE
3 AMOUNT OF REVENUE NEEDED TO PAY THE OVERALL COSTS OF PROVIDING
4 THE SERVICES TO FEE PAYERS THAT WILL BE FUNDED WITH THAT REVENUE.

5 (7.7) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED
6 IN THIS SECTION:

7 (a) NO LATER THAN MARCH 1, 2025, THE TRANSPORTATION
8 ENTERPRISE SHALL DEVELOP A NEW MULTIMODAL STRATEGIC CAPITAL
9 PLAN, WHICH THE TRANSPORTATION ENTERPRISE BOARD MAY, AT ITS SOLE
10 DISCRETION, THEREAFTER UPDATE AS IT DEEMS NECESSARY. THE PLAN
11 MUST:

12 (I) ALIGN WITH THE TEN-YEAR PLAN FOR EACH MODE OF
13 TRANSPORTATION APPROVED BY THE COMMISSION IN ACCORDANCE WITH
14 SECTION 43-1-106 (15)(d), THE STATEWIDE GREENHOUSE GAS POLLUTION
15 REDUCTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g), AND OTHER
16 STATE GREENHOUSE GAS REDUCTION PRIORITIES;

17 (II) COMPLY WITH THE GREENHOUSE GAS TRANSPORTATION
18 PLANNING STANDARD ADOPTED BY THE COMMISSION, ANY AMENDED OR
19 SUCCESSOR STANDARD ADOPTED BY THE COMMISSION, AND ANY OTHER
20 POLLUTION REDUCTION PLANNING STANDARDS REQUIRED FOR SURFACE
21 TRANSPORTATION INFRASTRUCTURE PROJECTS BY A FEDERAL OR STATE
22 LAW, REGULATION, OR RULE; AND

23 (III) PRIORITIZE BENEFITS TO USER FEE PAYERS AND THE
24 REDUCTION OF ADVERSE IMPACTS ON HIGHWAYS.

25 (b) NO LATER THAN MARCH 1, 2025, THE TRANSPORTATION
26 ENTERPRISE SHALL COMPLETE AN INITIAL ASSESSMENT OF OPPORTUNITIES
27 AVAILABLE THROUGH 2030 TO LEVERAGE FEDERAL MONEY MADE

1 AVAILABLE TO THE STATE. AFTER COMPLETING THE INITIAL ASSESSMENT,
2 THE TRANSPORTATION ENTERPRISE SHALL ASSESS SUCH OPPORTUNITIES ON
3 AN ONGOING BASIS.

4 (7.8) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED
5 IN THIS SECTION, THE TRANSPORTATION ENTERPRISE MAY ENTER INTO A
6 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
7 SEPARATE LEGAL ENTITY PURSUANT TO 29-1-203 AND 29-1-203.5 WITH
8 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
9 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED IN
10 SECTION 32-22-103(1), AND THE DEPARTMENT OF TRANSPORTATION TO
11 IMPLEMENT THE COMPLETION OF CONSTRUCTION AND OPERATION OF THE
12 REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST FIXED GUIDEWAY
13 CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS
14 AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE.

15 (8) (b) In order to ensure that the limited resources available for
16 the completion of major surface transportation infrastructure projects are
17 allocated only to projects deemed essential by all impacted metropolitan
18 planning organizations and other transportation planning regions, every
19 metropolitan planning organization or other transportation planning
20 region that includes territory in which all or any portion of a proposed
21 surface transportation infrastructure project that will add substantial
22 ~~transportation~~ HIGHWAY capacity or significantly alter traffic patterns is
23 to be completed ~~shall have~~ HAS the right to participate in the planning and
24 development, and approve the completion, of the project. The right of
25 participation ~~shall extend~~ EXTENDS, without limitation, to decisions
26 regarding the scope of the project, the type of surface transportation
27 infrastructure to be provided, project financing, allocation of project

1 revenues, and the manner in which any user fees are to be imposed. A
2 surface transportation infrastructure project shall not proceed past the
3 planning stage until all metropolitan planning organizations entitled to
4 participate in the planning, development, and approval process, including
5 AS WELL AS the transportation enterprise and any partner of the
6 TRANSPORTATION enterprise under the terms of a public-private
7 partnership, have approved the project.

8 (9) (a) The transportation enterprise ~~shall not~~ IS NOT INTENDED TO
9 supplant or duplicate the services provided by any public mass transit
10 operator, as defined in section 43-1-102 (5), railroad, public highway
11 authority created pursuant to part 5 of this article, or regional
12 transportation authority created pursuant to part 6 of this article except as
13 described in detail in an intergovernmental agreement or other contractual
14 agreement entered into by the transportation enterprise and the operator,
15 railroad, or authority. The creation of and undertaking of surface
16 transportation infrastructure projects by the transportation enterprise
17 pursuant to this part 8 is not intended to discourage any combination of
18 local governments from forming a public highway authority or a regional
19 transportation authority.

20 (10) (a) Notwithstanding section 24-1-136 (11)(a)(I), no later than
21 February 15, 2010, ~~and~~ no later than February 15 of each year thereafter
22 THROUGH 2024, AND NO LATER THAN MARCH 1 OF EACH YEAR
23 THEREAFTER, the transportation enterprise shall present a report to the
24 committees of the house of representatives and the senate that have
25 jurisdiction over transportation. The report must include a summary of the
26 transportation enterprise's activities for the previous year, a summary of
27 the status of any current surface transportation infrastructure projects, a

1 statement of the enterprise's revenues and expenses, and any
2 recommendations for statutory changes that the enterprise deems
3 necessary or desirable. The committees shall review the report and may
4 recommend legislation. The report shall be public and shall be available
5 on the website of the department on or before January 15 of the year in
6 which the report is presented.

7 (c) BEGINNING WITH THE REPORT DUE NO LATER THAN MARCH 1,
8 2025, THE REPORT SHALL ALSO DETAIL THE TRANSPORTATION
9 ENTERPRISE'S WORK TO REDUCE TRAFFIC CONGESTION AND GREENHOUSE
10 GAS EMISSIONS AND SUPPORT THE EXPANSION OF PUBLIC TRANSIT.

11 **SECTION 11.** In Colorado Revised Statutes, **amend** 43-4-812 as
12 follows:

13 **43-4-812. Use of user fees for transit - legislative declaration.**

14 (1) Notwithstanding any other provision of law, the transportation
15 enterprise, a public highway authority created and existing pursuant to
16 part 5 of this article, a regional transportation authority created and
17 existing pursuant to part 6 of this article, or any other entity that, as of
18 March 2, 2009, is imposing a user fee or toll for the privilege of traveling
19 on any highway segment or highway lanes may use ~~revenues~~ REVENUE
20 generated by the user fee or toll for RAIL- AND transit-related projects that
21 relate to the maintenance or supervision of the highway segment or
22 highway lanes on which the user fee or toll is imposed OR OTHER STATE
23 HIGHWAYS WITHIN THE TRAVEL SHED THAT IS SERVED BY THE HIGHWAY
24 SEGMENT OR HIGHWAY LANES.

25 (2) The general assembly ~~hereby~~ finds and declares that the
26 funding of RAIL- AND transit-related projects authorized by subsection (1)
27 of this section constitutes maintenance and supervision of state highways

1 because it will help to reduce traffic on state highways and thereby reduce
2 wear and tear on state highways and bridges and increase their reliability,
3 safety, and expected useful life.

4 **SECTION 12. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.