Recommendations for 2007

Transportation Legislation Review Committee

Report to the
Colorado General Assembly
and the Governor

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December 2006

To Members of the Sixty-sixth General Assembly:

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

At its meeting on October 16, 2006, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2007 session was approved.

Respectfully Submitted,

/s/ Representative Andrew Romanoff
Chairman

Transportation Legislation Review Committee

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Executive Summary

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 committee is directed to review any operations phase for CDOT, including planning and construction of highway projects. The committee is also authorized to review any operations phase for any public highway authority (e.g., E-470 Authority), as well as any regional transportation authority responsible for the development of regional transportation systems. In addition, the legislative committee provides guidance to the Regional Transportation District (RTD) and reviews its budget, farebox recovery ratio, and the privatization of bus service. Finally, the TLRC is charged with reviewing all transportation legislation.

Committee Activities

The TLRC held five meetings during the 2006 interim. At these meetings, the committee heard testimony and received information from 16 organizations, including CDOT, the Public Utilities Commission (PUC), the Colorado Department of Revenue (DOR), and the RTD. Specifically, the committee received information on: mass transit, motor vehicle regulation and licensure, transportation finance, rail issues, and public highway authorities.

Mass transit. The RTD is a special district that includes all or parts of eight counties in the Denver metropolitan area. Representatives from the RTD addressed mass transit in the Denver metropolitan area and provided the committee with information on the agency's 2006 amended budget, fares, contracted bus service, the transit portion of the Transportation Expansion Project (T-REX), and the FasTracks plan. The FasTracks plan is a comprehensive plan to build and operate high speed rail lines and to expand and improve bus service and Park-n-Rides throughout the Denver metropolitan area. RTD also updated the committee about T-REX, a multi-modal light rail and highway project that includes 19 miles of light rail improvements, 13 rail stations, park-n-ride and feeder bus service to stations, and additional vehicles for operation. T-REX is scheduled to open on November 17, 2006.

Motor vehicle regulation and licensure. The DOR provided information to the committee on how the federal Real ID Act of 2005 will affect the process by which states issue drivers' licenses and identification cards. The Real ID Act of 2005 authorizes the federal Department of Homeland Security to establish national standards for state-issued drivers' licenses and identification cards. States must implement the standards by May 11, 2008. The DOR stated that it is current with regard to meeting the provisions of the federal Real ID Act. The U.S. Department of Homeland Security is expected to release the national standards by the end of 2006.

The DOR also updated the committee on House Bill 06-1302, recent legislation that creates a new remote sensing emissions inspection program. House Bill 06-1302 eliminates the existing basic emissions program and expands the Clean Screen Program by focusing efforts on remote sensing technology for monitoring vehicle emissions and developing a "high emitter program" that is acceptable to the federal Environmental Protection Agency. Finally, the DOR provided the committee with information about its role in issuing special licence plates and discussed limiting the number of special license plates the state issues.

The PUC provided the committee with information regarding passenger carrier vehicles, which are regulated by the PUC. The PUC updated the committee on its safety rules and statutory requirements concerning luxury limousines, taxicabs, shuttle vans and buses, and charter bus operations. In addition, the PUC outlined current civil penalties for statutory or PUC rule violations.

Transportation finance. The CDOT updated the committee on its budget and planning process. State law requires CDOT to compile statewide transportation plans that include data on transportation facilities, service, time schedules for completion of projects, and anticipated funding needs. CDOT provided information on the 2035 Plan, which modifies the 2030 Plan and will include environmental requirements, a 10-year implementation strategy, and integration of transit. In addition, CDOT's presentation included information on: long-term needs for projects; administration of federal transportation funds; primary funding sources for CDOT; and state resources for funding. CDOT also reviewed the federal funding process and provided the committee with information on the Highway Users Tax Fund (HUTF), CDOT's primary funding source. The HUTF includes moneys that are allocated to the state, counties, and municipalities to finance the Colorado State Patrol, highway construction, improvements, and maintenance.

The Denver Regional Council of Governments (DRCOG) also presented information concerning transportation finance. DRCOG stated that it has created an ad hoc committee to seek financing solutions to funding shortfalls for transportation. In addition, DRCOG presented its efforts to address transportation needs, which include congestion mitigation and working with planning partners such as RTD and CDOT.

Rail issues. CDOT's Office of Traffic Safety, Union Pacific Railroad, and Burlington Northern Santa Fe Railway provided the committee with information concerning rail issues. The committee was updated on: railroad systems in the state; types of railroad crossings; grade crossing safety and fatalities; freight relocation; and projects. In addition, the committee was provided information concerning fatalities at public railroad crossings.

Public highway authorities. The committee received statutorily required annual reports and project updates from the E-470 Public Highway Authority and Northwest Parkway Public Highway Authority (NPPHA). Representatives of the E-470 Public Highway Authority reviewed monthly traffic and revenue projections and indicated that it currently meets 94.4 percent of projected transactions and has maintained its debt service coverage ratio. The NPPHA provided the committee with its amended 2006 budget and announced that the NPPHA will seek bids from the private sector to finance, operate, and manage the road under a lease equity style agreement. A 100 percent privately funded road, the NPPHA has been financed through toll revenue bonds that will be repaid with toll revenues.

Committee Recommendations

As a result of information and testimony provided to the TLRC during the 2006 interim, the TLRC recommended six bills to the to the Legislative Council for introduction during the 2007 legislative session. A bill to repeal the limitation on the number of full-time equivalent employees that CDOT employs was not approved by the Legislative Council. The bills approved by the Legislative Council are summarized below.

Bill A — A Requirement that Certain Motor Vehicle Carriers that Transport Passengers Obtain Criminal History Record Checks. Bill A responds to concerns of the committee pertaining to the safety of passengers of motor vehicle carriers. The bill establishes a requirement that certain motor vehicle carriers that transport passengers obtain a criminal history record check on their employees and contractors. Specifically, a person who offers services by charter or scenic bus, fire crew transport, luxury limousine, off-road scenic charter, or children's activity bus will be required to ensure that fingerprints of their employees and contractors are taken within 30 days of employment for purposes of conducting criminal history record checks. The bill requires the motor carriers to pay for the fingerprinting and requires the Colorado Bureau of Investigation to conduct a state and federal criminal history record check using the fingerprints.

Bill B — Authorization for the Abolition of a Redundant, Non-signalized, and Unattended At-grade Railroad Crossing Without a Hearing Before the Public Utilities Commission. Bill B addresses issues brought to the committee by railroad representatives regarding the potential safety risks posed by certain railroad crossings. The bill allows the abolition of a redundant, non-signalized, and unattended at-grade railroad crossing. A railroad corporation, the PUC, CDOT, or the local government responsible for supervising and maintaining the highway or road at any at-grade crossing is authorized to abolish the crossing without a hearing if: the crossing is without gates, signals, alarm bells, or warning personnel and is located within a specified distance of a crossing with gates, signals, alarm bells, or warning personnel. Further, the crossing may not be the only crossing that provides access to property, and the party responsible for the crossing must give written notice of the proposed abolition at least 60 days prior to the abolition.

Bill C — Avoidance of Registration of Motor Vehicles. Bill C addresses concerns regarding temporary tag fraud brought to the committee by the Colorado Motor Carriers Association. The bill prohibits the issuance of more than two temporary registration plates, tags, or certificates per Class A or Class B motor vehicle per year. The bill requires the DOR to track the number of temporary registration plates, tags, or certificates issued to a motor vehicle through the vehicle identification number. In addition, the bill increases the penalty for failing to register a motor vehicle two or more times in five years from a Class B traffic infraction to a Class 1 misdemeanor.

Bill D — The Public Utilities Commission's Duty to Promulgate Rules Regulating Carriers Exempt from Regulation as a Public Utility. Representatives from limousine and taxicab companies provided the committee with information concerning rules and definitions pertaining to luxury limousines. The representatives expressed the need for regulating luxury limousines at the same level of regulation as taxicabs. Current law requires that a limousine have beverage service, a television, and a telephone to be classified as a luxury limousine. Bill D repeals this definition of a luxury limousine and allows the PUC to define a luxury limousine. The bill requires the PUC to promulgate rules governing the standards used to define a luxury limousine, the operational requirements of luxury limousines, and the insurance requirements for carriers exempt from regulation as a public utility.

Bill E — Scope of Jurisdiction of the Transportation Legislation Review Committee. Discussion of the TLRC's scope and charge was a part of several committee meetings. The committee has found it difficult to consider transportation and highway legislation without considering issues pertaining to motor vehicles and traffic. Bill E expands the scope of the TLRC to include issues historically heard by the TLRC and gives it oversight over legislation pertaining to traffic and motor vehicles and licensing of drivers. In addition, Bill E authorizes the TLRC to give guidance and direction to agencies and political subdivisions of Colorado that administer such laws.

Statutory Authority and Responsibilities

The Transportation Legislation Review Committee (TLRC) is comprised of 18 members representing the House Transportation and Energy and the Senate Transportation committees. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, rural transportation authorities, public highway authorities and the Regional Transportation District. In addition, the TLRC has traditionally monitored the activities of the Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., requires the TLRC to give guidance and direction to Colorado Department of Transportation (CDOT) in the development of the state transportation system, to provide legislative overview of and input into such development, and to make recommendations concerning the financing of the state transportation system. The TLRC may review any phase of CDOT operations, including the planning and construction of highway projects. The TLRC may also review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner. The committee may require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted. The TLRC is required to study annual recommendations of the Executive Director of CDOT regarding the acquisition of any abandoned railroad rights-of-way in the state. The TLRC may recommend legislation to the General Assembly and to the Governor resulting from these oversight responsibilities. CDOT is required to cooperate with the TLRC in carrying out its duties.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities as well.

Public highway authorities. The TLRC is granted authority to review any operations phase of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans and may require financial or performance audits of these entities.

Regional Transportation District. The Regional Transportation District (RTD) is required to contract at least 50 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards relating to experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8) (a), C.R.S.).

RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

Committee Activities

During the 2006 interim, the TLRC held five meetings and met with representatives of 16 organizations interested in the development and operation of Colorado's transportation system. Some of the major topics addressed by the committee this interim are summarized below.

Mass Transit

The Regional Transportation District (RTD) and the Colorado Association of Transit Agencies (CASTA) provided the committee with information on mass transit.

Regional Transportation District. The RTD presented information to the committee on the district's 2006 amended budget, the Transportation Expansion Project (T-REX), and FasTracks. Also, the RTD presented annual statutorily required reports to the committee on the district's competitive vehicular service, its farebox recovery ratios, and on its efforts to comply with a requirement that the district share information and coordinate its efforts with other agencies in the research, planning, and development of mass transit systems (Section 2-9-119.5, C.R.S.; Section 32-9-119.7, C.R.S.; and Section 43-2-145 (1.3) (b), C.R.S., respectively).

- **RTD 2006 Amended Budget** — The RTD discussed the district's 2006 amended budget with the committee. The district's total 2006 operating and administrative expenditures are $383.5 million. Members of the TLRC expressed concerned over the district's rising operational costs, which the RTD attributed to rising fuel prices and the hiring of additional employees.

- **T-REX** — T-REX is a $1.67 billion collaborative transportation improvement project between the RTD, the Colorado Department of Transportation (CDOT), the Federal Highway Administration (FHA), and the Federal Transit Administration (FTA). The project began in June of 2001, and completed its final phase in November of 2006. T-REX improvements include highway lane expansions on I-25 and I-225, the addition of 19 miles of light rail from the existing system at Broadway in Denver to Lincoln Avenue and I-25 in Douglas County, and to Parker Road and I-225 in Aurora. Other improvements include enhanced safety, additional shoulders, and improved drainage. The district also noted that through the end of July of 2006, T-REX has contributed a total of $1.07 billion to the Denver regional economy.

- **FasTracks** — FasTracks is the district's 12-year plan to build and operate high speed rail lines and expand and improve bus service and park-n-ride facilities. The plan makes transit improvements to the following nine corridors, six of which are new. The plan, which is expected to be completed in 2016, is estimated to cost $4.7 billion and is being funded through a combination of a RTD district-wide sales tax, local contributions, and federal funds. The RTD discussed the project's funding sources, its implementation schedule, reasons for cost increases, and cost-containment strategies. Finally, the district

discussed some of the project's recent accomplishments, such as the completion of a major environmental impact statement (EIS), and talked about some of the project's upcoming activities, such as completing an EIS for six project development areas. Following are brief descriptions of each of the corridors.

- **Central and Central Platte Valley Corridor**. The Central Corridor is a 5.3-mile line between I-25/Broadway and 30th/Downing in central Denver.

- **East Corridor**. The East Corridor is a 23.6-mile commuter rail extending from the Denver Union Station in downtown Denver to the Denver International Airport.

- **Gold Line**. The Gold Line is an 11.2-mile light rail line extending from the Denver Union Station in downtown Denver to Wheat Ridge.

- **I-225 Corridor**. The I-225 Corridor is a 10.5-mile light rail line connecting the Southeast Corridor light rail station at I-225/Parker Road and the East Corridor at Smith Road/Peoria.

- **North Metro Corridor**. The North Metro Corridor is an 18-mile commuter rail line extending from the Denver Union Station in downtown Denver to 160th Avenue.

- **Southeast Corridor**. The Southeast Corridor is a 19.1-mile light rail extension from 1-25/Broadway to Lincoln Avenue in Douglas County. The corridor has an additional connection from I-25 to Parker Road along I-225. This corridor is complete.

- **Southwest Corridor**. The Southwest Corridor is an 8.7 mile extension from I-25/Broadway to Mineral Avenue in Littleton. This corridor is complete.

- **US 36 Corridor/Longmont Extension**. The US 36 Corridor and Longmont Extension includes a 38.1-mile commuter rail line from the Denver Union Station in downtown Denver to Longmont through Boulder.

- **West Corridor**. The West Corridor is a 12.1-mile light rail line extending from downtown Denver to the County Government Center in Golden.

- **Competitive vehicular service** — The RTD explained that as of January 1, 2006, private contractors operate 53 percent of the district's bus services. State law requires the district to implement a system whereby at least 50 percent of all vehicular service is provided by qualified private businesses pursuant to competitively negotiated contracts.

- **Farebox recovery ratios** — State law requires the district to ensure that at least 30 percent of its operating costs are funded by revenues collected. The RTD provided information to the committee demonstrating that 40.4 percent of its 2006 operating costs ($155.9 million) are funded by revenues from farebox, advertising, and other revenues.

- **Information sharing and coordination efforts** — State law requires the RTD to share information and coordinate its efforts with other agencies in the research, planning, and development of mass transit systems. The RTD presented data on its information sharing with CDOT, cities and counties, utilities, railroads, the FTA, and the Federal Railroad Administration.

Colorado Association of Transit Agencies. The Colorado Association of Transit Agencies (CASTA) provided the committee with information about CASTA. CASTA is a statewide association of transit agencies dedicated to improving mobility for all Coloradans by promoting the development, operation, and enhancement of safe and effective public transportation by working with local, state, and federal legislators. It provides training and secures funding for transit agencies.

No committee recommendation. There were no committee recommendations for legislation related to these discussions.

Motor Vehicle Regulation and Licensure

Real ID Act. The Department of Revenue (DOR) provided the committee with information concerning the impact of the federal REAL ID Act of 2005 and the issuance of driver's licences. The Real ID Act of 2005 authorizes the Department of Homeland Security to establish national standards for state-issued drivers' licences and identification cards. In its presentation, the DOR testified that it currently has certain provisions of the Real ID Act already in place, including:

- the requirement for proof of legal presence to obtain a driver's license;
- a biometric facial recognition and finger printing system;
- association of expiration date of a driver's license to the end of the applicant's stay; and
- online social security number verification.

The Real ID Act provisions must be implemented by states by May 11, 2008. The U.S. Department of Homeland Security is expected to release the national standards by the end of 2006. In addition, the DOR noted that it does not need new legislative authority to implement any of the federal Real ID Act of 2005 provisions. The DOR also updated the committee on efforts to ensure that documents presented to prove citizenship are valid, and specifically noted that Division of Motor Vehicle clerks are being trained.

Emissions testing. In accordance with Section 42-4-305 (11), C.R.S., DOR provided the committee with an annual report regarding emissions inspections for 2005. In 2005, approximately 1.3 million vehicles were tested in both the enhanced and basic areas, with a failure rate of 5.12 percent for the enhanced area and 8.58 percent for the basic area. Emissions testing is repealed for some Colorado cities in 2007, including Fort Collins, Colorado Springs, and Greeley.

The DOR also updated the committee on House Bill 06-1302, recent legislation that creates a new remote sensing emissions inspection program. House Bill 06-1302 eliminates the existing basic emissions program and expands the Clean Screen Program by focusing efforts on remote sensing technology for monitoring vehicle emissions and developing a "high emitter program" that is acceptable to the federal Environmental Protection Agency.

Special license plates. The DOR provided the committee with information about its role in issuing special licence plates and discussed limiting the number of special license plates the state issues. During the 2006 legislative session, eight new group special license plates were created. The DOR testified that it is currently processing 26 applications to create new group special license plates. Also, two approved group special license plates are in the design and standards process.

Minor driver laws. The DOR updated the committee on recent legislation pertaining to minor drivers. House Bill 06-1162 raised the age of minor drivers who are subject to specific restrictions, making 17-year-olds subject to provisions that those 16 and under are subject to currently. Effective July 1, 2006, a driver under the age of 18 cannot transport more than one passenger in the front seat of a vehicle, and the number of passengers in the back seat may not exceed the number of seat belts. House Bill 06-1162 also creates penalties for minors who violate seat belt provisions. Drivers under the age of 18 years whose occupants in motor vehicles are not properly restrained or wearing a seat belt commit a traffic infraction.

The DOR noted that immaturity, inexperience, risk-taking behaviors, and crowded streets have added to the difficulty of monitoring teen driving, and that minor driver laws are designed to provide additional supervision. In addition, the DOR provided statistics on the number of driving violations for teen drivers under the age of 18 for years 2000 through 2005. In 2005, 26 minor drivers were cited with violations for unauthorized passengers statewide.

Regulation of limousines. The Public Utilities Commission (PUC) provided the committee with information regarding passenger carrier vehicles, which are regulated by the PUC. The PUC updated the committee on its safety rules and statutory requirements concerning luxury limousines, taxicabs, shuttle vans and buses, and charter bus operations. Current state law regulates limousines in the following areas:

- safety requirements;
- minimum levels of insurance;
- vehicle qualifications to operate as a luxury limousine; and
- prearranged chartered luxury limousine service.

Current law requires that a limousine have a beverage service, a television, and a telephone to be classified as a luxury limousine. The PUC has safety rules pertaining to luxury limousines in the following areas:

- the display of the vehicle's PUC number or United States Department of Transportation number;
- the driver's qualifications;
- the maximum hours of duty and driving time for drivers; and
- vehicle inspection and record keeping.

In addition, the PUC outlined current civil penalties for statutory or PUC rule violations. The PUC noted that it uses a "risk-based procedure" to determine which vehicle passenger carrier companies to inspect. The PUC has six auditors to inspect passenger carrier companies, and currently there are not PUC rules prohibiting individuals with poor driving records from being hired by passenger carrier companies.

Committee recommendations. Two committee recommendations address the regulation of limousines. The committee recommends Bill A, which establishes a requirement that certain motor vehicle carriers that transport passengers obtain a criminal history record check on their employees and contractors. The committee also recommends Bill D, which repeals the current definition of a luxury limousine and allows the PUC to define a luxury limousine. The bill requires the PUC to promulgate rules governing the standards used to define a luxury limousine, the operational requirements of luxury limousines, and the issuance requirements for carriers exempt from regulations as a public utility.

Trucking industry. Representatives from the Colorado Motor Carriers Association (CMCA) provided the committee with information pertaining to the Colorado trucking industry. CMCA testified that 81 percent of the communities in Colorado are served by the trucking industry. The committee was informed of recent complaints from CMCA members about trucks that fail to obtain a permanent plate and continuously use a temporary tag. CMCA testified that temporary tag fraud may be related to the process of issuance, tracking, or legal loopholes. In addition, CMCA requested legislation that limits temporary tag issuance.

Committee recommendation. The committee recommends Bill C, which addresses concerns regarding the nonpayment of specific ownership taxes when registering a motor vehicle. The bill prohibits the issuance of more than two temporary registration plates, tags, or certificates per Class A or Class B motor vehicles per year. In addition, Bill C increases the penalty for failing to register a motor vehicle two or more times in five years from a Class B traffic infraction to a Class 1 misdemeanor.

Transportation Finance

The Denver Regional Council of Governments (DRCOG) presented information to the committee on transportation finance. DRCOG is a nonprofit association of 52 county and municipal governments. The association discussed current transportation challenges for the Denver region, which include congestion and approximately $25 billion in funding shortfalls. In its presentation, the association stated that current transportation funding sources are unreliable. For example, DRCOG stated that current gas taxes cannot keep pace with inflation and growing needs, Senate Bill 97-01 revenues fluctuate, and that Referendum C revenues are only a short-term solution. DRCOG discussed local efforts to address transportation needs. Accordingly, the association reported that at the county level, county sales taxes, impact fees, and registration fees fund transportation. At the municipal level, municipal sales taxes, property taxes, and debt/bond issuances fund transportation. The association noted that 80 percent of municipal transportation dollars are from sources other than the gas tax.

DRCOG further provided information to the committee on regional, inter-regional, and its association's efforts to address transportation needs. Regionally, the association discussed FasTracks, Referenda C and D, tolling, and regional transportation authorities. At the inter-regional level, DRCOG discussed the Front Range Transportation Forum. On September 21, 2005, representatives from the five front range transportation planning agencies, CDOT, Front Range transit agencies, and state elected officials met for the Front Range Transportation Forum. The forum discussed creating a Front Range transportation plan that addresses transportation, development, open space, and air quality. Finally, DRCOG discussed its newly created Ad Hoc Committee on Transportation Finance, which is a broad coalition of local governments, the RTD, CDOT, the business community, and environmental groups focused on transportation finance solutions.

No committee recommendation. There were no committee recommendations for legislation related to these discussions.

Rail Issues

CDOT's Office of Traffic Safety provided the committee with information concerning rail issues. CDOT oversees programs to improve general highway safety, including rail-highway grade crossing programs. In compliance with federal law, CDOT's Safety and Traffic Engineering Branch developed the Highway Safety Improvement Program which includes the Rail-Highway Grade Crossing Program. The program is aimed at reducing the number and severity of traffic accidents, and decreasing the potential for accidents on all highways in the state. The committee was updated on: railroad systems in the state; types of railroad crossings; grade crossing safety and fatalities; freight relocation; and projects. The committee was provided information concerning fatalities at public railroad crossings. During the years 1995 through 2004, 35 fatalities occurred at public railroad crossings in Colorado.

Union Pacific Railroad (UP) and Burlington Northern Santa Fe Railway (BNSF) provided the committee with information about railroad systems and projects in Colorado. The organizations addressed crossing safety issues and testified that safety records are evaluated when determining which crossings are safety hazards.

Committee recommendations. The committee recommends Bill B, which allows for the abolition of a redundant, non-signalized, and unattended at-grade railroad crossing. The bill responds to safety concerns of railroad representatives pertaining to unnecessary railroad crossings. The bill allows a railroad corporation, the PUC, CDOT, or the local government responsible for supervising and maintaining the highway or road at any at-grade crossing to abolish the crossing without a hearing under specific circumstances.

Public Highway Authorities

The committee received annual reports and project updates from the E-470 and Northwest Parkway Public Highway Authorities. Representatives of the E-470 Public Highway Authority

reviewed monthly traffic and revenue projections and indicated that it currently meets 94.4 percent of projected revenue (159,894 average weekday transactions). The Northwest Public Highway Authority presented information to the committee on its recent decision to seek bids from the private sector to finance, operate, and manage the public highway authority under a lease equity style agreement. According to the authority, there are only three of these types of public-private partnerships in the United States, which are located in Indiana, Illinois, and Virginia. According to the authority, this style of agreement may eliminate the authority's long-term debt. The private equity partner will operate and maintain the parkway, and will also keep the toll revenues. Any changes in toll rates and infrastructure will be jointly agreed upon by the private equity partner and the authority's board of directors.

No committee recommendation. There were no committee recommendations for legislation related to these discussions.

Additional Committee Activities

TLRC charge. Discussions of the committee's scope and charge were part of several committee meetings. State law directs the TLRC to give guidance and direction on the development of the state transportation system and to provide legislative oversight of and input into such development. Specifically, the TLRC is required under Section 43-2-145, C.R.S., to meet at least once a year to review all transportation legislation and make recommendations to the Governor and to the General Assembly for additional legislation as it deems necessary.

In its oversight role, the committee is authorized to develop and make recommendations concerning the financing of the state transportation system. The TLRC is also authorized to review any operations of CDOT, any public highway authority, the RTD, or any regional transportation authority. Further, the committee may review projects once completed to determine whether the project was constructed in the most cost-effective and efficient manner. The committee may also require financial or performance audits to be conducted.

The expressed authority of the TLRC is clearly authorized or charged in statute. The committee has an *implied* authority over agencies or entities that are statutorily required to provide reports or information to the committee. For example, the TLRC has expressed authority over any phase of CDOT operations. However, the TLRC has implied authority, while limited, over some of the DOR's functions by requiring the agency to submit reports to the committee regarding certain department functions, such as requiring the DOR to submit an annual report on its emission programs. In its discussions, the committee expressed the challenges it has faced when considering transportation and highway legislation without considering issues pertaining to motor vehicles and traffic.

Committee recommendations. The committee recommends Bill E, which expands the scope of the TLRC to include issues historically heard by the TLRC and gives it oversight over legislation pertaining to traffic and motor vehicles and licensing of drivers.

Summary of Recommendations

As a result of the committee's activities, six bills were recommended to the Legislative Council. The Legislative Council approved five of the TLRC's recommended bills for introduction. The bills establish a requirement that certain motor vehicle carriers that transport passengers obtain a criminal history record check, allow for the abolition of a redundant railroad crossing, prohibit the avoidance of the registration of motor vehicles, allow the Public Utilities Commission (PUC) to promulgate rules governing luxury limousines, and expand the scope of the TLRC. A bill that would have repealed the limitation on the number of full-time equivalent employees that CDOT employs was not approved by the Legislative Council for introduction. The approved bills are described below.

Bill A — Concerning A Requirement that Certain Motor Vehicle Carriers that Transport Passengers Obtain a Criminal History Record Check

Bill A establishes a requirement that certain motor vehicle carriers that transport passengers obtain a criminal history record check on their employees and contractors. Specifically, a person who offers services by charter or scenic bus, fire crew transport, luxury limousine, off-road scenic charter, or children's activity bus will be required to ensure that fingerprints of their employees and contractors are taken within 30 days of employment for purposes of conducting criminal history record checks. The bill requires the motor carriers to pay for the fingerprinting and requires the Colorado Bureau of Investigation to conduct a state and federal criminal history record check using the fingerprints.

Bill B — Concerning the Authorization for the Abolition of a Redundant, Non-signalized, and Unattended At-grade Railroad Crossing Without a Hearing Before the Public Utilities Commission

Bill B allows for the abolition of a redundant, non-signalized, and unattended at-grade railroad crossing. A railroad corporation, the PUC, CDOT, or the local government responsible for supervising and maintaining the highway or road at any at-grade crossing is authorized to abolish the crossing without a hearing if: the crossing is without gates, signals, alarm bells, or warning personnel and is located within a specified distance of a crossing with gates, signals, alarm bells, or warning personnel. Further, the crossing may not be the only crossing that provides access to property, and the party responsible for the crossing must give written notice of the proposed abolition at least 60 days prior to the abolition. Bill B disallows the abolition if written objection is filed within 60 days of the written notice. The objection must include a written statement by an engineer indicating that the engineer is familiar with all aspects of the crossing and that the crossing is safe for use as designed. Objection is not allowed if the abolition is initiated by the PUC.

Bill C — Concerning the Avoidance of Registration of Motor Vehicles

Bill C prohibits the issuance of more than two temporary registration plates, tags, or certificates per Class A or Class B motor vehicle per year. The bill requires the DOR to track the number of temporary registration plates, tags, or certificates issued to a motor vehicle through the vehicle identification number. In addition, the bill increases the penalty for failing to register a motor vehicle two or more times in five years from a Class B traffic infraction to a Class 1 misdemeanor.

Bill D — Concerning the Public Utilities Commission's Duty to Promulgate Rules Regulating Carriers Exempt from Regulation as a Public Utility

Bill D repeals this definition of a luxury limousine and allows the PUC to define a luxury limousine. The bill requires the PUC to promulgate rules governing the standards used to define a luxury limousine, the operational requirements of luxury limousines, and the insurance requirements for carriers exempt from regulation as a public utility.

Bill E — Concerning the Scope of Jurisdiction of the Transportation Legislation Review Committee

Bill E expands the scope of the TLRC to include issues historically heard by the TLRC and gives it oversight over legislation pertaining to traffic and motor vehicles and licensing of drivers. The bill authorizes the TLRC to give guidance and direction to agencies and political subdivisions of Colorado that administer such laws.

Resource Materials

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303-866-2055). The meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2006/comsched/06TLRCSched.htm.

Meeting Summaries	Topics Discussed
June 27, 2006	Clean Screen Program, the Real ID Act, the classification of scooters, and minor driver laws, and special license plates all presented by the Department of Revenue; the Multistate Highway Transportation Agreement presented by Representative Mark Larson; and the regulation of limousines presented by the Public Utilities Commission.
July 27, 2006	Briefing by the Colorado Department of Transportation; rail issues; maximum vehicle weight limits on state highways; speed limits; Colorado Department of Transportation budget.
August 29, 2006	Briefings by the Regional Transportation District, the Northwest Public Highway Authority, the E-470 Public Highway Authority, the Colorado Motor Carriers Association, the Denver Regional Council of Governments, Ports to Plains Corridor, and the Colorado Tolling Enterprise; temporary tag fraud.
September 5, 2006	Legislative proposals to be drafted by the Office of Legislative Legal Services; TLRC members' legislative proposals.
September 28, 2006	Presentation/amendment/adoption of TLRC legislation; briefing by the Colorado Association of Transit Agencies.

Staff Memoranda and Reports

Staff Memoranda

Fraudulent Identification Cards, Driver's Licences, and Motor Vehicles, Memorandum prepared by Legislative Council Staff, June 23, 2006.

Personal Transportation Devices and Roadworthy Vehicle Standards, Memorandum prepared by Legislative Council Staff, June 23, 2006.

Agriculture Vehicle Regulations and Routing of Extra-Legal Vehicles or Loads, Memorandum prepared by Legislative Council Staff, July 20, 2006.

Transportation Funding, Memorandum prepared by Legislative Council Staff, July 21, 2006.

Wadsworth Bypass Project, Memorandum prepared by Legislative Council Staff, July 21, 2006.

Public Highway Authorities, Memorandum prepared by Legislative Council Staff, August 24, 2006.

Reports

Annual Report Regarding Emissions Inspections for 2005, Report prepared by the Department of Revenue, June 27, 2006.

Annual Report Regarding Northwest Parkway Public Highway Authority for 2005, Report prepared by the Northwest Parkway Public Highway Authority, August 29, 2006.

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 07-0065.01 Steve Miller **HOUSE BILL**

HOUSE SPONSORSHIP
Pommer, Berens, Borodkin, Green, Kerr J., McFadyen, and Rose

SENATE SPONSORSHIP
Williams, Isgar, May R., Spence, and Takis

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN MOTOR VEHICLE**
102 **CARRIERS THAT TRANSPORT PASSENGERS OBTAIN CRIMINAL**
103 **HISTORY RECORD CHECKS.**

Bill Summary

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

Transportation Legislation Review Committee. Requires certain motor vehicle carriers that transport passengers to obtain employees' and contractors' fingerprints for purposes of conducting criminal history record checks. Requires the Colorado bureau of investigation to conduct a state and federal criminal history record check using the fingerprints.

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

SECTION 1. 40-16-103, Colorado Revised Statutes, is amended to read:

40-16-103. Registration requirements. No person may offer services pursuant to this article without first having registered with the commission. Such registration shall include the name and address of the registrant, ~~and~~ proof of insurance as required by section 40-16-104, AND PROOF OF CRIMINAL HISTORY RECORD CHECKS, AS REQUIRED BY SECTION 40-16-104.5.

SECTION 2. Article 16 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-16-104.5. Criminal history record check - passenger transport drivers. (1) A PERSON WHO OFFERS SERVICES BY CHARTER OR SCENIC BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OFF-ROAD SCENIC CHARTER, OR CHILDREN'S ACTIVITY BUS SHALL, WITHIN THIRTY DAYS AFTER EMPLOYING OR CONTRACTING WITH AN INDIVIDUAL TO DRIVE A MOTOR VEHICLE IN CONNECTION WITH THE SERVICE, HAVE THE INDIVIDUAL'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE PERSON WHO OFFERS THE SERVICE SHALL SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO THE LOCAL LAW ENFORCEMENT AGENCY FOR THE FINGERPRINTS AND TO THE COLORADO BUREAU OF INVESTIGATION FOR THE ACTUAL COSTS OF THE CRIMINAL HISTORY RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS,

1 THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
2 FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
3 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND
4 THE FEDERAL BUREAU OF INVESTIGATION.
5 (2) A PERSON WHO OFFERS SERVICES BY CHARTER OR SCENIC BUS,
6 FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OFF-ROAD SCENIC CHARTER,
7 OR CHILDREN'S ACTIVITY BUS AND WHO, PRIOR TO THE EFFECTIVE DATE OF
8 THIS SECTION, EMPLOYS OR CONTRACTS WITH INDIVIDUALS WHO DRIVE A
9 MOTOR VEHICLE IN CONNECTION WITH THE SERVICE, SHALL COMPLY WITH
10 THE FINGERPRINTING REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION
11 WITH REGARD TO THE INDIVIDUALS WITHIN THIRTY DAYS AFTER THE
12 EFFECTIVE DATE OF THIS SECTION.
13 **SECTION 3.** Article 10 of title 40, Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW SECTION to read:
15 **40-10-105.5. Criminal history record check - taxicab drivers.**
16 (1) A HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
17 THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB SHALL HAVE,
18 WITHIN THIRTY DAYS AFTER EMPLOYING OR CONTRACTING WITH AN
19 INDIVIDUAL TO DRIVE A TAXICAB, THE INDIVIDUAL'S FINGERPRINTS TAKEN
20 BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING
21 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE HOLDER
22 OF THE CERTIFICATE SHALL SUBMIT PAYMENT BY CERTIFIED CHECK OR
23 MONEY ORDER TO THE LOCAL LAW ENFORCEMENT AGENCY FOR THE
24 FINGERPRINTS AND TO THE COLORADO BUREAU OF INVESTIGATION FOR
25 THE ACTUAL COSTS OF THE CRIMINAL HISTORY RECORD CHECK AT THE
26 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
27 INVESTIGATION. UPON RECEIPT OF THE FINGERPRINTS AND RECEIPT OF THE

1 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
2 CONDUCT A STATE AND FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY
3 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
4 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.
5 (2) A HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND
6 NECESSITY THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB WHO,
7 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, EMPLOYS OR CONTRACTS
8 WITH INDIVIDUALS TO DRIVE A TAXICAB, SHALL COMPLY WITH THE
9 FINGERPRINTING REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION WITH
10 REGARD TO THE INDIVIDUALS WITHIN THIRTY DAYS AFTER THE EFFECTIVE
11 DATE OF THIS SECTION.
12 **SECTION 4. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

Bill B

LLS NO. 07-0066.02 Jason Gelender **SENATE BILL**

SENATE SPONSORSHIP
Takis, Isgar, May R., and Williams

HOUSE SPONSORSHIP
Kerr J., Berens, Borodkin, Green, McFadyen, Pommer, and Rose

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE ABOLITION OF A REDUNDANT,**
102 **NONSIGNALIZED, AND UNATTENDED AT-GRADE RAILROAD**
103 **CROSSING WITHOUT A HEARING BEFORE THE PUBLIC UTILITIES**
104 **COMMISSION.**

Bill Summary

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

Transportation Legislation Review Committee. Allows the affected railroad corporation (corporation), the public utilities commission (commission), the department of transportation (department), or the local government responsible for supervising and maintaining the

highway or road at any crossing at grade of any public highway or road over the tracks of a corporation to abolish the crossing without a hearing before the commission as required under existing law if:

- The crossing is without gates, signals, alarm bells, or warning personnel and is located within a specified distance of a crossing with gates, signals, alarm bells, or warning personnel;
- The crossing is not the only crossing that provides access to property; and
- No less than a specified number of days prior to the proposed abolition date, the corporation, commission, department, or local government posts conspicuous notice of the proposed abolition at the crossing and gives written notice of the proposed abolition to the other interested entities.

Allows a timely objection to the abolition to be filed that includes a written statement by a professional engineer licensed to practice in Colorado indicating that the engineer is familiar with the new expedited abolition provisions and all relevant aspects of the crossing and has examined the crossing and believes that it is safe as designed. If a timely proper objection is filed, allows abolition of a crossing only after a hearing before the commission as authorized by existing law.

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

2 **SECTION 1.** 40-4-106 (3) (a), Colorado Revised Statutes, is
3 amended to read:

4 **40-4-106. Rules for public safety - crossings - allocation of**
5 **expenses.** (3) (a) (I) The commission also has power upon its own
6 motion or upon complaint and after hearing, of which all the parties in
7 interest including the owners of adjacent property shall have due notice,
8 to order any crossing constructed at grade or at the same or different
9 levels, to be relocated, altered, or abolished, according to plans and
10 specifications to be approved and upon just and reasonable terms and
11 conditions to be prescribed by the commission, and to prescribe the terms
12 upon which the separation should be made and the proportion in which
13 the expense of the alteration or abolition of the crossing or the separation

of the grade should be divided between the railroad corporations affected or between the corporation and the state, county, municipality, or public authority in interest.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE AFFECTED RAILROAD CORPORATION, THE COMMISSION, THE DEPARTMENT OF TRANSPORTATION, OR THE LOCAL GOVERNMENT RESPONSIBLE FOR SUPERVISING AND MAINTAINING THE INTERSECTING PUBLIC HIGHWAY OR ROAD MAY ABOLISH ANY CROSSING AT GRADE OF ANY PUBLIC HIGHWAY OR ROAD OVER THE TRACKS OF A CORPORATION IF:

(A) THE CROSSING IS WITHOUT GATES, SIGNALS, ALARM BELLS, OR WARNING PERSONNEL AND IS LOCATED WITHIN ONE-QUARTER MILE OF A CROSSING WITH GATES, SIGNALS, ALARM BELLS, OR WARNING PERSONNEL;

(B) THE CROSSING IS NOT THE ONLY CROSSING THAT PROVIDES ACCESS TO PROPERTY;

(C) NO LESS THAN SIXTY DAYS PRIOR TO THE PROPOSED ABOLITION DATE, THE RAILROAD CORPORATION, COMMISSION, DEPARTMENT OF TRANSPORTATION, OR LOCAL GOVERNMENT POSTS CONSPICUOUS NOTICE OF THE PROPOSED ABOLITION AT THE CROSSING AND GIVES WRITTEN NOTICE OF THE PROPOSED ABOLITION TO ALL OTHER ENTITIES AUTHORIZED TO INITIATE ABOLITION OF THE CROSSING PURSUANT TO THIS SUBPARAGRAPH (II); AND

(D) NEITHER ANY ENTITY GIVEN NOTICE NOR ANY OTHER INTERESTED PARTY FILES AN OBJECTION TO THE ABOLITION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (a).

(III) A CROSSING SHALL NOT BE ABOLISHED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) IF AN ENTITY GIVEN NOTICE

PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) OR ANY OTHER INTERESTED PARTY, WITHIN SIXTY DAYS OF RECEIVING SUCH NOTICE, FILES WITH THE COMMISSION AND PROVIDES TO THE ENTITY THAT GAVE NOTICE OF THE PROPOSED ABOLITION A WRITTEN OBJECTION TO THE ABOLITION. THE WRITTEN OBJECTION SHALL INCLUDE A STATEMENT BY A PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN COLORADO THAT INDICATES THAT THE ENGINEER IS FAMILIAR WITH THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND ALL RELEVANT ASPECTS OF THE CROSSING AND HAS EXAMINED THE CROSSING AND BELIEVES THAT IT IS SAFE AS DESIGNED. HOWEVER, NOTHING IN THIS SUBPARAGRAPH (III) SHALL PRECLUDE THE ABOLITION OF THE CROSSING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 07-0062.01 Jery Payne **HOUSE BILL**

HOUSE SPONSORSHIP

McFadyen, Berens, Borodkin, Green, Kerr J., Pommer, and Rose

SENATE SPONSORSHIP

May R., Hagedorn, Isgar, Spence, Takis, and Williams

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE AVOIDANCE OF REGISTRATION OF MOTOR VEHICLES.**

Bill Summary

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

Transportation Legislation Review Committee. Increases to a class 1 misdemeanor the penalty for failing to register a motor vehicle 2 or more times in 5 years. Prohibits the issuance of more than 2 temporary registrations per year to a Class A or Class B motor vehicle unless the delay is caused by a title or lien problem as specified by rule promulgated by the department of revenue.

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

SECTION 1. 42-3-103 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-3-103. Registration required - exemptions. (1) (c) A PERSON WHO VIOLATES THIS SUBSECTION (1) TWO OR MORE TIMES IN FIVE YEARS COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

SECTION 2. 42-3-203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-3-203. Standardized plates - rules. (3) (c) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THE DEPARTMENT SHALL NOT ISSUE MORE THAN TWO TEMPORARY REGISTRATION NUMBER PLATES, TAGS, OR CERTIFICATES PER YEAR TO A CLASS A OR CLASS B MOTOR VEHICLE.

(II) THE DEPARTMENT SHALL TRACK BY VEHICLE IDENTIFICATION NUMBER THE NUMBER OF TEMPORARY REGISTRATION NUMBER PLATES, TAGS, OR CERTIFICATES ISSUED TO A MOTOR VEHICLE.

(III) THE DEPARTMENT MAY PROMULGATE RULES AUTHORIZING THE ISSUANCE OF MORE THAN TWO TEMPORARY REGISTRATION NUMBER PLATES, TAGS, OR CERTIFICATES PER YEAR IF THE MOTOR VEHICLE TITLE WORK OR LIEN PERFECTION HAS CAUSED THE NEED FOR SUCH ISSUANCE.

SECTION 3. Effective date. This act shall take effect July 1, 2007.

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

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 07-0064.01 Jery Payne **HOUSE BILL**

HOUSE SPONSORSHIP
Green, Berens, Borodkin, Kerr J., McFadyen, Pommer, and Rose

SENATE SPONSORSHIP
Hagedorn, Isgar, May R., Spence, Takis, and Williams

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE PUBLIC UTILITIES COMMISSION'S DUTY TO**
102 **PROMULGATE RULES REGULATING CARRIERS EXEMPT FROM**
103 **REGULATION AS A PUBLIC UTILITY.**

Bill Summary

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

Transportation Legislation Review Committee. Requires the public utilities commission to promulgate rules governing:

- The standards used to define a luxury limousine;
- The operational requirements of luxury limousines; and
- Insurance requirements for carriers exempt from regulation as a public utility.

Makes conforming amendments.

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

SECTION 1. 40-16-101 (3) and (6.3), Colorado Revised Statutes, are amended to read:

40-16-101. Definitions. As used in this article, unless the context otherwise requires:

(3) (a) "Luxury limousine" means a chauffeur-driven, luxury motor vehicle ~~with a rear seating capacity of three or more, for hire on a prearranged, charter basis to transport passengers in luxury limousine service, that:~~ AS DEFINED BY THE COMMISSION.

~~(I) Is not identified by exterior signs or graphics other than license plates;~~

~~(II) Is not equipped with a taxicab meter or other device for measuring time or mileage other than a factory-installed odometer;~~

~~(III) Offers luxury features that shall include, but need not be limited to, television, telephone, and beverages as specified by rules of the commission; and~~

~~(IV) In addition, qualifies for inclusion in one of the following categories:~~

~~(A) Stretched limousine, which is a motor vehicle, originally designed as a luxury motor-driven passenger vehicle, whose wheelbase has been lengthened beyond the manufacturer's original specifications, whether at the manufacturer's factory or otherwise, and that meets applicable standards of the federal department of transportation.~~

~~(B) Executive sedan, which is a full-size, four-door, luxury sedan or sports utility vehicle with a seating capacity of at least five, not~~

~~including the driver, that has not been altered from the manufacturer's original specifications.~~

~~(C) Executive van, which is a van with a rear seating capacity of seven or more that may be of standard manufacturer's specifications, but may have been altered from the manufacturer's original specifications, and that meets applicable standards of the federal department of transportation.~~

~~(D) Luxury vehicle, which is a luxury motor vehicle with a seating capacity of no more than five, not including the driver, that either has a National Automobile Dealers' Association (NADA) "blue book" retail value exceeding fifty thousand dollars at the time of registration or has a manufacturer's suggested retail price exceeding fifty thousand dollars and was purchased new during the current model year by a luxury limousine registrant.~~

~~(E) Discretionary vehicle, which is any other luxury motor vehicle that, in the commission's discretion, qualifies as a luxury limousine.~~

(b) ~~An applicant for a luxury vehicle registration pursuant to sub-subparagraph (D) of subparagraph (IV) of paragraph (a) of this subsection (3) shall supply proof of the value of the vehicle in the form of either:~~

~~(I) Reference to the most recent available edition of the NADA "blue book", where applicable; or~~

~~(II) A sales receipt and affidavit confirming the actual price of the vehicle, where applicable. The fifty-thousand-dollar threshold value set forth in said sub-subparagraph (D) shall be adjusted annually, on July 1 of each year, based upon the consumer price index for the Denver-Boulder-Greeley area as published by the federal bureau of labor~~

~~statistics.~~

(c) ~~"Luxury limousine" does not include a taxicab.~~

(d) ~~If the commission questions whether a specific vehicle is a luxury limousine, it may determine if such vehicle is a luxury limousine when application is made for vehicle identification as required by section 40-2-110.5.~~

(6.3) ~~"Prearranged", in reference to a transportation service, means that the transportation has been arranged or reserved by mail, telephone, telefacsimile, or computer before the carrier begins to render the transportation service or any service ancillary to the transportation, such as loading of baggage.~~

SECTION 2. Repeal. 40-16-102.5, Colorado Revised Statutes, is repealed as follows:

~~40-16-102.5. Luxury limousines - operational requirements.~~ ~~Luxury limousine service shall be provided on a prearranged basis only. A luxury limousine company shall, at all times when providing service, carry in each vehicle a manifest or charter order containing the name and pickup address of the passengers who have arranged for use of the vehicle. Such manifest or charter order shall be made available immediately upon request to any authorized representative of the commission, a law enforcement agency, or an airport authority. The fact that a luxury limousine operator stations equipment at an airport, in front of or across the street from a hotel or motel, or within one hundred feet of a recognized taxicab stand without a completed charter order in the vehicle shall constitute prima facie evidence that the operator is operating an illegal taxicab service.~~

SECTION 3. 40-16-103, Colorado Revised Statutes, is amended

to read:

40-16-103. Registration requirements. No person may offer services pursuant to this article without first having registered with the commission. Such registration shall include the name and address of the registrant and proof of ANY insurance ~~as~~ required by ~~section 40-16-104~~ RULE.

SECTION 4. 40-16-103.6 (1) and (3), Colorado Revised Statutes, are amended to read:

40-16-103.6. Enforcement - revocation of registration - rules. (1) ~~The commission shall revoke the registration of any person not complying with the insurance requirements of this article or who fails to maintain with the commission the name and address of the agent of such person upon whom any process, notice, or demand required or permitted by law to be served upon the person may be served until such person attains such compliance. Such revoked registration shall be reinstated within a time period, and in accordance with such rules, as may be established by the commission.~~

(3) A person whose registration has been revoked for cause more than twice shall not be eligible for reregistration for at least two years after the date of the third such revocation. In the case of an entity other than an individual, such two-year period of ineligibility shall also apply to all principals, officers, and directors of the entity, whether or not any such principal, officer, or director applies individually or as a principal, officer, or director of the same or a different entity. As used in this subsection (3), a revocation "for cause" does not include a revocation for failure to carry ~~the~~ ANY required insurance unless it is shown that the person knowingly operated without insurance.

SECTION 5. 40-16-103.8, Colorado Revised Statutes, is amended to read:

40-16-103.8. Rules. The commission shall promulgate ~~such~~ rules governing the operations AND INSURANCE REQUIREMENTS of motor vehicle carriers exempt from regulation as public utilities as may be necessary ~~for the effective administration of this article~~ TO ENSURE PUBLIC SAFETY, CONSUMER PROTECTION, AND THE PROVISION OF SERVICES TO THE PUBLIC.

SECTION 6. Repeal. 40-16-104, Colorado Revised Statutes, is repealed as follows:

40-16-104. Insurance requirements. ~~(1) Each motor vehicle carrier exempt from regulation as a public utility shall maintain a motor vehicle liability insurance policy, a surety bond providing similar coverage, or a certificate of self-insurance issued pursuant to section 42-7-501, C.R.S. The insurance policy or surety bond shall be issued by an insurance carrier or surety company authorized to do business in Colorado for each motor vehicle of such carrier. The liability insurance or surety bond shall be in the amounts and in the form specified by rule of the commission.~~

~~(1.5) Property carriers by motor vehicle shall maintain, in addition to the insurance specified in subsection (1) of this section, cargo insurance in the amounts and in the form specified by rule of the commission.~~

~~(2) Each motor vehicle carrier exempt from regulation as a public utility shall maintain with the public utilities commission of this state adequate written documentation that the carrier maintains a motor vehicle liability insurance policy, a surety bond, or a certificate of self-insurance,~~

~~in accordance with this section. Such insurance policy or surety bond shall be kept continuously effective during the life of a registration, and the commission shall require such evidence of continued validity as it deems necessary. No termination of an insurance policy or surety bond shall be valid unless the insurer or surety company has notified both the holder of the policy or bond and the commission at least thirty days prior to such termination.~~

SECTION 7. Effective date. This act shall take effect July 1, 2007.

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

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL E

LLS NO. 07-0068.01 Jery Payne **HOUSE BILL**

HOUSE SPONSORSHIP

Rose, Berens, Borodkin, Gardner, Green, Kerr J., McFadyen, and Pommer

SENATE SPONSORSHIP

Williams, Hagedorn, Isgar, May R., Spence, and Takis

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING THE SCOPE OF JURISDICTION OF THE TRANSPORTATION**
102 **LEGISLATION REVIEW COMMITTEE.**

Bill Summary

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

Transportation Legislation Review Committee. Expands the scope of the transportation legislation review committee to include the regulation of traffic, licensing of drivers, registration and titling of motor vehicles, and oversight of the agencies and political subdivisions of Colorado that administer such laws.

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

SECTION 1. 43-2-145 (1), Colorado Revised Statutes, is amended to read:

43-2-145. Transportation legislation review - committee. (1) (a) THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE IS HEREBY CREATED in order to give guidance and direction to:

(I) The department of transportation in the development of the state transportation system and to provide legislative overview of and input into such development; ~~there is hereby created the transportation legislation review committee.~~

(II) THE DEPARTMENT OF REVENUE IN THE REGULATION OF TRAFFIC, THE LICENSING OF DRIVERS, AND REGISTRATION AND TITLING OF MOTOR VEHICLES; AND

(III) ANY STATE AGENCY OR POLITICAL SUBDIVISION OF COLORADO THAT REGULATES MOTOR VEHICLES OR TRAFFIC.

(b) The committee shall meet at least once each year to review ~~all~~ transportation, TRAFFIC, AND MOTOR VEHICLE legislation and may consult with experts in the ~~field~~ FIELDS of TRAFFIC REGULATION, THE LICENSING OF DRIVERS, THE REGISTRATION AND TITLING OF MOTOR VEHICLES, AND highway construction and planning ~~or~~ AND MAY CONSULT with THE personnel of the department of transportation OR THE DEPARTMENT OF REVENUE as may be necessary. All personnel of the department of transportation, DEPARTMENT OF REVENUE, OR ANY STATE AGENCY OR POLITICAL SUBDIVISION OF COLORADO THAT REGULATES MOTOR VEHICLES OR TRAFFIC shall cooperate with the committee and with any persons assisting the committee in carrying out its duties pursuant to this section. The committee may review any phase of department of transportation

operations, including planning and construction of highway projects, prior to and during the completion of such projects.

(c) The committee may also conduct a postoperation review of such projects to determine whether the project was completed in the most cost-effective and efficient manner. The committee may require the department of transportation to prepare and adopt five-, ten-, and fifteen-year plans for the development of the state transportation system, and the committee shall monitor the progress of such plans. The committee may also require financial or performance audits to be conducted. Upon completion of its review of the transportation laws, the committee shall make recommendations to the governor and to the general assembly for such additional legislation as it deems necessary. The committee shall also develop and make recommendations concerning the financing of the state transportation system. Legislation recommended by the committee shall be treated as legislation recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.