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0352 Highway Legislation Review Committee



COLORADO

GENERAL ASSEMBLY

Legislative Council
Research Publication No. 352

Highway Legislation
Review Committee

November 1990

COLORADO GENERAL ASSEMBLY

RECOMMENDATIONS FOR 1991

**HIGHWAY LEGISLATION
REVIEW COMMITTEE**

**Legislative Council
Report to the
Colorado General Assembly**

**Research Publication No. 352
November 1990**

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To the Members of the Fifty-Eighth Colorado General Assembly:

Submitted herewith is the final report of the Highway Legislation Review Committee. The committee was created pursuant to section 43-2-145, C.R.S. The purpose of the committee is "to give guidance and direction to the state department of highways in the development of the state system of highways, and to provide legislative overview of and input into such development . . ."

At our October 4, 1990 meeting, the committee acted to recommend the proposed bills which are detailed herein. These bills were submitted to and approved by the Legislative Council at its meeting on October 15, 1990.

Respectfully submitted,

/s/ Senator Dave Wattenberg, Chairman
Highway Legislation Review Committee

TABLE OF CONTENTS

	Page
LETTER OF TRANSMITTAL	iii
TABLE OF CONTENTS	v
LIST OF BILLS	vii
HIGHWAY LEGISLATION REVIEW COMMITTEE	
Members of Committee	1
Summary of Recommendations	3
Activities of Committee	6
Committee Recommendations	9
A. Cost as a Factor in Professional Service Contracts — State Department of Highways — Bill 1	
	9
B. Rights-of-Way for Future Needs — State Department of Highways — Bill 2	
	10
C. Maximum Special Benefits in Eminent Domain Proceedings — State Department of Highways — Bill 3	
	10
D. Traffic Control Devices — State Department of Highways — Bill 4	
	10
E. Award of a Contract if There are Less Than Three Bidders — State Department of Highways — Bill 5	
	11
F. Public Notice of Contracts for Professional Services — State Department of Highways — Bill 6	
	11
G. Collection of Taxes on Fuels — State Department of Revenue — Bill 7	
	11
H. Emissions Control Programs — State Department of Revenue — Bill 8	
	12

	Page
I. Definitions of Residential Vehicles – State Department of Revenue – Bill 9	13
J. Commercial Driver’s Licenses – State Department of Revenue – Bill 10	13
K. Cooperative Agreements for Operation of Ports of Entry – State Department of Revenue – Bill 11	13
L. Permits for Certain Types of Motor Vehicles State Department of Revenue – Bill 12	14
 APPENDICES	
Appendix A	15
Appendix B	27
Appendix C	29

LIST OF BILLS

	Page
Bill 1 - Concerning the Consideration of Cost as a Factor in Determining the Most Qualified Applicants for Professional Service Contracts Required by State Projects	33
Bill 2 - Concerning the Authority of the State Department of Highways to Take Possession of Rights-of-Way to be Acquired for Future Needs	37
Bill 3 - Concerning the Maximum Amount of Special Benefits Which May Be Allowed in Eminent Domain Proceedings for Highway Acquisition	39
Bill 4 - Concerning Traffic Control Devices	43
Bill 5 - Concerning the Permissible Percentage Above the State Department of Highways' Estimate That Will Allow the Award of a Contract if There are Less Than Three Bidders on a Highway Project	45
Bill 6 - Concerning Public Notice of Contracts for Professional Services for State Construction Projects	47
Bill 7 - Concerning the Collection of Taxes on Fuels, and, in Connection Therewith, Making Certain Fuels Subject to Sales and Use Taxes, Increasing the Special Fuels Storage Capacity Which a User Must Maintain to Purchase Special Fuel Without Payment of Special Fuel Tax to the Distributor, and Changing the Filing Period and Due Date for Special Fuels Users' Tax Returns	49
Bill 8 - Concerning the Emissions Control Programs of the Departments of Health and Revenue	55
Bill 9 - Concerning the Definitions of Certain Residential Vehicles Without Motive Power	59
Bill 10 - Concerning Commercial Driver's Licenses	61

	Page
Bill 11 - Concerning Cooperative Agreements with Contiguous States for the Operation of Ports of Entry	67
Bill 12 - Concerning Permits Issued for Certain Types of Motor Vehicles	71

LEGISLATIVE COUNCIL

HIGHWAY LEGISLATION REVIEW COMMITTEE

Members of the Committee

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SUMMARY OF RECOMMENDATIONS

The Highway Legislation Review Committee (HLRC) was created in 1953 (section 43-2-101, et seq., Colorado Revised Statutes). This part of state law reorganized the state highway system and its relationships to county and city road systems. The committee's original charge was to review the implementation and impact of these new relationships. Committee members were appointed by the Governor every five years and included eight members of the General Assembly and seven non-legislative members "from such highway advisory groups as the Governor shall select" (section 43-2-145). The committee is currently made up of six members of the General Assembly and five non-legislative members.

The HLRC was reconstituted in 1986 "to give guidance and direction to the state Department of Highways in the development of the state system of highways and to provide legislative overview of and input into such development." This mandate included consultation with experts in highway construction and planning, review of the highway department's operations and projects, review of department performance audits, and recommendations concerning the financing of roads and mass transit in the state. The committee's oversight responsibility was extended to include: the activities of public highway authorities (section 43-4-501); the privatization efforts of the Regional Transportation District (section 32-9-119.5(8)); and the operation of bicycle safety laws enacted by the General Assembly in 1988 (section 43-2-145).

In 1990, the General Assembly enacted House Bill 90-1074 which extended the HLRC indefinitely and set forth the requirement that the committee meet at least once each year. The committee reviewed the following issues in 1990:

- Final recommendations of the Strategic Planning Task Force on Statewide Transportation;
- Statutorily required reports from RTD on privatization of bus routes, the E-470 and W-470 Public Highway Authorities, and the Department of Highways regarding bicycle safety;
- The status report on the 2001 Plan from the state Department of Highways and the 2010 Plan from the Denver Regional Council of Governments;
- Colorado's commercial driver's license requirements and how they relate to the federal safety requirements for motor carriers;
- The Federal Highway Reauthorization Act of 1991 and how the state will be affected;

- The RTD proposal to construct a light rail system from the Colorado Convention Center to Stapleton Airport by 1993; and
- Recommendations for legislation from the Department of Highways and the Department of Revenue.

Committee Recommendations

The following 12 bills are recommended for consideration during the 1991 legislative session:

Proposals from the Colorado Department of Highways

- Bill 1 amends the existing statutes governing the procurement of professional services by state agencies and departments. The bill would add cost to the list of criteria in ranking qualified persons wishing to contract with the state for professional services such as engineering and land surveying.
- Bill 2 would permit the state Department of Highways to purchase rights-of-way after a route location decision has been reached and an environmental assessment has been performed, but prior to budgeting for construction of the project.
- Bill 3 makes technical changes to the law governing the calculation of special benefits for purposes of eminent domain. The bill conforms highway department eminent domain requirements to provisions of law changed in 1987 (section 38-1-114), and clarifies that special benefits can offset both the value of land taken (up to 50 percent) and damages to the remainder (up to 100 percent).
- Bill 4 makes minor changes to current traffic control statutes to conform Colorado law to national standards for traffic control signals and to federal requirements for railroad crossing signs.
- Bill 5 would modify the project bidding process for the Department of Highways to allow projects to be awarded where there are fewer than three bidders for a project, if the low bid is 10 percent above the engineers estimate. Currently, state law requires that a project be re-bid if there are fewer than three bidders and if the lowest bid is more than two percent above the engineer's estimate.
- Bill 6 reduces the length of time for public notice of consultant contracts from thirty days to fifteen days.

Proposals from the Colorado Department of Revenue

- Bill 7 authorizes three changes regarding taxation of motor fuels: (1) Changes the reporting of special fuels user's tax returns from monthly to quarterly; (2) Increases the minimum capacity for special fuel storage facilities for tax-free purposes from 250 to 5,000 gallons; and (3) Requires that gasoline and special fuels purchased for off-highway purposes be subject to sales and use taxes, if the gasoline or special fuels tax on such fuels is refundable.
- Bill 8 separates the funding of the "AIR" account for vehicle emissions testing between the Department of Revenue and the Department of Health. The bill also makes uniform the emission requirements for newly manufactured diesel and gasoline powered vehicles.
- Bill 9 clarifies and makes uniform the statutory definitions of "trailer coaches" and "manufactured homes" (formerly "mobile homes").
- Bill 10 increases fees for commercial driver's licenses from \$15 to \$30 and establishes a \$100 fee for conducting commercial driver's license driving tests. The bill also sets fees for commercial driver's license testing locations and testers.
- Bill 11 authorizes the Executive Director of the Department of Revenue to enter into reciprocal agreements with neighboring states to operate joint ports of entry. The bill also allows joint enforcement of motor vehicle requirements.
- Bill 12 requires all trucks with an empty weight exceeding 16,000 pounds to stop and weigh at ports of entry. In addition, the bill would re-establish a temporary permit of longer than 72 hours for commercial vehicles operating in the state on a short-term basis.

ACTIVITIES OF THE COMMITTEE

During the 1990 interim, the Highway Legislation Review Committee heard testimony from various transportation-related entities in regards to state transportation issues.

Oversight Activities

Regional Transportation District. Senate Bill 164, 1988 session, directed RTD to privatize at least twenty percent of its bus routes in an effort to promote greater operating efficiencies. The HLRC is responsible for providing legislative oversight of RTD's privatization efforts, which include a performance audit to be conducted by December 1, 1990. The consulting firm of Peat Marwick, which has been retained for the audit, reported that despite a few initial difficulties RTD has successfully met the overall requirements of the privatization effort. However, the cost savings of the program are not expected to be as high as originally projected.

Public Highway Authorities. The E-470 and W-470 public highway authorities provided progress reports. Representatives from W-470 reported on their activities over the last year, stating that much time had been spent negotiating with the City of Golden, Jefferson and Boulder counties, and the Adolph Coors Company in regard to the proposed highway and modifications to the project plan.

Representatives from E-470 reported that segment I of the project is scheduled to be open to traffic by the spring of 1991, approximately six months ahead of schedule. Segments II-IV are scheduled for completion by the end of 1995.

Bicycle Safety. A report from the Colorado Department of Highways and Colorado State Patrol found that bicycle accidents have increased slightly over the past few years due to the increase in bicycle riders and bicycle events in the state. CDOH has determined that HB 1246 has not had any effect on the department's administration of state highways and does not recommend any changes to the bicycle law.

Status Reports

Department of Highways. The department presented an updated version of the 2001 Plan. The Plan discusses projected funding shortfalls for the state highway system and local road needs. CDOH also reported that 80 percent of the state's roads are currently in good or fair condition, thus successfully meeting the goals of the original 2001 Plan. Maintaining this percentage requires repair of about 4,000 miles of highway per year.

Strategic Planning Task Force on Statewide Transportation. The Task Force was convened by Senator Strickland and Governor Romer and directed to examine long term transportation opportunities for all of Colorado. The recommendations offered by the Task Force, which included a proposal for a Colorado Department of Transportation, were not presented to the HLRC to be endorsed or rejected. Rather, the recommendations represent a comprehensive set of data for the HLRC to consider in the future. The Task Force membership and a summary of its findings is contained in Appendix A.

Federal Highway Administration, U.S. Department of Transportation. The Regional Federal Highway Administrator from the U.S. Department of Transportation discussed the FHWA proposal for the Federal Highway Reauthorization Act of 1991. The proposal is made up primarily of two parts — redefining the federal role and establishing new federal responsibilities. The discussion centered on the proposed highway system of national significance (SONS). Negotiations on the proposal will continue over the next year. (A letter from the committee to the Colorado Congressional delegation opposing new federal gasoline tax increases is found in Appendix B.)

Denver Regional Council of Governments (DRCOG). DRCOG presented an update of the 2010 Plan. The Plan was originally introduced in 1987 through the cooperative efforts of local governments, the state Highway Department, RTD, and public highway authorities. The 2010 Plan estimates that a total of \$8.9 billion is needed for improvements to the state highway system and regional roadways, with another \$2.3 billion needed for transit improvements. DRCOG also estimates an \$8.0 billion funding shortfall for such system improvements in the 20-year period.

Colorado's Commercial Driver's License and Federal Motor Carrier Safety Regulations. The 1990 Federal Motor Carrier Safety Regulations requires commercial driver's licenses apply generally to drivers of all vehicles (interstate, intrastate, and governmental) with a gross vehicle weight rating (GVWR) of 26,001 pounds or more. Drivers must come into compliance with this law by April 1, 1992. Also included under federal requirements are safety regulations which apply to vehicles and drivers of vehicles in interstate commerce with a GVWR of 10,001 or more. The Colorado State Patrol is currently in a rulemaking process to make these safety regulations apply to intrastate and governmental operations as well. Various affected parties testified regarding the complexity of the regulations, the confusion between the two different sets of regulations, and the conflict between some of the regulations and current state law.

Department of Transportation Legislation for 1991. Representative Norma Anderson met with the committee, stating her intention to introduce legislation in 1991 creating a state department of transportation. Representative Anderson requested assistance from the HLRC in formulating this legislation and Chairman Wattenbergi stated that the committee would offer comments and suggestions to the DOT proposal as it is developed.

Club 20 Grant Proposal. Mr. Greg Walcher, President of Club 20, informed the committee of the \$95,000 grant that Club 20 and Colorado Plains, Inc., are requesting from the State Highway Commission. The study proposes to examine the development of a comprehensive solution to the state's transportation needs to the year 2010.

Metropolitan Transportation Development Commission. Mr. Tom Strickland, chairman, reported that the commission received a \$100,000 UMTA grant to continue its efforts into 1991. Three working committees — goverance, finance, and proposed projects — have been appointed to rework legislation for the 1991 session.

COMMITTEE RECOMMENDATIONS

The Highway Legislation Review Committee recommends twelve bills, six related to the Department of Highways and six recommended by the Department of Revenue.

Colorado Department of Highways

Bill 1 – Concerning the Consideration of Cost as a Factor in Determining the Most Qualified Applicants for Professional Service Contracts Required by State Projects

Bill 1 addresses a concern raised by the State Highway Commission regarding the ability of the Highway Department to use cost as a factor in procuring contracts for professional services such as design engineering or land surveying. Currently, consultants interested in a project submit their qualifications and the department selects the three most qualified firms based solely on professional qualifications. The department then ranks the three firms using cost as one factor (25 percent) and qualifications as the other (75 percent). The department begins negotiations with the firm ranked first and, if these negotiations are not successful, may begin negotiating with the other firms in order of ranking.

This practice has been employed by the department since February 1990, based on legal advice from the state Office of Attorney General. However, to assure the greatest economies to the state, the Highway Commission believes that state statutes should explicitly allow cost as one factor in the preliminary ranking of the finalists. Moreover, having knowledge of costs prior to entering negotiations gives the department greater latitude in ensuring that the contract is awarded to a qualified firm at a competitive price.

The bill amends those provisions of law governing procurement of professional services by all state departments and agencies, not just the Highway Department. Services affected by this change would include engineering, architecture, land surveying, and landscape architecture. Bill 1 stipulates that cost considerations are not to be the sole or primary factor in selecting the most qualified person or firm, but may be used in determining the final ranking order.

Bill 2 — Concerning the Authority of the State Department of Highways to Take Possession of Rights-of-Way to be Acquired for Future Needs

Bill 2 concerns the ability of the Department of Highways to make advance purchases of rights-of-way for future needs prior to the budgeting of funds. The bill provides that the department may gain possession of such rights-of-way only after an environmental assessment has been performed and approved, but eliminates the requirement that construction funds be available prior to acquisition. Currently, the department must have funds budgeted for a project before rights-of-way possession can be obtained.

The purpose of Bill 2 is to provide the Department of Highways with the flexibility to obtain property in corridors which they wish to protect for future uses. The bill does not require the department to begin construction by a certain date, although the environmental assessment usually precedes actual construction by less than five years.

Bill 3 — Concerning the Maximum Amount of Special Benefits Which May be Allowed in Eminent Domain Proceedings for Highway Acquisitions

The third committee bill also addresses the eminent domain procedures employed for acquisition of highway rights-of-way. The bill clarifies the amount of special benefits which may be used to offset compensation to a property owner in eminent domain proceedings for highway acquisition. Under Bill 3, special benefits can offset both the value of the land taken (up to 50 percent) and the damages to the remainder (up to 100 percent). The bill also conforms current Department of Highways statutes (Section 43-1-208 (2), C.R.S) to changes in the eminent domain law enacted in 1987.

The purpose of Bill 3 is to clarify that special benefits can offset both the value of land taken and damages to the remainder.

Bill 4 — Concerning Traffic Control Devices

Bill 4 makes technical changes to state statutes governing traffic control devices in order to conform to national standards for traffic signals and federal requirements for railroad crossing signs. Provisions allowing flashing "walk signals" are repealed in order to conform to national uniform traffic control standards.

NOTE: The committee recommends this bill with the stipulation that a prime sponsor be found from outside the committee, as permitted under Joint Rule No. 24(D). The committee further recommends that this bill be combined with other legislation if an appropriate title can be found.

Bill 5 — Concerning the Permissible Percentage Above the State Department of Highways' Estimate that will Allow the Award of a Contract if There are Less Than Three Bidders on a Highway Project

Bill 5 modifies the current project bidding requirements for the Department of Highways. The bill provides that in cases where there are fewer than three bidders for a project, the project may still be awarded if the low bid is less than 10 percent above the engineer's estimate. Presently, the law requires that a project be re-bid if there are fewer than three bids and if the lowest bid is more than two percent above the engineer's estimate.

The purpose of this bill is to reduce some of the cost and time spent on rebidding projects when there are three or fewer bidders. Department of Highway officials indicated that the cost savings in raising the threshold should exceed the costs of continually rebidding projects. Moreover, projects that are bid more than twice sometimes must be incorporated into larger projects, a practice which may decrease opportunities for small and minority businesses to participate.

Bill 6 — Concerning Public Notice of Contracts for Professional Services for State Construction Projects

Bill 6 amends the public notice provisions of the state statutes governing the negotiation of consultant's contracts. The bill reduces the length of time that state agencies are required to provide public notice of consultant contracts from thirty days to fifteen days. The bill also changes the number of times a public notice must be published from a minimum of three times to a minimum of two times. This bill does not place a time limit for the final selection of a contractor but shortens the minimum time for which a contract must be publicized.

The Department of Highways submitted this bill to speed up the consultant procurement process and should not impair a contractor's ability to submit a proposal in a timely fashion. Some cost savings are also anticipated as a result of this accelerated process. It should be noted that the bill will apply to procurement of professional services by all state departments and agencies, not only the Department of Highways.

Colorado Department of Revenue

Bill 7 — Concerning the Collection of Taxes on Fuels, and, in Connection Therewith, Making Certain Fuels Subject to Sales and Use Taxes, Increasing the Special Fuels Storage Capacity Which a User Must Maintain to Purchase Special Fuel Without Payment of Special Fuel Tax to the Distributor, and Changing the Filing Period and Due Date for Special Fuel Users' Tax Returns

Bill 7 was proposed by the state Department of Revenue to address three issues.

1. Bill 1 attempts to close a loophole in the method used to tax motor fuels which are used for off-highway purposes. The bill requires that gasoline and special fuels be subject to sales and use tax if the motor fuels tax on such items is refundable. Retailers now pay motor fuel taxes upon purchase. Licensed distributors pay no tax when they purchase fuel, but collect fuel tax from their customers at the time of sale. When fuels are bought from a retailer and used for off-highway purposes, the customer is entitled to a refund for the portion of the purchase used off-highway. If the customer buys from a licensed distributor, however, the distributor charges fuel tax only on the fuel being used to propel the vehicle on the highway; sales tax is charged for that portion used for off-highway purposes.

The bill attempts to correct the situation in which fuel purchased at retail for off-highway purposes is not subject to sales or use tax when the customer applies for a refund of special fuels tax. By allowing use tax to be charged on fuel purchased at retail for off-highway purposes, there is no competitive advantage to purchasing from a licensed distributor, rather than a retailer.

Fuels purchased for farms and ranches are still exempt from the application of the use tax.

2. Bill 7 changes the filing period for special fuels users' tax returns from monthly to quarterly to conform with the reporting provisions of the International Fuel Tax Agreement, of which Colorado is a member.
3. Finally, the bill increases the bulk fuel capacity that a special fuel user must maintain to be eligible for a special fuel tax account and exemption certificate (from 250 gallons to 5,000 gallons).

Bill 8 – Concerning the Emissions Control Program of the Departments of Health and Revenue

Bill 8 relates to two parts of the state's motor vehicle emissions testing program. First, the bill exempts new diesel vehicles from the requirement for emissions certification for the first year. This is in conformance with the exemption granted to new gasoline powered vehicles. Secondly, the bill separates the funding for the "Automobile Inspection and Readjustment Program"(AIR) into two accounts: one for the Department of Health and one for the Department of Revenue. Currently, both departments share in two fees administered for this purpose, one of \$.50 and one of \$1.50. The bill would designate the \$.50 fee for the exclusive use of the Department of Health and the \$1.50 fee would be divided, \$1.00 to the Department of Revenue and \$.50 to the Department of Health.

The Department of Revenue testified that this division of funds would allow the departments to better project revenues and direct costs and would facilitate more efficient planning.

Bill 9 – Concerning the Definitions of Certain Residential Vehicles Without Motive Power

Bill 9 changes the definitions of “trailer coaches” and “mobile homes” to conform with legislation enacted in 1990 (HB 90-1135). Specifically, the bill increases the maximum length of trailer coaches and the minimum length of mobile homes. The bill also replaces the term “mobile home” with the term “manufactured home,” and specifies the composition of such vehicles.

Bill 10 – Concerning Commercial Driver’s Licenses

Bill 10 makes the following changes in the administration and funding of commercial driver’s licenses (CDL):

- increases the fee for issuance of a CDL from \$15 to \$30;
- sets the maximum fee for administration of the CDL test at \$100;
- sets the annual license fee for a CDL testing unit at \$300 for the initial license and \$100 for each annual renewal;
- establishes the annual license fee for a CDL tester at \$100 for the initial issuance and \$50 for each annual renewal;
- requires that CDL tests may only be performed by the Department of Revenue or by licensed CDL testing units and provides for departmental supervision of testing units and testers; and
- establishes enforcement provisions, an appeals process, and penalties for unlawful acts under this section.

The reasons this bill was presented to the committee are to meet the costs of conforming Colorado’s CDL provisions to those of federal law and to provide appropriate statutory authority for administration of this program.

Bill 11 – Concerning Cooperative Agreements with Contiguous States for the Operation of Ports of Entry

This bill authorizes the executive director of the Department of Revenue to enter into cooperative agreements to operate ports of entry at the state’s borders. The bill provides for the reciprocal collection of fees, taxes, and penalties, as well as reciprocal enforcement of state laws at jointly operated ports of entry. Cooperative agreements under this bill would not obligate Colorado to employ or compensate employees of other states.

The bill authorizes the Department of Revenue to develop joint ports of entry in locations where shared personnel and facilities can result in cost savings and increased efficiency. The department considers the Trinidad-Raton location as a potential site for this approach.

Bill 12 -- Concerning Permits Issued for Certain Types of Motor Vehicles

Bill 12 requires that motor vehicles with an empty weight exceeding 16,000 pounds, operated singly or in combination, stop and weigh at ports of entry or secure a valid clearance from the Department of Revenue or the State Patrol. This change is necessary to conform to legislation passed in 1989 (SB 159), which changed the method of taxation of heavy vehicles from a gross ton-mile tax to a registration fee.

The bill also allows operators to obtain a temporary laden weight registration permit for farm registered, dealer demonstrator, or other commercial vehicles doing business in the state for longer than 72 hours. The fee for such a permit cannot exceed 1/6th of the annual registration fee based on the actual gross weight of the vehicle and the actual cargo weight. Permits are valid for 60 days and only two permits per vehicle are allowed annually.

Currently, an operator wishing to do business in the state on a short-term basis must obtain a series of temporary permits or pay an annual fee for a commercial license. This change will allow greater flexibility for operators in short-term situations.

Task Force on Strategic Planning for Statewide Transportation

Roster of Participants

Task Force

*Mr. James W. Spensley, Chairman
Holme Roberts and Owen

- | | |
|--|--|
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Final Recommendations
Strategic Planning Task Force on Statewide Transportation
A Strategic Plan for Transportation Development in Colorado

EXECUTIVE SUMMARY

Background

Creation

In January, 1990, Governor Roy Romer and Senator Ted Strickland, President of the Colorado State Senate, announced the formation of the Strategic Planning Task Force on Statewide Transportation. The Task Force consisted of thirty-seven citizen members representing the state's various transportation modes, including railroads, highways, mass transit and aviation, as well as areas of specialization such as rural access, transportation finance, local government, long-range planning and the environment. The Task Force was chaired by Mr. James W. Spensley and received staff assistance from the Colorado Legislative Council and the Colorado Department of Highways. The Governor was represented by staff from the Office of Policy and Research and the Office of State Planning and Budgeting.

Charge

The charge of the Task Force was announced at its initial meeting on February 2, 1990, when Senator Strickland and Governor Romer jointly convened the Task Force effort. The purpose of the Task Force was to provide assistance to the General Assembly and to the Governor in developing a plan to make Colorado a transportation hub for the United States. The Task Force was asked to define the concept of a "transportation hub" and to identify the appropriate state government role in promoting Colorado's development as such a hub. The group's effort was to be comprehensive in scope with a focus on the transportation needs of the entire state, including linkages between the various transportation modes, environmental impacts and mitigations, and exploration of advanced technologies and international opportunities.

Task Force Role and Mission

The Task Force held seven meetings between February and June and began its work by defining its role and mission as follows:

- To determine what must happen if Colorado is to develop as a transportation hub during the next decade;
- To define the concept of a transportation hub and to identify its critical components in order to develop a shared vision of Colorado's transportation future;
- To identify the options available to the state to promote transportation development in Colorado while preserving the environment and quality of life of the state; and
- To make recommendations to the Governor and the General Assembly on how state government can facilitate Colorado's emergence as a transportation leader.

Vision

Early in the process, the Task Force agreed that the concept of a transportation hub should be redefined to mean the transportation system serving the entire state of Colorado. Rather than merely addressing a hub focused in the Denver metropolitan area, the Task Force chose to envision a transportation system which would provide for the efficient movement of people and goods for the economic well being and safety of all the citizens of Colorado. Specifically, the Task Force identified the following components of such a system to be:¹

- An integrated, well maintained, high capacity, priority highway network to interlink all population centers over 5,000; to access state and national recreational facilities; and to serve agricultural, mineral and commercial development;
- A balanced multi-modal transportation capability within metropolitan areas greater than 100,000 population to reduce congestion and provide alternative means of travel;

¹ Submission of Mr. Steve Holt, Task Force Member.

- A mutually supportive air transport facilities system integrated with the Denver International Airport hub to serve state, national and international travel needs;
- An integrated highway, rail and air network to serve the collection and distribution of state consumer goods and to enhance freight interchange opportunities for national and international goods distribution;
- A regulatory policy to enhance opportunities for private sector supply of transportation services for movement of people and goods intrastate and to facilitate the development of new technologies such as high speed rail and "smart highways";
- A continuing long-term funding program to build and implement the system within a twenty-five year period; and
- A state Department of Transportation to provide a focused point of coordination and accountability to implement the system.

Focus Groups

In order to address this charge effectively, the Task Force was divided into five Focus Groups. The Focus Groups concentrated their efforts on the following issues: Advanced Technology/Human Resources; International Opportunities; Intermodal Linkages; Statewide Access; and Environmental Issues. It was the responsibility of each group to survey the current status of each issue, identify appropriate state roles, and outline strategic options for consideration by the full Task Force. Each group met a minimum of four times and presented findings and recommendations in late May. Listed below is a brief summary of their recommendations, with an additional recommendation related to an ongoing strategic planning process.

It should be noted that the recommendations of the Task Force are both long-term and short-term in nature. Some contemplate changes within the existing framework of state transportation systems while others call for new solutions which significantly alter the current structure. These recommendations reflect the group's best thinking regarding

both short- and long-term solutions to the state's transportation needs. None of the recommendations are mutually exclusive.

Summary Of Recommendations

The Task Force recommends the following items for consideration by the Governor and the General Assembly. A more detailed explanation of findings and recommendations follows this Executive Summary.

State Department of Transportation

- The Task Force recommends the creation of a state Department of Transportation (DOT). Colorado is one of only five states which does not maintain a state Department of Transportation. The Task Force found that the absence of such an entity in Colorado has resulted in a lack of coordination between transportation modes and an almost total neglect of intermodal linkages. In addition, the lack of coordinated long-term planning and the current fragmentation of transportation governance point to the need for a centralized management agency to direct the state's ongoing transportation efforts. The problem is aggravated by the state's inability to undertake large-scale, multi-modal projects and to effectively leverage federal funds because of the lack of such a unified transportation management agency.

The creation of a State Department of Transportation is recommended to provide a central coordinating entity for all statewide transportation development. The Task Force further recommends that the structure of such a department should combine functional and modal approaches, i.e., having separate divisions for aviation, highways, rail, and mass transit, but also combining functions such as long-range planning, governmental relations, environmental analysis, etc. While no specific model is recommended at this time, the "hybrid approach" would respect the integrity of the individual modes but would also seek to reduce fragmentation and duplication of efforts. The Task Force does specifically recommend, however, an expanded role for a Division of Aviation within the Department of Transportation to promote the growth of commercial and general aviation activities within the state.

DOT/Functions

- The structure of an umbrella transportation agency, such as a DOT, should include the following duties and responsibilities:
 - Establishing and coordinating statewide transportation policy in cooperation with metropolitan, municipal, and county transportation providers throughout the state;
 - Establishing a multi-modal perspective for all transportation needs throughout the state;
 - Serving as the lead agency for transportation finance;
 - Conserving the state's resources through coordination of budgeting for transportation programs;
 - Providing coordination among public and private agencies responsible for transportation programs;
 - Conducting transportation research and providing a point of public inquiry; and
 - Analyzing the environmental impacts of various transportation alternatives.

DOT/Intermodal Linkages

- In addition, such an agency would be charged with research and development of intermodal linkages on a statewide basis. A primary function would be the creation of a statewide needs assessment regarding location of stations and terminals. It would be the responsibility of the DOT to:
 - Plan and develop intermodal terminals statewide in cooperation with both the public and private sectors;
 - Propose and facilitate intermodal tariffs for both freight and passenger service (i.e., "one ticket" service);
 - Advocate the integration of freight, passengers, and business parks with terminals throughout the state which serve both private and public sector needs; and

- Provide intermodal information to both public and private entities.

Advanced Technology/Human Resources

- The Task Force recommends establishment of a Colorado Transportation Institute (CTI) to focus and coordinate basic and applied research among the state's major universities and to address transportation problems unique to the Rocky Mountain region. Emphasis would be placed on research that is not currently being conducted elsewhere but which is needed by the transportation sectors in Colorado. Specifically, CTI would initially focus its efforts on four major areas:
 - foundations, structure, and pavements;
 - ice and snow/mountain conditions;
 - hazardous materials/safety; and
 - policy guidance/systems planning and management.

The CTI would be a semi-autonomous entity which would operate under the auspices of either a DOT or the State Department of Highways, either of which could retain overall responsibility and fiduciary control. Primary funding for the institute could come from federal, state, local and private sector sources.

Hazardous Materials

- An important component of the CTI would be a Hazardous Materials Research and Education Division. The purpose of the division would be to assist the state in developing policies regarding the handling, movement, and storage of hazardous materials and the clean-up of hazardous materials sites. Additionally, this division could assist in the area of promotion and development of academic programs related to hazardous materials handling and clean-up.

State Aviation/ International Opportunities

- In addition to the Task Force recommendation for an expanded Division of Aviation within a Department of Transportation, three recommendations are forwarded to enhance the existing status of statewide aviation and to maximize future opportunities.
 - Expand the State Aeronautics Board to include representatives from the air carrier and air cargo industries. One member shall be familiar with the passenger air carrier industry and one member shall be a professional within the air cargo industry and knowledgeable of Colorado's import/export activity.
 - The State Office of Aviation needs to be upgraded in order to take a more proactive role in developing the entire aviation system in the state. Therefore, the Task Force recommends that a consistent revenue stream be established to fund the Division of Aviation and the State Aeronautics Board. The Task Force also supports clarification of the constitutional provisions which are in conflict concerning the revenues generated through the sales tax imposed on jet fuel.
 - To improve international freight activity coming into Colorado, the City and County of Denver is encouraged to construct a 16,000-foot international runway at the new Denver International Airport at the earliest opportunity. Barring any legal obstacles to such construction, Denver is encouraged to construct the international runway in order to provide airfield capacity sufficient to accommodate the fullest possible range of international and domestic passenger and cargo activities by the opening date of the airport.

Environmental Issues

The Task Force recommends a series of activities to be undertaken by the state in order to ensure environmental protection and preservation of Colorado's quality of life. Specifically, the state is encouraged to undertake the following transportation related functions:

- Conduct an inventory of the state's scenic areas, natural resources, ecosystems, plants, wildlife, and their habitats, and other natural features. Inventory urban and rural areas in order to identify where future development of transportation systems could occur with optimum benefit to people and investors, with minimum effects on scenic and natural features, and wildlife.
 - Survey, analyze and reflect on local, regional, and statewide citizen and community attitudes, values, and opinions regarding natural resources, quality of life, and environmental matters.
 - Develop assessment criteria for evaluating transportation planning, design, investment, and construction decisions. Base these criteria upon the inventory and survey recommended above.
 - Provide a mechanism for implementing these criteria.
- Assess and describe the direct, indirect and cumulative impacts of transportation plans and projects on the state, including various regions of the state, agricultural lands, natural ecosystems, open space, inhabited communities, and other important environmental and economic values disclosed by the inventory and survey, and make such assessment and description available to the public and appropriate agencies.
- Provide that preservation and enhancement of Colorado's environment receive at least an equal priority with safety, mobility, and economic considerations in the planning, selection, construction, and operation of all transportation projects in Colorado.
 - Establish a process that allows for a coordinated, one-stop permitting process for environmental and other permits.
 - Ensure that direct and indirect costs of providing infrastructure are taken into account when planning, constructing, and operating any transportation project.

- Ensure that adequate professional representation, staffing, and funding are available for transportation planning, decision-making, and construction projects.
- Ensure that transportation projects include alternative forms of transportation.
- Begin immediately a program of preserving rights-of-way and open space in present and potential corridors, including existing rail lines, so that they may serve passenger and commuter purposes in the future. Include environmental preservation at the outset.
- Establish a multi-modal state Department of Transportation so that all transportation planning and projects in Colorado benefit from the resources and expertise of a statewide agency. To meet environmental and economic objectives, the Department of Transportation should be required to coordinate and provide assistance to federal, state, local, and private entities in the selection of transportation routes and modes .

Summary of Process Recommendation

The final steps in any strategic planning process are the monitoring and evaluation functions. In order to preserve and further the work of the Task Force on state transportation, the following recommendations are proposed as options to sustain the important work of transportation strategic planning.

- Create an Advisory Committee to the Highway Legislation Review Committee (HLRC) for purposes of continuing the strategic planning process and to work with the legislature in transforming strategic options into action/implementation plans;
- Plan a series of meetings in conjunction with the HLRC in different areas of the state to receive feedback on this draft strategic plan prior to the formulation of legislation. Such meetings would be used to ensure participation from interested parties in all portions of the state and would help

to reinforce the statewide perspective of a transportation strategic plan.

- Convene a Transportation Forum to seek public input on all phases of a state strategic transportation plan. A Transportation Forum would represent an ongoing opportunity for interested groups and individuals to meet and confer on a broad range of public policy issues related to transportation. As part of its initial charge, a Transportation Forum might seek public response to the transportation strategic plan and the resulting legislative proposals. Such a Forum could also be instrumental in resolving differences between various segments of the transportation community.

Finally it should be restated that while many of those recommendations contemplate the creation of a state Department of Transportation, many others can be implemented within the current system and do not necessarily require establishment of a new agency. By highlighting both short- and long-term strategies, the Task Force hopes to suggest a range of options which can be phased over a period of years to achieve Colorado's transportation goals.

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July 12, 1990

Senator Tim Wirth
380 Russell Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Wirth:

I am writing to you as Chairman of the Highway Legislation Review Committee (HLRC) of the Colorado General Assembly. The HLRC recently passed a unanimous motion opposing the proposed 15-cent increase in the federal motor fuel tax for the purpose of decreasing the national deficit.

The HLRC was established in 1986 to give guidance to the state department of highways in the development of the state highway system, and to provide legislative overview of and input into such development. The committee is comprised of 11 individuals, six members of the General Assembly and five non-legislative members appointed by the governor.

The HLRC unanimously believes that the user-financed Federal Highway Trust Fund should continue to be dedicated to funding highways and transportation related projects only. By law, the 9-cent federal gasoline tax and the 15-cent diesel tax revenues are reserved for highway and bridge construction and repair. As the number of annual vehicle miles traveled increases, highway systems must be improved and expanded to keep pace with such growth. Motor fuel tax revenues are vital to the upkeep of highways and bridges, and should not be diverted for purposes unrelated to highways. All available highway revenues, both federal and state, are needed to improve highway services, and should not be expended for non-highway related purposes.


The committee also believes that a federal increase in the motor fuel tax for such purposes other than transportation or highways is detrimental to state governments interested in reserving gasoline taxes for future transportation purposes. At a time when states are being asked to shoulder more of the highway funding burden, large increases in federal motor fuel taxes could preempt the ability of Colorado and other states to increase its own fuel taxes for needed state highway improvement programs.

Over the years, Colorado has been meeting the challenge of repairing deteriorating highways by increasing its own motor fuel tax rates. Colorado currently has a 20-cent state gasoline tax and an 18-cent tax on diesel. However, a federal motor fuel tax increase of 15-cents for non-highway related purposes would inhibit Colorado's ability to use gasoline taxes for transportation needs. This places an additional burden on our state budget.

The Colorado HLRC requests that you take our position into consideration when this issue is addressed by Congress. I am available if you would like to discuss this issue further. Thank you for your consideration.

Sincerely,

Senator Dave Wattenberg
Chairman
Highway Legislation Review Committee



Representative Danny Williams
Vice Chairman
Highway Legislation Review Committee

MEMORANDUM

June 12, 1990

TO: Highway Legislation Review Committee

FROM: Legislative Council Staff

SUBJECT: HLRC Oversight Responsibilities -- 1990 Interim Session

This memorandum details the oversight responsibilities of the Highway Legislation Review Committee for the 1990 Interim Session. Because of the passage of House Bill 1074 (Ament -- Highway Legislation Review Committee), the committee will not expire on July 1, 1991; rather, the committee is required to meet at least once per year.

The committee is charged with reviewing the following areas:

Regional Transportation District Privatization Efforts: (Section 32-9-119.5 (8)) The HLRC is directed to review the implementation of RTD's privatization efforts and offer recommended changes to the General Assembly. **Deadlines are not specified** (see Attachment A).

Bicycle Safety: (Section 43-2-145 (1.6)) By **June 30, 1991**, the committee is charged with reviewing the operation of House Bill 1246 (1988 session -- Concerning Traffic Laws Relating to Bicycles). The committee is to determine how the bill affects public highways in the state and recommend any necessary changes (see Attachment B).

Public Highway Authorities: (Section 43-4-514) The public highway authorities of the state are required to present an activities report to the HLRC in **August** of each year. In addition, each authority is required to report to the HLRC chairman prior to the creation of any value capture areas (see Attachment C).

TITLE 32

ARTICLE 9

Regional Transportation District Act

32-9-119.5. Competition to provide bus service within the regional transportation district.

32-9-119.5. Competition to provide bus service within the regional transportation district. (1) The general assembly hereby finds, determines, and declares that: Public transportation services are provided to assist the transit-dependent and the poor, to relieve congestion, and to minimize automotive pollution; public transportation service should be provided at the lowest possible cost consistent with desired service and safety; private transportation providers have been effectively used under competitive contracts to provide public transportation services at lower costs and with lower annual cost increases; obtaining cost-competitive public transportation services requires the establishment of a mechanism for competitive contracting; facilities and vehicles purchased for public transportation service are public assets which are held in the public trust; contracting for services has historically provided opportunities for minority, women, and disadvantaged business enterprises; and it is the intent of the general assembly that disadvantaged business enterprises, as defined in part 23 of title 49 of the code of federal regulations, as amended, shall have the maximum opportunity to participate in the performance of contracts.

32-9-119.5. Competition to provide bus service within the regional transportation district. (8) (a) For purposes of providing legislative oversight of the operation of this section, the highway legislation review committee shall review the district's implementation of this section and recommend any necessary changes to the general assembly.

TITLE 43

ARTICLE 2

State, County, and Municipal Highways

43-2-145. Highway legislation review - committee. (1.6) By June 30, 1991, the committee shall review the operation of House Bill No. 1246, enacted by the second regular session of the fifty-sixth general assembly, to determine its effects on the administration of public highways in the state and recommend any necessary changes necessitated by the committee's findings.

TITLE 43

ARTICLE 4

Financing

43-4-514. Notice - coordination of information - reports.

(1) (a) At least forty-five days prior to the creation of any authority or value capture area pursuant to this part 5, a notice containing the proposed boundaries of the authority or value capture area and the methods proposed for financing public highways in the authority or a copy of the value capture plan shall be sent to the division, to the department of revenue, and to the chairman of the highway legislation review committee.

(b) At least forty-five days prior to the imposition of or any increase in any fee or tax or prior to the issuance of any bonds authorized in this part 5, a notice specifying the amount of the fee or tax and its proposed duration or the value and number of bonds to be issued shall be sent to the division. The notice required by this paragraph (b) shall not be necessary if the required information has previously been provided in the notice required by paragraph (a) of this subsection (1).

(c) At the time the notice required in paragraph (a) or (b) of this subsection (1) is sent to the division, a copy shall be filed with the general assembly.

(2) The division shall forward copies of any such notice to the state department of highways if it determines that the proposed authority or value capture area or the tax, fee, or bonds will have an impact on any operations of that department.

(3) (a) The division shall file an annual report with the general assembly concerning the activities of authorities created pursuant to this part 5. Such report shall detail how many authorities have been created, describe their boundaries, and specify the public highways which are being constructed and how they are being financed.

(b) The division shall notify the general assembly either in the report required by paragraph (a) of this subsection (3) or by letter, if it deems that immediate notification is warranted, of any situation relating to the creation of an authority or value capture area, the imposition of any fee or tax, or the issuance of any bonds by an authority which the division believes or has reason to believe will adversely affect the tax-raising ability or the credit or bond rating of any governmental unit or any school district.

(4) The authority shall report annually in the month of August to the highway legislation review committee on its activities during the preceding twelve months and on its proposed activities during the succeeding twelve months. The board and staff of the authority shall cooperate with the highway legislation review committee in carrying out its duties pursuant to section 43-2-145 (1.5).

BILL 1

A BILL FOR AN ACT

1 CONCERNING THE CONSIDERATION OF COST AS A FACTOR IN
2 DETERMINING THE MOST QUALIFIED APPLICANTS FOR
3 PROFESSIONAL SERVICE CONTRACTS REQUIRED BY STATE
4 PROJECTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Permits cost considerations to be used in determining the final ranking of the most qualified applicants for professional service contracts, but specifies that cost shall not be the single or most primary factor in the selection process.

5 Be it enacted by the General Assembly of the State of Colorado:
6 SECTION 1. 24-30-1403 (2), Colorado Revised Statutes,
7 1988 Repl. Vol., as amended, is amended to read:
8 24-30-1403. Professional services - listings -
9 preliminary selections. (2) (a) For each proposed project for
10 which professional services are required, the principal

1 representative of the state agency for which the project is to
2 be done shall evaluate current statements of qualifications
3 and performance data on file with the department and shall
4 conduct discussions with no less than three persons regarding
5 their qualifications, approaches to the project, abilities to
6 furnish the required professional services, anticipated design
7 concepts, and use of alternative methods of approach for
8 furnishing the required professional services.

9 (b) The principal representative shall then select, in
10 order of preference, no less than three persons ranked in
11 order and deemed to be most highly qualified to perform the
12 required professional services after considering, and based
13 upon, such factors as the ability of professional personnel,
14 past performance, willingness to meet time and budget
15 requirements, COST, location, current and projected work
16 loads, the volume of work previously awarded to the person by
17 the state agency, and the extent to which said persons have
18 and will involve minority subcontractors, with the object of
19 effecting an equitable distribution of contracts among
20 qualified persons as long as such distribution does not
21 violate the principle of selection of the most highly
22 qualified person. In selection as mentioned in this section,
23 Colorado firms shall be given preference when qualifications
24 appear to be equal. COST CONSIDERATIONS MAY BE USED TO
25 DETERMINE THE FINAL RANKING ORDER OF THE MOST QUALIFIED
26 PERSONS, BUT COST SHALL NOT BE THE SOLE OR PRIMARY FACTOR USED

1 IN THE SELECTION OF THE MOST QUALIFIED PERSON.

2 (c) All selections are subject to approval by the
3 principal representative, and all contracts between the
4 principal representative and such selected professionals shall
5 be consistent with appropriation and legislative intent.

6 SECTION 2. Effective date. This act shall take effect
7 July 1, 1991.

8 SECTION 3. Safety clause. The general assembly hereby
9 finds, determines, and declares that this act is necessary
10 for the immediate preservation of the public peace, health,
11 and safety.

BILL 2

A BILL FOR AN ACT

1 CONCERNING THE AUTHORITY OF THE STATE DEPARTMENT OF HIGHWAYS
2 TO TAKE POSSESSION OF RIGHTS-OF-WAY TO BE ACQUIRED FOR
3 FUTURE NEEDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the state department of highways to take possession of rights-of-way to be acquired for future needs before construction funds are available.

4 Be it enacted by the General Assembly of the State of Colorado:

5 SECTION 1. 43-1-210 (3), Colorado Revised Statutes, 1984
6 Repl. Vol., as amended, is amended to read:

7 43-1-210. Acquisition and disposition of property.

8 (3) The state department of highways has the authority to
9 acquire by purchase, exchange, or condemnation rights-of-way
10 for future needs and to lease any lands which are held for
11 state highway purposes and are not presently needed therefor

1 on such terms and conditions as the chief engineer, with the
2 approval of the governor, may fix. WHEN ANY RIGHT-OF-WAY IS TO
3 BE ACQUIRED FOR FUTURE NEEDS PURSUANT TO THIS SUBSECTION (3),
4 THE STATE DEPARTMENT OF HIGHWAYS MAY OBTAIN POSSESSION OF SUCH
5 RIGHT-OF-WAY PURSUANT TO SECTION 38-1-105 (6) (a), C.R.S.,
6 EVEN THOUGH CONSTRUCTION FUNDS ARE NOT AVAILABLE AT THE TIME
7 OF ACQUISITION, FOLLOWING THE APPROVAL OF AN ENVIRONMENTAL
8 ASSESSMENT.

9 SECTION 2. Effective date. This act shall take effect
10 July 1, 1991.

11 SECTION 3. Safety clause. The general assembly hereby
12 finds, determines, and declares that this act is necessary
13 for the immediate preservation of the public peace, health,
14 and safety.

BILL 3

A BILL FOR AN ACT

1 CONCERNING THE MAXIMUM AMOUNT OF SPECIAL BENEFITS WHICH MAY BE
2 ALLOWED IN EMINENT DOMAIN PROCEEDINGS FOR HIGHWAY
3 ACQUISITION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases the maximum amount of special benefits which may be used to reduce a landowner's compensation in eminent domain proceedings for highway acquisition by providing that such special benefits may not exceed the total amount of the damages to the residue of the property taken plus fifty percent of the total amount of the compensation for the property taken.

4 Be it enacted by the General Assembly of the State of Colorado:
5 SECTION 1. 38-1-114 (2) (d), Colorado Revised Statutes,
6 1982 Repl. Vol., as amended, is amended to read:
7 38-1-114. Formula for computing compensation.
8 (2) (d) In determining the amount of compensation to be paid
9 for such a partial taking, the compensation for the property

1 taken and damages to the residue of said property shall be
2 reduced by the amount of any special benefits which result
3 from the improvement or project, but not to exceed THE TOTAL
4 OF THE DAMAGES TO THE RESIDUE OF THE PROPERTY AND fifty
5 percent of the total amount of compensation to be paid for the
6 property actually taken.

7 SECTION 2. 43-1-208 (2), Colorado Revised Statutes, 1984
8 Repl. Vol., is amended to read:

9 43-1-208. State highway - damages - eminent domain.

10 (2) If, upon receipt of such report, the commission decides
11 that public interest or convenience will be served by the
12 proposed change, it shall enter a resolution upon its minutes
13 approving the same and authorizing the chief engineer to
14 tender each landowner the amount of damages, as estimated by
15 him and approved by the commission. In estimating the amount
16 of damages to be tendered a landowner, due account shall be
17 taken of any benefits which will accrue to such landowner by
18 the proposed action. The amount of ~~benefit~~ BENEFITS shall not
19 in any case exceed the ~~amount--of--damages--awarded~~ SPECIAL
20 BENEFITS ALLOWED PURSUANT TO SECTION 38-1-114 (2) (c) AND (2)
21 (d), C.R.S.

22 SECTION 3. Effective date. This act shall take effect
23 July 1, 1991.

24 SECTION 4. Safety clause. The general assembly hereby
25 finds, determines, and declares that this act is necessary

- 1 for the immediate preservation of the public peace, health,
- 2 and safety.

BILL 4

A BILL FOR AN ACT

1 CONCERNING TRAFFIC CONTROL DEVICES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Clarifies that symbols may be used as an alternative to words on pedestrian-control devices. Changes the required legend for signs erected at railroad crossings where trains are not in operation during certain periods or seasons of the year from "exempt crossing" to "exempt" for purposes of giving notice that such crossing is exempt from requirements that certain vehicles must stop at railroad crossings. Repeals a statutory provision regarding flashing "walk" indications on pedestrian-control devices.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 42-4-505 (1), Colorado Revised Statutes, 1984
4 Repl. Vol., is amended to read:

5 42-4-505. Traffic control signal legend. (1) If traffic
6 is controlled by traffic control signals exhibiting different
7 colored lights, or colored lighted arrows, successively one at
8 a time or in combination as declared in the traffic control

1 manual adopted by the state department of highways, only the
2 colors green, yellow, and red shall be used, except for
3 special pedestrian-control signals carrying a word OR SYMBOL
4 legend as provided in section 42-4-702, and said lights,
5 arrows, and combinations thereof shall indicate and apply to
6 drivers of vehicles and pedestrians as follows:

7 SECTION 2. 42-4-608 (5) (d), Colorado Revised Statutes,
8 1984 Repl. Vol., is amended to read:

9 42-4-608. Certain vehicles must stop at railroad grade
10 crossings. (5) (d) Any railroad crossing where state or local
11 road authorities within their respective jurisdictions have
12 determined that trains are not operating during certain
13 periods or seasons of the year and have erected an official
14 sign carrying the legend "exempt", ~~crossing~~, which shall give
15 notice when so posted that such crossing is exempt from the
16 stopping requirement provided for in this section.

17 SECTION 3. Repeal. 42-4-702 (5) (b), Colorado Revised
18 Statutes, 1984 Repl. Vol., is repealed.

19 SECTION 4. Effective date. This act shall take effect
20 July 1, 1991.

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

BILL 5

A BILL FOR AN ACT

1 CONCERNING THE PERMISSIBLE PERCENTAGE ABOVE THE STATE
2 DEPARTMENT OF HIGHWAY'S ESTIMATE THAT WILL ALLOW THE
3 AWARD OF A CONTRACT IF THERE ARE LESS THAN THREE BIDDERS
4 ON A HIGHWAY PROJECT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases the permissible percentage over the estimate of the state department of highways that will allow the award of a contract for a highway project when there are less than three bidders for the contract.

5 Be it enacted by the General Assembly of the State of Colorado:

6 SECTION 1. 43-1-111 (8.5), Colorado Revised Statutes,
7 1984 Repl. Vol., as amended, is amended to read:

8 43-1-111. Funds - budgets - fiscal year - reports and
9 publications. (8.5) In the event that there are less than
10 three bidders on a highway project, no award shall be made if

1 such award is more than ~~two~~ TEN percent over the estimate of
2 the state department of highways on the project.

3 SECTION 2. Effective date. This act shall take effect
4 July 1, 1991.

5 SECTION 3. Safety clause. The general assembly hereby
6 finds, determines, and declares that this act is necessary
7 for the immediate preservation of the public peace, health,
8 and safety.

BILL 6

A BILL FOR AN ACT

1 CONCERNING PUBLIC NOTICE OF CONTRACTS FOR PROFESSIONAL
2 SERVICES FOR STATE CONSTRUCTION PROJECTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Changes the length of time required for publishing public notice prior to the selection of the most highly qualified persons for professional services contracts on state construction projects. Changes the amount of times such public notice shall be provided.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 24-30-1405, Colorado Revised Statutes, 1988
5 Repl. Vol., as amended, is amended to read:

6 24-30-1405. Public notice. When professional services
7 are required to be contracted for, public notice shall be
8 given by the state agency if the basic construction cost of
9 the project is estimated by the state agency to be more than
10 one hundred thousand dollars or if the fee for the

1 professional services is estimated to exceed ten thousand
2 dollars. Such public notice shall be given at least ~~thirty~~
3 FIFTEEN days prior to the selection of the three or more most
4 highly qualified persons by the principal representative
5 pursuant to section 24-30-1403 (2), and, except for projects
6 under the supervision of the state department of highways,
7 such public notice shall be given no later than eight weeks
8 after the date on which the appropriation for the project
9 becomes law. Such public notice shall be given by publication
10 ~~three~~ AT LEAST TWO times in one or more daily newspapers of
11 general circulation in this state and shall contain a general
12 description of the proposed project and shall indicate the
13 procedure by which interested persons may apply for
14 consideration for the contract.

15 SECTION 2. Effective date. This act shall take effect
16 July 1, 1991.

17 SECTION 3. Safety clause. The general assembly hereby
18 finds, determines, and declares that this act is necessary
19 for the immediate preservation of the public peace, health,
20 and safety.

BILL 7

A BILL FOR AN ACT

1 CONCERNING THE COLLECTION OF TAXES ON FUELS, AND, IN
2 CONNECTION THEREWITH, MAKING CERTAIN FUELS SUBJECT TO
3 SALES AND USE TAXES, INCREASING THE SPECIAL FUELS STORAGE
4 CAPACITY WHICH A USER MUST MAINTAIN TO PURCHASE SPECIAL
5 FUEL WITHOUT PAYMENT OF SPECIAL FUEL TAX TO THE
6 DISTRIBUTOR, AND CHANGING THE FILING PERIOD AND DUE DATE
7 FOR SPECIAL FUELS USERS' TAX RETURNS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that gasoline and special fuels shall be subject to sales and use taxes if the gasoline or special fuel tax payable on such gasoline and special fuel is refundable. Exempts gasoline and special fuel used for the operation of farm vehicles from sales and use taxes. Increases the minimum bulk storage capacity that a special fuel user must maintain before such user may receive authorization to purchase special fuels without payment of the tax. Changes the filing period for special fuels users' tax returns from monthly to quarterly, and changes the filing due date from the twenty-fifth day of each month to the last day of the month following the end of the quarter.

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

2 SECTION 1. 39-26-114 (1) (a) (VII), Colorado Revised
3 Statutes, 1982 Repl. Vol., as amended, is amended to read:

4 39-26-114. Exemptions - disputes - credits or refunds.

5 (1) (a) (VII) All commodities which are taxed TAXABLE under
6 the provisions of article 27 of this title, and--all
7 ~~commodities-which-are-taxed-under-said-provisions-and-the--tax~~
8 ~~is--refunded,~~ IF THE TAX PAYABLE UNDER SUCH PROVISIONS ON SUCH
9 COMMODITIES IS NOT REFUNDABLE; SPECIAL FUEL, AS DEFINED IN
10 SECTION 39-27-201 (8), AND GASOLINE, AS DEFINED IN SECTION
11 39-27-101 (2), USED FOR THE OPERATION OF FARM VEHICLES WHEN
12 THE SAME ARE BEING USED ON FARMS OR RANCHES; and all sales and
13 purchases of aviation fuel upon which no Colorado sales tax
14 was in fact collected and retained prior to July 1, 1963;
15 except that aviation fuel used in turbo-propeller or jet
16 engine aircraft and upon which sales tax was collected prior
17 to January 1, 1989, shall not be exempt;

18 SECTION 2. 39-26-203 (1) (c), Colorado Revised Statutes,
19 1982 Repl. Vol., as amended, is amended to read:

20 39-26-203. Exemptions. (1) (c) To the storage, use, or
21 consumption of gasoline COMMODITIES which ~~is-taxed~~ ARE TAXABLE
22 under the provisions of ~~part-1-of~~ article 27 of this title and
23 ~~to-all-gasoline-which-is-taxed-under-said-provisions--and--the~~
24 ~~tax---on--which--is--refunded~~ IF THE TAX PAYABLE ON SUCH
25 COMMODITIES UNDER SUCH PROVISIONS IS NOT REFUNDABLE; and to
26 special fuel, as defined in section 39-27-201 (8), AND

1 GASOLINE, AS DEFINED IN SECTION 39-27-101 (2), used for the
2 operation of farm vehicles when the same are being used on
3 farms or ranches; except that aviation fuel used in
4 turbo-propeller or jet engine aircraft and upon which a tax
5 was collected pursuant to the provisions of this part 2 prior
6 to January 1, 1989, shall not be exempt;

7 SECTION 3. The introductory portion to 39-27-202 (3)
8 (b), Colorado Revised Statutes, 1982 Repl. Vol., as amended,
9 is amended to read:

10 39-27-202. Tax imposed - exemptions - ex-tax purchases.

11 (3) (b) The executive director of the department of revenue
12 may issue written authorization to a user of special fuel to
13 purchase special fuel from a distributor without payment of
14 the tax if such user is exempt under the provisions of
15 paragraph (a) or (b) of subsection (2) of this section or if
16 such user maintains bulk storage for special fuel in an amount
17 of at least ~~two--hundred--fifty~~ FIVE THOUSAND gallons and
18 receives individual deliveries of special fuel from such
19 distributor and if the executive director is satisfied from
20 evidence presented by the bulk user that:

21 SECTION 4. 39-27-205 (2) (a), Colorado Revised Statutes,
22 1982 Repl. Vol., as amended, is amended to read:

23 39-27-205. Tax collection. (2) (a) Except as provided
24 in paragraph (d) of this subsection (2), every person
25 authorized by the executive director to purchase special fuel
26 ex-tax under the provisions of section 39-27-202 (3) (b),

1 except such persons who qualify for ex-tax purchases under
2 section 39-27-202 (2) (a) or (2) (b), and every person who has
3 obtained a ton-mile or passenger-mile tax permit pursuant to
4 section 42-3-126, C.R.S., 1973, where such permit relates to a
5 motor vehicle which is powered by special fuel, shall, on or
6 before the ~~twenty-fifth--day--of--each-month~~ LAST DAY OF THE
7 MONTH FOLLOWING THE END OF THE QUARTER, file with the
8 executive director a report stating the amount of special
9 fuel, subject to the tax imposed by this part 2, consumed by
10 such person during the prior ~~calendar-month~~ QUARTER, and such
11 other information relating to the use of special fuel for the
12 propulsion of a motor vehicle on the highways of this state as
13 the executive director may require. The executive director,
14 under rules and procedures established by him, may exempt from
15 the reporting requirement of this subsection (2) any motor
16 vehicle used exclusively within this state. Failure to receive
17 the authorized report form does not relieve such person from
18 the obligation of submitting a report to the executive
19 director setting forth all information required on the
20 prescribed report form. The report shall contain or be
21 accompanied by a written declaration that it is made under the
22 penalties of perjury in the second degree, as defined in
23 section 18-8-503, C.R.S. 1973.

24 SECTION 5. Effective date. This act shall take effect
25 July 1, 1991.

26 SECTION 6. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary
2 for the immediate preservation of the public peace, health,
3 and safety.

BILL 8

A BILL FOR AN ACT

1 CONCERNING THE EMISSIONS CONTROL PROGRAMS OF THE DEPARTMENTS
2 OF HEALTH AND REVENUE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that new diesel vehicles are not required to obtain a certification of emissions control for twelve months. Eliminates the department of revenue as an eligible recipient of the moneys generated by the fifty-cent registration fee imposed on motor vehicles for emissions programs. Provides that the revenues attributable to one dollar of the one-dollar-and-fifty-cent registration fee imposed on motor vehicles and transmitted to the AIR account for the costs related to the AIR program shall be used only by the department of revenue, and that the revenues attributable to fifty cents of such fee shall be used only by the department of health.

3 Be it enacted by the General Assembly of the State of Colorado:
4 SECTION 1. 25-7-604 (1) (b) (II), Colorado Revised
5 Statutes, 1989 Repl. Vol., is amended to read:
6 25-7-604. Requirement of certification of emissions

1 control for registration - testing for diesel smoke opacity
2 compliance. (1) (b) (II) ~~Notwithstanding--the--provisions--of~~
3 ~~subparagraph--(I)--of--this-paragraph-(b),~~ New diesel vehicles
4 which are being registered for the first time USING A
5 MANUFACTURER'S STATEMENT OR CERTIFICATE OF ORIGIN shall be
6 issued NOT BE REQUIRED TO OBTAIN a certification of emissions
7 control ~~without-testing-for-diesel-smoke--opacity--compliance.~~
8 ~~Such-certification-shall-be-valid-only~~ for twelve months.

9 SECTION 2. 42-3-123 (23), Colorado Revised Statutes,
10 1984 Repl. Vol., as amended, is amended to read:

11 42-3-123. Registration fees - passenger and
12 passenger-mile taxes. (23) (a) Effective July 1, 1986, in
13 addition to any other fee imposed by this section, there shall
14 be collected, at the time of registration, a fee of fifty
15 cents on every item of class A, B, or C personal property
16 required to be registered pursuant to this article. Such fee
17 shall be transmitted to the state treasurer, who shall credit
18 the same to a special account within the highway users tax
19 fund, and such moneys shall be used, subject to appropriation
20 by the general assembly, to cover the direct costs of the
21 motor vehicle emissions activities of the departments
22 DEPARTMENT of health and--revenue in the presently defined
23 nonattainment area, and to pay for the costs of the commission
24 in performing its duties under sections 25-7-106.1,
25 25-7-106.3, and 25-7-106.5, C.R.S., and for the costs of the
26 state auditor in performing the study required by section

1 25-7-134, C.R.S. In the program areas within counties affected
2 by this article, the county clerk and recorder shall impose
3 and retain an additional fee of up to seventy cents on every
4 such registration to cover reasonable costs of administration
5 of the emissions compliance aspect of vehicle registration.
6 The department of health is hereby authorized to accept and
7 expend grants, gifts, and moneys from any source for the
8 purpose of implementing its duties and functions under this
9 section or sections 25-7-106.1, 25-7-106.3, and 25-7-106.5,
10 C.R.S.

11 (b) Effective July 1, 1987, in addition to any other fee
12 imposed by this section, there shall be collected, at the time
13 of registration of any motor vehicle in the program area
14 subject to inspection and not exempt from registration, a fee
15 of one dollar and fifty cents. Such fee shall be transmitted
16 to the state treasurer, who shall credit the same to a special
17 account within the highway users tax fund, to be known as the
18 AIR account, and such moneys shall be expended only to cover
19 the costs of administration and enforcement of the automobile
20 inspection and readjustment program by the department of
21 revenue and the department of health, upon appropriation by
22 the general assembly. FOR SUCH PURPOSES, THE REVENUES
23 ATTRIBUTABLE TO ONE DOLLAR OF SUCH FEE SHALL BE APPROPRIATED
24 TO THE DEPARTMENT OF REVENUE, AND THE REVENUES ATTRIBUTABLE TO
25 FIFTY CENTS OF SUCH FEE SHALL BE APPROPRIATED TO THE
26 DEPARTMENT OF HEALTH.

1 SECTION 3. Effective date. This act shall take effect
2 July 1, 1991.

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

BILL 9

A BILL FOR AN ACT

1 CONCERNING THE DEFINITIONS OF CERTAIN RESIDENTIAL VEHICLES
2 WITHOUT MOTIVE POWER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Amends the definitions of "trailer coach" and "mobile home" in the "Uniform Motor Vehicle Law" as follows: Increases the maximum length of trailer coaches and the minimum length of mobile homes. Changes the name of "mobile home" to "manufactured home". Specifies that such homes are made of a preconstructed building unit or units manufactured in a factory or at a location other than the site of the completed home.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 42-1-102 (82), Colorado Revised Statutes,
5 1984 Repl. Vol., is amended to read:

6 42-1-102. Definitions. (82) (a) "Trailer coach" means
7 any wheeled vehicle having an overall width not exceeding
8 eight feet and an overall length, excluding towing gear and

1 bumpers, of not less than twenty-six feet and not more than
2 ~~thirty-two~~ FORTY feet, without motive power, which is designed
3 and generally and commonly used for occupancy by persons for
4 residential purposes, in either temporary or permanent
5 locations, and which may occasionally be drawn over the public
6 highways by a motor vehicle.

7 (b) "Mobile MANUFACTURED home" means any wheeled
8 vehicle, exceeding either eight feet in width or ~~thirty-two~~
9 FORTY feet in length, excluding towing gear and bumpers, WHICH
10 IS COMPOSED OF A PRECONSTRUCTED BUILDING UNIT OR COMBINATION
11 OF PRECONSTRUCTED BUILDING UNITS, WITHOUT MOTIVE POWER, WHERE
12 SUCH UNIT OR UNITS ARE MANUFACTURED IN A FACTORY OR AT A
13 LOCATION OTHER THAN THE RESIDENTIAL SITE OF THE COMPLETED
14 HOME, which is designed and commonly used for occupancy by
15 persons for residential purposes, in either temporary or
16 permanent locations, and which may be drawn over the public
17 highways by a motor vehicle.

18 (c) Repealed, L. 75, p. 1473, section 30, effective July
19 18, 1975.

20 SECTION 2. Safety clause. The general assembly hereby
21 finds, determines, and declares that this act is necessary
22 for the immediate preservation of the public peace, health,
23 and safety.

BILL 10

A BILL FOR AN ACT

1 CONCERNING COMMERCIAL DRIVER'S LICENSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Increases the fee for issuance of commercial driver's licenses. Sets the maximum fee for administration of commercial driver's license driving tests by commercial driver's license testing units. Increases the fee for administration of commercial driver's license driving tests by the department of revenue. Sets the fees for issuance and renewal of licenses for commercial driver's license testing units and commercial driver's license driving testers. Provides that commercial driver's license driving tests may be performed only by employees of the department and licensed driving testers employed by licensed testing units. Authorizes the department of revenue to issue, deny, suspend, or revoke licenses of testing units and driving testers after notice and hearing. Requires the department to provide for inspection of testing units. Requires the department to adopt regulations regarding testing units and driving testers. Provides a criminal penalty for any person performing driving tests or acting as a testing unit or driving tester without having obtained a license from the department.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 42-2-502, Colorado Revised Statutes, 1984

1 Repl. Vol., as amended, is amended BY THE ADDITION OF THE
2 FOLLOWING NEW SUBSECTIONS to read:

3 42-2-502. Definitions. (1.5) "Commercial driver's
4 license testing unit" or "testing unit" means a business,
5 association, or governmental entity licensed by the department
6 under the provisions of section 42-2-507 to administer the
7 performance of commercial driver's license driving tests.

8 (1.7) "Commercial driver's license driving tester" or
9 "driving tester" means an individual licensed by the
10 department under the provisions of section 42-2-507 to perform
11 commercial driver's license driving tests.

12 SECTION 2. 42-2-506, Colorado Revised Statutes, 1984
13 Repl. Vol., as amended, is amended to read:

14 42-2-506. Fees. (1) The fee for the issuance of a
15 commercial driver's license shall be ~~fifteen~~ THIRTY dollars.
16 Such license will expire on the birthday of the applicant in
17 the fourth year after the issuance thereof. When issuing a
18 commercial driver's license, the office of the county clerk
19 and recorder shall collect and retain the sum of three
20 dollars, and ~~twelve~~ TWENTY-SEVEN dollars shall be forwarded to
21 the department for transmission to the state treasurer, who
22 shall credit the same to the highway users tax fund. The
23 general assembly shall make annual appropriations therefrom
24 for the expenses of the administration of parts 1 to 3 of this
25 article and this part 5.

26 (2) The ~~combined--total~~ fee for the administration BY

1 COMMERCIAL DRIVER'S LICENSE TESTING UNITS of the ~~written--test~~
2 ~~and--the~~ driving test for licensing commercial drivers shall
3 not exceed the sum of ~~forty~~ ONE HUNDRED dollars. ~~which--shall~~
4 ~~be---used---to---offset--the--direct--and--indirect--costs--of~~
5 ~~administering-such-tests.~~ THE FEE FOR THE ADMINISTRATION OF
6 DRIVING TESTS BY THE DEPARTMENT SHALL BE ONE HUNDRED DOLLARS.
7 THE DEPARTMENT MAY PROVIDE BY REGULATION FOR REDUCED FEES FOR
8 APPLICANTS WHO ARE RETESTED AFTER FAILING ALL OR ANY PART OF
9 THE DRIVING TEST. ALL FEES COLLECTED BY THE DEPARTMENT FOR
10 THE ADMINISTRATION OF DRIVING TESTS SHALL BE FORWARDED TO THE
11 STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE HIGHWAY
12 USERS TAX FUND. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
13 APPROPRIATIONS THEREFROM FOR THE EXPENSES OF THE
14 ADMINISTRATION OF PARTS 1 TO 3 OF THIS ARTICLE AND THIS PART
15 5.

16 (3) THE ANNUAL LICENSE FEE FOR A COMMERCIAL DRIVER'S
17 LICENSE TESTING UNIT SHALL BE THREE HUNDRED DOLLARS FOR THE
18 INITIAL LICENSE ISSUANCE AND ONE HUNDRED DOLLARS FOR EACH
19 SUCCEEDING ANNUAL LICENSE RENEWAL.

20 (4) THE ANNUAL LICENSE FEE FOR A COMMERCIAL DRIVER'S
21 LICENSE DRIVING TESTER SHALL BE ONE HUNDRED DOLLARS FOR THE
22 INITIAL LICENSE ISSUANCE AND FIFTY DOLLARS FOR EACH SUCCEEDING
23 ANNUAL LICENSE RENEWAL.

24 SECTION 3. Part 5 of article 2 of title 42, Colorado
25 Revised Statutes, 1984 Repl. Vol., as amended, is amended BY
26 THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1 42-2-507. Licensing of testing units and driving testers
2 - hearings - regulations. (1) Commercial driver's license
3 driving tests may be performed only by employees of the
4 department or by commercial driver's license driving testers
5 employed by commercial driver's license testing units.
6 (2) The department is hereby authorized to issue, deny,
7 suspend, or revoke licenses for the operation of commercial
8 driver's license testing units. The department shall furnish
9 all necessary instructions and forms to such testing units.
10 (3) The department is hereby authorized to issue, deny,
11 suspend, or revoke licenses for commercial driver's license
12 driving testers. The department shall furnish all necessary
13 instructions and forms to such driving testers.
14 (4) The department shall supervise the activities of
15 testing units and driving testers. The department shall
16 provide for the inspection of testing units. Testing units
17 shall be open for business at reasonable hours to allow
18 inspection of the operations of such testing units.
19 (5) Testing units shall keep such records as are
20 required by the department and shall make such records
21 available to the department for inspection.
22 (6) The department shall require the surrender of the
23 license of any commercial driver's license testing unit or
24 commercial driver's license driving tester upon the
25 suspension or revocation of such license.
26 (7) Any person aggrieved by the denial of issuance,

1 denial of renewal, suspension, or revocation of a testing unit
2 license or driving tester license shall be entitled to a
3 hearing. Hearings held under this subsection (7) shall be
4 conducted by an administrative law judge pursuant to the
5 provisions of article 4 of title 24, C.R.S.

6 (8) The department shall adopt regulations for the
7 administration and operation of commercial driver's license
8 testing units and the conduct of commercial driver's license
9 driving testers.

10 42-2-508. Unlawful acts - penalty. (1) It is unlawful
11 for any person other than an employee of the department to
12 perform commercial driver's license driving tests, to act as a
13 commercial driver's license testing unit, or to act as a
14 commercial driver's license driving tester unless such person
15 has been duly licensed by the department under the provisions
16 of section 42-4-507.

17 (2) Any person who violates the provisions of this
18 section commits a misdemeanor and, upon conviction thereof,
19 shall be punished by a fine of not less than twenty-five
20 dollars nor more than one thousand dollars, or by imprisonment
21 in the county jail for not more than one year, or by both such
22 fine and imprisonment.

23 SECTION 4. Effective date - applicability. This act
24 shall take effect April 1, 1992, and shall apply to offenses
25 committed on or after said date.

26 SECTION 5. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary
2 for the immediate preservation of the public peace, health,
3 and safety.

BILL 11

A BILL FOR AN ACT

1 CONCERNING COOPERATIVE AGREEMENTS WITH CONTIGUOUS STATES FOR
2 THE OPERATION OF PORTS OF ENTRY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the executive director of the department of revenue to negotiate and to enter into cooperative agreements with contiguous states for the operation of ports of entry at the borders between Colorado and such states. Authorizes the joint operation of ports of entry with contiguous states. Authorizes the reciprocal collection of fees, taxes, and penalties and the reciprocal enforcement of laws by the port of entry employees and officials of Colorado and contiguous states. Requires that cooperative agreements contain provisions indicating that any employees and officials of other states who act under the provisions of such agreements shall not be compensated by Colorado or be considered to be employees of Colorado. Authorizes the department of revenue to promulgate necessary regulations to implement the act.

3 Be it enacted by the General Assembly of the State of Colorado:
4 SECTION 1. Article 8 of title 42, Colorado Revised
5 Statutes, 1984 Repl. Vol., as amended, is amended BY THE

1 ADDITION OF A NEW SECTION to read:

2 42-8-111. Cooperative agreements with contiguous states
3 for operations of ports of entry - regulations. (1) In
4 addition to any other powers granted by law, the executive
5 director of the department of revenue is hereby authorized to
6 negotiate and enter into cooperative agreements with the
7 designated representatives of contiguous states for the
8 operations of ports of entry at the borders between Colorado
9 and such contiguous states.

10 (2) An agreement with a contiguous state or contiguous
11 states for the operation of ports of entry at the borders
12 between Colorado and such contiguous state or states entered
13 into under the provisions of this section may include, but
14 shall not be limited to, the following provisions:

15 (a) The joint operation of ports of entry by Colorado
16 and a contiguous state or contiguous states;

17 (b) A grant of authority to the port of entry employees
18 and officials of Colorado and to the port of entry employees
19 and officials of each other state which is a party to such
20 agreement to:

21 (I) Collect any fees, taxes, and penalties which are
22 imposed by other states which are parties to such agreement on
23 behalf of such states and to remit such fees, taxes, and
24 penalties to such states; and

25 (II) Take actions to enforce the laws of other states
26 which are parties to the agreement, including, but not limited

1 to, the monitoring of licenses and other credential usage, the
2 enforcement of tax restraint, distraint, or levy orders, the
3 issuance of civil citations, and the conduct of any necessary
4 safety and equipment inspections;

5 (c) The assignment of Colorado ports of entry employees
6 and officials at jointly operated ports of entry outside of
7 Colorado and the assignment of ports of entry employees and
8 officials of contiguous states at ports of entry within
9 Colorado; and

10 (d) The allowance of such access to the data bases of
11 Colorado and other states which are parties to such agreement
12 by the employees and officials of each state as is necessary
13 to enforce the laws of each such state and to operate under
14 the terms of such agreement.

15 (3) Any agreement entered into under the provisions of
16 this section shall contain provisions which express the
17 understanding that any employees and officials of any other
18 state who are assigned to jointly operated ports of entry, who
19 enforce the laws of Colorado under the terms of such
20 agreement, or who otherwise act under the terms of such
21 agreement shall not be compensated by Colorado and shall not
22 be considered to be employees or officials of Colorado for the
23 purposes of any employee rights or benefits.

24 (4) The executive director of the department of revenue
25 is hereby authorized to appoint employees and officials of a
26 contiguous state as agents of the ports of entry division with

1 the powers to enforce the laws of Colorado under the terms of
2 cooperative agreements entered into under the provisions of
3 this section.

4 (5) The executive director of the department of revenue
5 may promulgate such regulations as are necessary for the
6 implementation of the provisions of this section.

7 SECTION 2. Safety clause. The general assembly hereby
8 finds, determines, and declares that this act is necessary
9 for the immediate preservation of the public peace, health,
10 and safety.

BILL 12

A BILL FOR AN ACT

1 CONCERNING PERMITS ISSUED FOR CERTAIN TYPES OF MOTOR VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Allows the owner or operator of a truck or truck tractor to apply for a temporary laden weight registration permit valid for a period of sixty days in lieu of the payment of registration fees. Excludes any truck or truck tractor registered in Colorado which exceeds sixteen thousand pounds empty weight and which is not registered as a farm or ranch vehicle or as a noncommercial or recreational vehicle. Limits each vehicle to a maximum of two such temporary permits per year. Sets the fee for issuance of such a temporary permit.

Requires that the owner of any motor vehicle or combination of vehicles in excess of sixteen thousand pounds empty weight secure a valid clearance from the department of revenue, the state patrol, or a port of entry weigh station.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 42-3-123, Colorado Revised Statutes, 1984
4 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW
5 SUBSECTION to read:

6 42-3-123. Registration fees - passenger and

1 passenger-mile taxes. (13.5) In lieu of the payment of
2 registration fees specified in subsections (5) and (13) of
3 this section, the owner or operator of a truck or truck
4 tractor may apply to the department for a temporary laden
5 weight registration permit. A maximum of two temporary laden
6 weight registration permits per year shall be issued for any
7 vehicle. The provisions of this subsection (13.5) shall not
8 apply to vehicles which are registered under the provisions of
9 paragraphs (b) or (b.3) of subsection (13) of this section.
10 Such temporary permit shall be valid for a period of sixty
11 days and shall give authority to operate the vehicle when
12 loaded. The fee for a temporary laden weight registration
13 permit for any vehicle shall be one-sixth of the annual
14 registration fee for such vehicle under the provisions of
15 subsections (5) and (13) of this section based on the empty
16 weight of such vehicle, computed to the nearest pound. The
17 moneys collected by the department from such fees shall be
18 transmitted to the state treasurer, who shall credit the same
19 to the highway users tax fund.

20 SECTION 2. 42-8-105 (1), Colorado Revised Statutes, 1984
21 Repl. Vol., as amended, is amended to read:

22 42-8-105. Clearance of motor vehicles at port of entry
23 weigh stations. (1) Every owner or operator of a motor
24 vehicle which is subject to payment of registration fees or
25 passenger-mile taxes under the provisions of section 42-3-123
26 (13) (b) or (13) (b.3) AND EVERY OWNER OR OPERATOR OF A MOTOR

1 VEHICLE OR COMBINATION OF VEHICLES EXCEEDING SIXTEEN THOUSAND
2 POUNDS EMPTY WEIGHT shall secure a valid clearance from an
3 office of the department of revenue, from an officer of the
4 Colorado state patrol, or from a port of entry weigh station
5 before operating such vehicle OR COMBINATION OF VEHICLES or
6 causing such vehicle OR COMBINATION OF VEHICLES to be operated
7 on the public highways of this state, but an owner or operator
8 shall be deemed to have complied with the provisions of this
9 subsection (1) if he secures a clearance from the first port
10 of entry weigh station located within five road miles of the
11 route which he would normally follow from his point of
12 departure to the point of his destination. An owner or
13 operator shall not be required to seek out a port of entry
14 weigh station not located on the route he is following if he
15 secures a special revocable permit from the department of
16 revenue in accordance with the provisions of subsection (4) of
17 this section. A vehicle of a seating capacity of fourteen or
18 more passengers registered under the provisions of section
19 42-3-123 (4) (c) (I) or (18) (a) shall not be required to
20 secure a clearance certificate pursuant to this section.

21 SECTION 3. Effective date. This act shall take effect
22 July 1, 1991.

23 SECTION 4. Safety clause. The general assembly hereby
24 finds, determines, and declares that this act is necessary
25 for the immediate preservation of the public peace, health,
26 and safety.