Transportation Legislation Review Committee

2008 Report to Legislative Council

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Transportation Legislation Review Committee

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of such development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including penalties imposed for violating traffic statutes and rules.

Further, the committee must meet at least once each year to review all transportation, traffic, and motor vehicle legislation, make recommendations for additional legislation as it deems necessary, including recommendations on the financing of the state transportation system. State law authorizes the committee to review any phase of CDOT, public highway authority, or regional transportation authority operations, and allows the committee to require CDOT to prepare and adopt five-, ten-, and fifteen-year state transportation system plans.

Committee Activities

The TLRC held five meetings during the 2008 interim. The committee heard wide-ranging presentations from agencies of state, regional, and local government, and transportation industry associations. Representatives of the Governor's Transportation Finance and Implementation Panel briefed the committee on the panel's work. The TLRC heard informational briefings regarding transit, transportation finance, motor vehicle administration, tolling, energy production, and the future redevelopment of the I-70 corridor. Finally, representatives of industries involved in freight and passenger transportation also presented to the committee.

Low-power self-propelled vehicles. The TLRC heard testimony regarding the dramatic growth in sales of "scooters" in the state. Colorado law defines these vehicles as "motorized bicycles" with engine capacities under 50 cubic centimeters. Increasing sales of the vehicles are being driven by rising fuel prices, environmental concerns, and the fact that the machines are relatively inexpensive. The committee heard that current Colorado statutory definitions of these vehicles do not reflect the specifications of the vehicles currently operating on Colorado roadways. The Colorado Powersports Dealers Association testified that the state's existing statutory definitions of the terms "motor-driven cycle," "motor scooter," and motorized bicycle" should be modernized and simplified. As a result of this testimony, the committee recommends Bill D, which simplifies statutory definitions applicable to low-power self-propelled vehicles; creates a category of speeding penalties specific to the vehicles; imposes a requirement for the purchase of liability insurance; and mandates the licensure of companies selling the vehicles.

Colorado trucking industry. A representative of the Colorado Motor Carriers Association briefed the committee on the impact of rising fuel prices and taxes paid by commercial vehicle companies on the Colorado trucking industry. The committee heard that diesel fuel prices have increased by more than 300 percent in the last decade. The representative commented on the importance of the trucking industry to the Colorado economy, noting that 83 percent of all Colorado commodities are transported by truck.

The association representative also brought to the committee's attention problems with Colorado's method of registering mobile machinery. Mobile machinery includes vehicles (and equipment attached to vehicles) commonly used in the construction industry. The committee heard that Colorado's method for registering the vehicles creates problems for Colorado companies that use the vehicles in neighboring states, as well as for companies in other states that use their equipment in Colorado. Bill A, recommended by the TLRC, addresses this registration problem by treating the registration of mobile machinery in Colorado in the same manner as the registration of interstate commercial carriers in the state.

The TLRC also learned that current Colorado law oftentimes results in commercial vehicles being taken out of service when law enforcement officials discover that the vehicles have damaged or missing splash guards, and that stringent enforcement of this requirement causes hardship for truck drivers and trucking companies. Thus, the committee recommends Bill C, which will allow drivers of commercial vehicles with damaged or missing splash guards to continue operating until they reach a place where the splash guards can be replaced.

Transit in Colorado. The committee received transit-related briefings from the Regional Transportation District (RTD) and the Colorado Association of Transit Agencies (CASTA). The Regional Transportation District briefed the committee on the status of transit facility planning for the FasTracks corridors, declining RTD sales tax revenues, construction cost escalation, and increasing RTD operating expenses. RTD representatives commented on increases in RTD bus and light rail ridership, and recent legislation permitting private entities to take advantage of tax-exempt financing through private activity bonds. RTD representatives also stated their intention to increase participation in public-private partnerships for the provision of transit services.

A CASTA representative updated the committee on the status of transit in the state. The representative noted that 60 of the state's 64 counties now have some form of transit services available to their residents and stressed the importance of transit to seniors and the disabled. The committee was informed that 84 percent of funding for transit in Colorado originates with local sources and that the association supports an increasing emphasis on state funding for transit.

Additional committee discussion of transit service and safety issues resulted in committee recommendation of Bill B, which specifies circumstances under which motorists would be required to yield the right-of-way to buses entering traffic.

Governor's Transportation Finance and Implementation Panel. The committee was briefed on the activities of the Governor's Transportation Finance and Implementation Panel. The panel, originally scheduled to conclude its work in June 2008, was extended by Governor Ritter through June 2009. Panel representatives discussed their recommendations for the consideration of new transportation revenue sources, and the panel's "preferred alternative" of new transportation funding at the level of $1.5 billion annually. According to the panel representatives, this funding level would allow for preservation of the state's existing transportation infrastructure, construction of new projects to address urban traffic congestion and regional connections, as well as funding for transit options. The panel intends to make recommendations for legislation to the 2009 session of the General Assembly.

Colorado's public highway authorities. The committee heard presentations from Colorado's three public highway authorities. The three public highway authorities established to date are: the E-470 Public Highway Authority (PHA), the Northwest Parkway Public Highway Authority, and the Jefferson Parkway Public Highway Authority. The E-470 PHA presented information relating to the authority's revenues and expenditures, the condition of the authority's

infrastructure, and the transition of the authority to a "cashless," electronic tolling system. The Northwest Parkway PHA briefed the committee regarding the potential future extension of the parkway, and a lease agreement that was signed by the authority allowing a concessionaire to operate the roadway beginning in 2007. Finally, the committee was briefed on the governance of the newly created Jefferson Parkway PHA, development of requests for proposals by the new authority board of directors, and communications with the City of Golden regarding completion of the metro-area beltway.

Colorado industries dependent on the state's transportation infrastructure. Several representatives of industries that rely heavily on Colorado's transportation infrastructure updated the committee in regard to the status of their industries, and the importance of these industries to Colorado's economic health. Freight rail industry representatives updated the committee on employment levels in their industry, the industry's capital spending, the relative efficiency of rail, and problems resulting from residential and commercial growth near train tracks. The committee heard that, as fuel prices increase, freight is shifting from trucks to rail.

Representatives of the airline industry updated the committee on the status of commercial aviation in the state. The committee was informed of the importance of the industry to the Colorado economy, the loss of flights originating in Colorado's smaller cities, declining employment in the industry, and the impact of increasing jet fuel costs. Finally, representatives of the Colorado Department of Agriculture briefed the committee on the contribution of agriculture to the state economy, including employment in agricultural production and food processing. Colorado has 107,000 jobs related to the agriculture industry. The representatives discussed several transportation issues in the state that are impacting agricultural production, including rising fuel prices, the condition of bridges in the state, bridge weight limits, and the issuance of temporary certifications for the transportation of seasonal crops.

Additional committee discussion. The committee considered, but declined to recommend legislation to: expand the powers of regional transportation authorities; address slow moving vehicles that impede traffic; and create a pilot program allowing for the issuance of safety decals to young drivers.

Committee Recommendations

As a result of committee deliberations, the TLRC recommends four bills for consideration in the 2009 legislative session.

Bill A — Mobile Machinery Vehicle Registration. Mobile machinery is machinery commonly used in the construction industry. The equipment may or may not be attached to a truck chassis, and may or may not be self-propelled. Examples of these vehicles (registered as Class F vehicles in Colorado) include concrete mixers, backhoes, bulldozers, and trucks with large generators attached. Class A vehicles are interstate commercial carriers.

Most of Colorado's neighboring states register mobile machinery vehicles as Class A vehicles, and do not have a Class F category. This forces Colorado operators of Class F vehicles to purchase trip permits upon entering other states. Out-of-state mobile machinery vehicles entering Colorado are required to pay additional taxes and registration fees on their mobile machinery resulting in expense and delays at ports of entry.

Bill A addresses these issues by designating Colorado mobile machinery vehicles (Class F) *operated in interstate commerce* as Class A vehicles for purposes of imposing the graduated annual specific ownership tax, and specifying the same rate structure as is currently imposed on Class F personal property. Under the bill, out-of-state mobile machinery vehicles operating in Colorado are exempted from payment for the mounted equipment portion of the vehicle if that portion was already taxed by the registering base state, and would be able to purchase a tab to cover the mounted equipment portion of the vehicle if taxes are due.

Bill B — Yield to Transit Bus Entering Traffic. Bill B requires persons who are driving behind a transit bus to yield the right-of-way if the bus, after stopping to allow passengers to board or exit, signals an intention to enter traffic and if a yield sign on the back of the bus is illuminated. The bill does not require the installation of yield signs on transit buses, and does not relieve bus drivers of their duty to drive with due regard for the safety of other motorists.

Bill C — Splash Guards - Vehicle Remain in Service. Bill C allows commercial vehicles with damaged or missing splash guards to remain in service until the first reasonable opportunity to replace them. A splash guard is a device designed to minimize the spray of water and other substances to the rear of the commercial vehicle. Current Colorado law requires trucks with an empty weight that exceeds 10,000 pounds to be equipped with splash guards, and that a splash guard be at least as wide as the tire it covers. Trucks with a damaged or missing splash guard may be put out of service.

Bill D — Regulation of Low-power Self-Propelled Vehicles. Bill D simplifies Colorado's statutory definitions applicable to low-power self-propelled vehicles, creates a category of speeding penalties specific to the vehicles, imposes a requirement for the purchase of liability insurance, and mandates the licensure of companies selling the vehicles. Specifically, Bill D:

- replaces several categories of self-propelled vehicles in Colorado law, including "motor-driven cycle," "motor scooter," and motorized bicycle" with the two categories "motorcycle" and "low-power scooter";

- defines "low-power scooter" as a vehicle with not more than 3 wheels, no manual clutch, and a power capacity under 50 cubic centimeters or 4,476 watts;

- puts new speeding penalties in place for scooter operators who exceed 40 miles per hour, specifically:

  - a fine of $56 for traveling 41 to 44 miles per hour;
  - a fine of $85 and 2 points for traveling 45 to 49 miles per hour; and
  - a fine of $116 and 4 points for traveling 50 or more miles per hour;

- applies compulsory liability insurance laws to operators of low-power scooters, effective July 1, 2010;

- requires persons selling low-power scooters to obtain a powersports vehicle distributor license from the Colorado Department of Revenue; and

- specifies that drug and alcohol driving offenses apply to operators of low-power scooters, farm tractors, and off-highway vehicles, but not to bicycle operators.