**A G E N D A**
**Transportation Legislation Review Committee**
House Committee Room 0112
State Capitol Building
Tuesday, September 28, 1999
9:00 a.m.

**SUMMARY FOLLOWS AGENDA**

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**9:00 a.m. -- Call to Order**

I. Welcome and Old Business

- *Representative Bill Swenson, Chair*

II. Presentations

- Motor Vehicle Division, Mr. John Duncan, Topic
- Citizens Interested in the NorthWest Quadrant, CINQ, Golden,
- Colorado Restaurant Association, Mr. Pete Meersman, President & CEO

III. Review and Final Action on Draft Legislation

Bill A - Concerning Continue Ignition Interlock Program.

Bill B - Concerning a Reduction of the Alcohol Content Level Required for Certain Offenses.

Bill C - Concerning Prohibition of Open Alcoholic Beverage Containers in Motor Vehicles.

Bill D - Concerning Enforcement of the Offense of Failure to Wear a Motor Vehicle Safety Belt.

Bill E - Concerning Regulation of School Buses.

Bill F - Concerning a One-time Transfer of Moneys to the Highway Account of the Transportation Infrastructure Revolving Fund for Fiscal Year 2000-01.

Bill G - Concerning Revenues Received by the Regional Transportation District

Bill H - Concerning the Appropriation of Moneys from the General Fund to the Highway Users Tax Fund.

Bill I - Concerning the Use of State General Fund Moneys to Match Federal Transit Administration Funds Allocated for Transit Programs within the State.

IV. Review of Other Committee Member Proposals for Transportation Legislation

VI. Committee Discussion and Closing Comments

*Representative Bill Swenson, Chair*

***Adjourn***

STAFF SUMMARY OF MEETING

**TRANSPORTATION LEGISLATION REVIEW COMMITTEE**
House Committee Room 0112
State Capitol Building
Tuesday, September 28, 1999

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**9:00 AM -- Welcome and Old Business**

The meeting was called to order by Representative Swenson. Members present were Representatives Swenson, Mace and May and Senators Powers, Musgrave and Dyer. Non-legislative members present were Pierre DuBois, Cynthia Erker, Charles Wait, and Jasper Welch. Also present were Representatives Witwer and Gotlieb; Brad Denning and Larry Thompson, Legislative Council Staff; and Bob Lackner, Jeff Conway, Jason Gelender, and Jeremiah Barry, Office of Legislative Legal Services.

The attached agenda (Attachment A) lists the guest speakers from the Division of Motor Vehicle (DMV), Colorado Restaurant Association (CRA), and Citizens for the Northwest Quadrant (CINQ).

**9:05 AM -- Division of Motor Vehicle (DMV)**

Mr. John Duncan, DMV, Director of Drivers' Services, presented the bill from the Legislative Audit Committee, stating that the bill is in the form in which it will be introduced. The bill will be sponsored by Senator Lamborn. The bill speaks to the confidentiality and a comprehensive study of licensing and identification cards.

Mr. Duncan reviewed a summary of the legislation entitled, "*Proposed Legislation to Reform Colorado's Driver License Process*" (Attachment B). The Lamborn bill was endorsed by the Committee.

Dr. Bill Marine, University of Colorado Health Sciences Center (UCHSC), Project Director of the Evaluation of the Pilot Interlock Program, spoke on a handout entitled *"Preliminary Summary of Alcohol-Ignition Interlock Pilot Program"* with supporting statistical documents (Attachment C). During 1998, a comprehensive system audit of the Colorado Driver Licensing Process was conducted. The Motor Vehicle Division (DMV) worked closely with the audit team to analyze their processes throughout all areas of licensing and registration administered by the DMV. The DMV believes that this auditor's analysis provides a sound foundation for the recommendations incorporated in this proposed legislation.

Dr. Steven Lowenstein, UCHSC, Associate Professor of Medicine, addressed the questions as to whether or not the law pertaining to the Ignition Interlock Program worked. He believes that this bill and the device have worked and has proven to be good public policy. More than 900 citizens have had devices installed. It has been installed on repeat offender vehicles, which has resulted in a reduction of repeat offenders. According to Dr. Lowenstein, the public is safer, but the program could have greater impact if more repeat offenders could be entered into the program. The principal goal of the program was to target the hard-core, repeat offenders. The program has attracted the safer driver, so perhaps legislation is needed to address those who pose the greatest threat to public safety. Dr. Lowenstein concluded that it is difficult to attract the repeat offenders in a voluntary program.

In response to questions by Sen. Powers concerning the number of people in the program, Dr. Marine stated that the program went from 500 to nearly 1000 in two years. He believes the program's marketing should be expanded. As this program is handled administratively, it doesn't attract the hard-core offender who comes before a judge. Dr. Lowenstein believes the interlock devices should be imposed upon those coming before the judge. Dr. Marine explained that the price of the device is $47 a month - paid for by the applicant. It is one of the lowest prices in the country, but the bidding process for a new vendor may start in February, resulting in a price increase. They expect four or five companies to bid.

**9:43 AM**

Mr. Steven Hooper, Hearing Officer of the Division of Motor Vehicle, DOR, discussed, in detail, the implementation of the Interlocking Probationary Drivers License (I-PDL) program. Mr. Hooper doesn't believe there is a clear legislative policy regarding the repeat offender. He presented several ideas on how the program may be improved in the future and reviewed the I-PDL form (Attachment D).

One of the political controversies for licensing is the easy access by repeat offenders to a drivers license. Mr. Hooper will be addressing the improvements that could be made to the program and bringing forth suggestions and/or legislation for the October 19th, 1999 TLRC Meeting.

**TIME:** 10:28 a.m.

**MOTION:** Rep. May moved to support Bill A which eliminates the repeal of the ignition interlock program and the provision for transfers of any funds remaining in the interlock fund as of July 1, 2000. Rep. Mace seconded the motion.

| NAME | YES | NO | ABSENT |
|---|---|---|---|
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | | | X |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 8 | 0 | 3 |

The committee supported the bill (Attachment E)

**10:30 AM Colorado Restaurant Association (CRA)**

Mr. Bill Artist, a lobbyist representing the CRA, presented a memorandum from Mr. Pete Meersman, President & CEO, CRA (Attachment F). The memorandum opposed the legislative proposal which would lower the Blood Alcohol Content (BAC) from .10% to .08%.

Mr. Dubois stated that statistics could reveal the validity of the BAC issue. He believes the legislature should focus more on seat belts and other related issues instead of the BAC. Rep. Swenson and Gotlieb asked for statistics on the difference between BACs and the cost of law enforcement for both levels.

Mr. Artist asserted that the CRA's main concern is the potential reduction in number of people who will go out to eat.

Rep. May stated that the legislature should contact U.S. Senators and attempt to eliminate the federal mandates that surround TEA-21.

| **TIME:** 10:42 AM<br><br>**MOTION:** Sen. Musgrave moved not to adopt Bill B concerning the reduction of the alcohol content level required for certain offenses. Repr. May seconded the motion. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois (abstained) | | | |
| Ms. Cynthia Erker | X | | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | | X | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 7 | 1 | 2 |

The committee did not endorse Bill B (Attachment G)

**10:43 AM**

Mr. Jerry Barry, Office of Legislative Legal Services (LLS), introduced Bill C. The bill (Attachment H) prohibits any person from knowingly drinking any alcoholic beverage or possessing an open alcoholic beverage container in the passenger area of a motor vehicle while that vehicle is on a public highway or right-of-way of a public highway. It creates an exception for passengers in the passenger area of motor vehicles used primarily for compensation or in the living quarters of a motor home or trailer coach. This bill was designed to satisfy federal compliance for TEA-21.

| **TIME:** 10:50 AM<br><br>**MOTION:** Mr. Welch moved to not support Bill C. Rep. Mace seconded. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | | X | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |

| | | | |
|---|---|---|---|
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | | X | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | | X | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 6 | 3 | 2 |

The committee did not support the bill.

**10:57 AM**

Mr. Barry, LLS, introduced Bill D (Attachment I), entitled *Mandatory Use of Safety Belts*, which would make it a primary offense, punishable as a class B infraction, for a driver to operate a motor vehicle without the driver and all front seat passengers wearing fastened safety belts. This bill is a safety incentive found in the Transportation Equity Act for the 21st Century. There is no penalty if the state fails to comply, However, the Colorado Department of Transportation could receive more money from the federal government if the State does comply.

| **TIME:** 10:59 AM<br><br>**MOTION:** Senator Powers moved to postpone indefinitely Bill D. Sen. Musgrave seconded. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | | X | |
| Ms. Cynthia Erker | | X | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | | X | |
| Sen. Jim Dyer | | | X |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 5 | 3 | 3 |

The committee postponed the bill indefinitely.

**10:59 AM**

Mr. Barry, LLS, introduced Bill E (Attachment J) concerning the regulation of school buses. This legislation clarifies the definition of a school bus to include leased vehicles and vehicles used in transporting children to school-sponsored activities. It would limit the provisions of the statute which requires certain vehicles to stop at railroad crossings to apply only to those school buses required to have school bus markings and visual signal lights. Mr. Barry reviewed current statutes referring to school buses needing "school bus" markings on the vehicle.

| **TIME:** 11:03 AM<br><br>**MOTION:** Sen. Musgrave moved to support Bill E. Rep. Mace seconded. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | X | | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 9 | 0 | 2 |

The committee supported the bill.

**11:05 AM**

Mr. Bob Lackner, LLS, introduced Bill F (Attachment K) concerning a one-time transfer of moneys to the Highway Account of the Transportation Infrastructure Revolving Fund for Fiscal Year 2000-2001. The proposed legislation directs that an additional $10 million be transferred out of the General Fund and into the Capital Construction Fund for the fiscal year commencing July 1, 2000. It further directs that such moneys be transferred from the Capital Construction Fund to the Highway Account of the Transportation Infrastructure Revolving Fund, effective July 1, 2000. Mr. Lackner explained that this bill is similar to previous bills carried by Rep. May in 1997 and 1998. This bill is a one-time transfer of moneys.

Representative May asked for revisions in the bill that would show it as a one-time transfer.

Mr. Lackner believes that this will not count against the 6 percent limit or against TABOR. This is merely a transfer of monies with regard to capital construction, and by definition of capital construction, would not count against the statutory limit on TABOR.

Rep. May stated that this is a revolving loan fund available to cities and counties and noted that projects are often held up for several years while matching funds are sought. This is a vehicle for placing moneys into the revolving fund.

| **TIME:** 11:17 AM<br><br>**MOTION:** Mr. Welch moved to support Bill F. Rep. May seconded the motion. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | X | | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 9 | 0 | 2 |

The bill was supported by the committee.

**11:20 AM**

Mr. Bob Lackner, LLS, introduced Bill G (Attachment L) regarding the expansion of the statutory definition of "revenues' contained in the Regional Transportation District (RTD) Act to include moneys received in the form of grants or contributions from all public or private sources. This would change references in the act from "net revenues" to "revenues" to conform with this change in the statutory definition. The bill effects the portion of the RTD statutes to support revenues, specifically to allow the pledge of future federal grant proceeds to repay district debt. This is a mirror provision of the Transportation Revenue Anticipation Notes (TRANS) that CDOT has sought for its transportation projects. It has no effect on TRANS.

| **TIME:** 11:22 AM<br><br>**MOTION:** Rep. Swenson moved to support Bill G. Sen. Powers seconded the motion. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | X | | |

| | | | |
|---|---|---|---|
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 9 | 0 | 2 |

The committee supported the bill.

**11:24 AM**

Mr. Jason Gelender, LLS, Introduced Bill H (Attachment M) which essentially provides escalated transfers from the General Fund to the Highway Users Tax Fund (HUTF). It requires the General Assembly to appropriate specified amounts from the General Fund to the HUTF for the fiscal year beginning on July 1, 2000, and each fiscal year thereafter. Such appropriations shall be subject to the statutory restriction on state appropriations. The bill specifies that the moneys appropriated to the HUTF shall be allocated to the state, counties, and municipalities in the same manner as other highway HUTF moneys.

Committee discussion ensued.

| **TIME:** 11:34 AM<br><br>**MOTION:** Sen. Powers moved to support Bill H. Ms. Erker seconded. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | X | | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |

| | | | |
|---|---|---|---|
| **TOTAL** | 9 | 0 | 2 |

The committee supported the bill.

**11:35 AM**

Mr. Jason Gelender, LLS, introduced Bill I (Attachment N) concerning the use of state General Fund moneys to match Federal Transit Administration (FTA) funds allocated for transit programs in the state.

Rep. Swenson asked for clarification on the transit funding. Mr. Gelender explained that the moneys would be used to match the local 10 percent. The locals would be required to use their 10 percent match.

| **TIME:** 11:46 AM<br><br>**MOTION:** Mr. Welch moved to support Bill I. Rep. Mace seconded. | | | |
|---|---|---|---|
| **NAME** | **YES** | **NO** | **ABSENT** |
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | X | | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | | X | |
| Sen. Ray Powers | | X | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 7 | 2 | 2 |

The committee supported the bill.

**11:46 AM**

The meeting was recessed.

**1:20 PM**

Rep. Swenson introduced Ms. Carol Snyder, Adams County Clerk and Recorder, who presented an idea for a bill regarding electronic-mail process for vehicle titles instead of the usual paper trail. Electronic titles will be a win-win

situation in Colorado. She explained that if rental companies have to wait to get their vehicle title, instead of receiving them instantaneously, it costs money if the rental companies have autos on their lot that they cannot rent. Ms. Snyder stated that no county is ready to convert to this type of system yet, but they are working towards this type of system. Mechanical and computer capabilities are not yet sufficiently upgraded.

**TIME:** 1:55 AM

**MOTION:** Sen. Powers moved to agree with the concept of the bill and requested a legislative draft be brought to the 10/19 TLRC Meeting. Rep. Swenson seconded the motion.

| **NAME** | **YES** | **NO** | **ABSENT** |
|---|---|---|---|
| Mr. Pierre DuBois | X | | |
| Ms. Cynthia Erker | X | | |
| Ms. Vi June | | | X |
| Mr. Charles Wait | | | X |
| Mr. Jasper Welch | X | | |
| Sen. Jim Dyer | X | | |
| Rep. Frana Mace | X | | |
| Rep. Ron May | X | | |
| Sen. Ray Powers | X | | |
| Sen. Marilyn Musgrave, Vice Chair | X | | |
| Rep. Bill Swenson, Chair | X | | |
| **TOTAL** | 9 | 2 | 2 |

The committee agreed with the concept of the bill. The bill will be considered during the October 19th TLRC Meeting.

Mr. R. J. Hicks, Dept. of Revenue, stated that the DOR would like to work with the clerks on the conversion cycles, etc. The DOR is in agreement, and will be helping the County Clerks make this happen, and will work with the drafter to write the legislation.

**1:59 PM**

In addition, Ms. Snyder noted a current loop-hole regarding the proof of insurance requirement. Pickup trucks and light-duty trucks are not included in the proof of insurance requirement that citizens must meet when renewing registrations for their vehicles at the county clerk's office. The draft of legislation to address this issue will be presented at the next TLRC meeting.

Also, starting in January, people who visit the county clerk's office for new license plates will receive their new plates for the following year as well. This is so the Clerk's office doesn't have to mail the new plates, as counties do not have money to pay for the mailing of those plates. The cost to mail plates would cost in the vicinity of $2.30 per set of plates.

**2:17 PM**

Rep. Gotlieb introduced a conceptual legislative proposal (Attachment O) that would establish a procedure regarding pre-qualification of vendors or contractors, allowing for past performance (i.e., responsiveness to complaints or equipment services, modification, etc.) Apparently repeated poor performance of contractors doesn't become a consideration to remove or block contractors from being included on the state list of qualified vendors.

Rep. May stated that Tom Norton, Executive Director of CDOT, informed him that this issue could be handled administratively.

Mr. DuBois believes there are provisions in contracts that require a contractor to adhere to certain performance standards. He believes that some contractors are disqualified. Mr. Welch suggested that contractors are required to bond, and if they cannot, they are eliminated from consideration.

The committee asked that a draft of the bill be available for the October 19th TLRC Meeting.

**2:32 PM**

Mr. Tom Atkins, Citizens Involved in the Northwest Quadrant (CINQ), informed the committee that recent negotiations regarding the Northwest section of beltway have been contentious. CINQ is a citizens group dedicated to the preservation of the environment, community character, and quality of life in the Denver Metro Area generally, and in the Northwest Quadrant (Attachments P and Q). Specifically, CINQ seeks to cooperate with and reach consensus with all parties to achieve true regional planning for transportation solutions.

Mr. Atkins explained that presently there is a feasibility study, funded by DRCOG, being conducted by Jefferson County officials and five cities in the area. The purpose of the study is to forecast travel demands for year 2020 in the quadrant and to identify the impact of Northwest Parkway plans of Broomfield and related proposals of Arvada and Westminster.

The proposed Arvada-Westminster tollway routes begin on the north at the terminus of the Broomfield Northwest Parkway located at State Highway (SH) 138, travels down the east side of Rocky Flats and continues west to intersect with SH93. The consultants that conducted the Phase I study concluded that traffic will increase significantly and level of service will decrease in the Northwest Quadrant. However, the proposed tollway will have a limited positive impact on traffic or congestion.

CINQ concludes that there is still no convincing evidence that a complete beltway around the Denver Metro Area is required for the area to thrive. CINQ believes that there may be significant disadvantages to long term economic viability and quality of life. CINQ doesn't believe this beltway will carry any significant traffic. CINQ is concerned that planned roads, like the beltway, provide benefit to the citizens in the area and not to self-interest groups. Mr. Atkins asserted that CINQ would like to see more stakeholders at the table to discuss a project of this magnitude. Mr. Atkins states that CINQ is not an anti-beltway group; they are more concerned with the most efficient way of developing a quality project.

Mr. Elliot Brown, CINQ, explained that he formed a technical committee in CINQ and he represents that committee. The projections being provided are a consultant's projections, but he believes the projections are contrived, because the study area is very restrictive with the focus on the Northwest Quadrant.

**3:04 PM**

Rep. Swenson stated that issues of land use are not relevant to the TLRC. He thanked the CINQ representatives for their presentation.

Rep. Swenson asked the Committee if there was any unfinished business that should be included in the next meeting. Mr. Welch stated that he has a letter to forward to the committee regarding CDOT's interface with local communities (Attachment R). Sen. Dyer asked for an update on Bayfield and their discussions with CDOT. Rep. Swenson stated that he would look into that issue.

**3:12 PM**

Meeting adjourned.

**Copies of Attachments (A-R) are on File in the Office of Legislative Council Staff.**