

Final
STAFF SUMMARY OF MEETING

TRANSPORTATION LEGISLATION REVIEW COMMITTEE

Date: 10/08/2013

ATTENDANCE

Time: **09:00 AM to 03:51 PM**

Place: HCR 0107

This Meeting was called to order by
Representative Tyler

This Report was prepared by
Kristen Johnson

Baumgardner	X
Buck	E
Coram	E
Everett	*
Fischer	E
Jones	X
King	E
Kraft-Tharp	X
Lawrence	X
Lee	E
Mitsch Bush	X
Moreno	E*
Peniston	X
Primavera	X
Scott	X
Todd	E*
Heath	X
Tyler	X

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Colorado Department of Transportation Report	Witness Testimony and/or Committee Discussion Only
Briefing by Action 22	Witness Testimony and/or Committee Discussion Only
Briefing by MPACT 64	Witness Testimony and/or Committee Discussion Only
Regional Transportation District Report	Witness Testimony and/or Committee Discussion Only
High Performance Transportation Enterprise	Witness Testimony and/or Committee Discussion Only
Briefing from Colorado Contractors Association	Witness Testimony and/or Committee Discussion Only
Briefing by Truckers for Common Sense	Witness Testimony and/or Committee Discussion Only
Discussion on Legislation	Witness Testimony and/or Committee Discussion Only

09:02 AM -- Colorado Department of Transportation Report

Representative Tyler, chair, called the meeting to order and welcomed the committee and audience members to the meeting. He thanked the Colorado Department of Transportation (CDOT) for their work on the state's roads as part of the flood recovery effort. Senator Heath thanked CDOT for their work to repair the roads that were impacted by the flood in his district.

Mr. Donald Hunt, Executive Director, Mr. Tim Harris, Chief Engineer, and Mr. Scott Richrath, Chief Financial Officer, CDOT, came to the table to brief the committee. A hardcopy version of the presentation was provided to the committee (Attachment A). Mr. Hunt discussed public and private partnerships and what can be accomplished when groups work together. He discussed the flood recovery efforts that CDOT is taking and said that access will be restored to all closed highways by December 1, 2013. He said that there were 27 closures and that 19 of those closures have been reopened already, and that current damage estimates to the state's roads and bridges as a result of the flooding amount to over \$400 million. He said that about 200 miles of state highways were closed, damaged, or destroyed. He discussed the Infrastructure Recovery Force that was created within CDOT in response to the disaster and said that an office has been set up in Loveland, Colorado to give cities and counties a point of access to talk about the recovery. Committee discussion ensued about matching funds.

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09:14 AM

Mr. Harris continued the presentation by discussing the flood damage that occurred in the Big Thompson Canyon, the North and South St. Vrain Canyons, Boulder Canyon, Waldo Canyon, and Coal Creek Canyon. He said that the Big Thompson Canyon was the most damaged corridor, and that there are five bridges that remain inaccessible to CDOT. He said that the Colorado National Guard is currently working to repair damage in the North St. Vrain Canyon between Lyons and Estes Park, Colorado. Senator Heath stated that the river near Lyons, Colorado has moved about 200 feet to the south and that the bridge in the town no longer has a river beneath it. Mr. Harris stated that it is undecided if the river's flow will be returned to its previous position. Senator Jones stated that the river jumped its channel east of Lyons, Colorado as well. Committee discussion ensued about the impact of the flood on private property.

Mr. Harris discussed the amount of damage that occurred on U.S. 34 east, and on State Highways 7, 72, and 119. Representative Kraft-Tharp commented on the impact of having Indiana Street in Jefferson County closed, saying that it has caused large traffic jams across the northern part of the county. The committee discussed how Federal Emergency Management Agency (FEMA) funds can be used, and Mr. Richrath said that the money can be used to create a 15 percent betterment above the pre-flood road conditions. Mr. Hunt stated that CDOT does not deal directly with FEMA money.

Mr. Hunt continued with the presentation, and discussed the Federal Highway Administration (FHWA) emergency relief funds that CDOT is seeking under two executive orders, D 2013-026 and D 2013-027, from Governor Hickenlooper. He said that one of the executive orders also allows certain laws and regulations to be suspended if strict compliance delays recovery efforts.

09:36 AM

Mr. Richrath discussed funding for the recovery efforts, stating that CDOT has a budget line item that is used for emergency projects and events and that the Transportation Commission authorized over \$100 million for flood-related repairs. He said that these funds are accessible immediately. He discussed the FHWA Emergency Relief Program, which has already provided \$35 million for Colorado during the flooding. He said that federal funds are available, but are capped at \$100 million per disaster and that Colorado's congressional members introduced legislation to increase the cap to \$500 million per disaster for Colorado. He discussed the general CDOT budget and said that the majority of the funds are spent on asset management and maintenance, and that there is no real funding identified for new capacity. He discussed the Responsible Acceleration of Maintenance and Partnerships (RAMP) program and talked about the process for determining the projects that receive funding under the program.

09:43 AM

Mr. Harris continued to discuss the RAMP program. Committee discussion ensued about project selection under RAMP and FHWA matching requirements.

09:55 AM

The committee took a brief recess.

10:05 AM -- Briefing by Action 22, Inc.

Representative Tyler called the committee back to order. Ms. Cathy Garcia, President and CEO, Action 22, Inc., began her presentation to the committee. Ms. Garcia provided background information on Action 22, Inc. and distributed a handout to the committee (Attachment B). She said that her organization works to identify extra money and funding that can be used by cities and counties for the transportation needs that are most pressing to them, such as bike paths, road shoulders, passing lanes, and snow plowing. She said that there are grants available, but that most require matching funds, which communities are not able to provide. She discussed her handout. She said that the expansion of State Highways 50 and 160 will bolster the economy in the communities surrounding those roads and that enhancing the highways by adding passing lanes will assist in moving traffic and preventing safety issues.

Senator Todd thanked Ms. Garcia for her work and resourcefulness. Representative Peniston thanked Ms. Garcia and stated that passing lanes are an issue for communities all over the state. Representative Tyler asked about citizen support for transportation needs and if voters in the Action 22, Inc. counties would be amiable to a tax increase that would fund transportation improvements in their communities. Ms. Garcia responded that she believes citizens will be supportive if they are shown that the money is being used in a way that meets the needs of their community.

10:18 AM

The committee took a brief recess to bring up the next presenter.

10:20 AM -- Briefing by MPACT 64

Representative Tyler called the committee back to order and invited Mayor Jim Gunning, City of Lone Tree, and Co-Vice Chair of the Metro Mayors Caucus, to the table. Mayor Gunning provided background information on MPACT 64 and distributed a handout to the committee (Attachment C). He talked about citizen polling that was administered in November 2012 concerning a gas tax. He said that the results were very negative on a gas tax, and that they were also very negative on the idea of a Vehicle Miles Traveled (VMT) tax. He stated that voters were more favorable of a sales tax, with roughly 70 percent of respondents in favor of a .7 percent sales tax increase. He said that voters do understand the importance of transportation and that statewide transit groups have come up with how they would use funds received from a sales tax increase. He explained that additional polling has been conducted and that the results will be available to him in November 2013, and that deeper discussion will take place based on the results.

Representative Mitsch Bush asked if there are specific projects that citizens would see being completed in their communities and if there would be a sunset on the sales tax. Mayor Gunning responded that there would be a 10 year sunset. He continued to discuss the idea of a gas tax and said that even with a 10 cent per gallon gas tax, the state still will not reach the revenues needed. Senator Heath asked how much revenue a 10 cent gas tax would provide. Mayor Gunning said that it would bring in about \$605 million over 10 years. Representative Tyler asked how to get citizens excited about a transportation tax. Mayor Gunning responded that in the polling, the voter has displayed concern about transportation and that the voters will take a very serious look at this if it shows up on the ballot. Representative Mitsch Bush commented on her district's support of a sales tax which enabled them to bring airlines to their community.

10:43 AM

Senator Todd asked about the structure of the MPACT 64 meetings. Mayor Gunning responded that the group meets monthly and that the meetings are open to the public. Committee discussion ensued about the best way to gain voter support for a tax increase for transportation needs. Mayor Gunning discussed the way a new tax might be distributed. He discussed the Regional Transportation District's (RTD) FasTracks plan.

10:58 AM

Senator Jones commented that his constituents feel like they are subsidizing other parts of the state, especially the Denver Metro area, and that they expect the rail lines that they were promised. Representative Peniston commented that the people in her district don't see robust Bus Rapid Transit (BRT) as important, but rather see light rail as the future. Mayor Gunning talked about people's perception of light rail as being better than their perception of buses. He discussed educating the voters about the differences between these two modes of transportation, and elected officials' responsibility to speak with voters about the facts and issues.

11:13 AM

The committee recessed for lunch.

01:01 PM -- Regional Transportation District Report

Representative Tyler called the committee back to order. Ms. Lorraine Anderson, Chair of the Board of Directors, Mr. Phillip Washington, General Manager and CEO, and Mr. Chris Quinn, Project Manager, Regional Transportation District (RTD), came to the table to brief the committee. A handout was provided to the committee (Attachment D). Mr. Washington provided background information on RTD and described the area that RTD services. He said that RTD provides transit service to about 2,400 square miles, which includes 40 municipalities and approximately 57 percent of the state's population. He said that RTD is one of the largest transit systems in the nation and operates over 1,500 vehicles, and had nearly 100 million passenger boardings in the year 2012. He talked about RTD's contracted bus services. He discussed the FasTracks plan, which will provide 122 miles of light rail and commuter rail, 18 miles of BRT service, 31 new Park-n-Rides, and will include the redevelopment of Denver Union Station. He discussed the progress of the plan and the status of ongoing projects.

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01:16 PM

Mr. Washington talked about the Free Metro Ride that will provide additional transit capacity between Denver Union Station and the Civic Center area. He said that the new service will complement the existing shuttle service that currently runs along the 16th Street Mall. Senator Todd asked if light rail will move northward. Mr. Washington responded that the FasTracks plan includes commuter rail for the northern metro areas. He discussed the benefits of BRT and the way buses will use the shoulder along U.S. 36 during low traffic speed times. He said that the vehicles for the U.S. 36 BRT will be purchased in January, 2014 and will begin operating in the year 2016.

01:28 PM

Mr. Washington talked about extension projects that are in progress, and said that RTD was accepted into the project development phase of the Federal New Starts Grant Funding process for a southeast extension. He said that a task force has been established for the southwest extension stakeholders to ensure that the project continues to move forward. He said that RTD began a study in September 2013 to determine the best operating plan for a central extension.

01:34 PM

Mr. Washington talked about the Northwest Area Mobility Study (NAMS), which is a 13-month study to determine the transit priorities for the region. Mr. Washington introduced Mr. Chris Quinn, who continued the presentation. Mr. Quinn referred to page 25 of the RTD handout (Attachment D) and explained the table on that page. Representative Tyler asked about the methodology used to calculate ridership. Mr. Quinn explained the formula that is used which are based on the Denver Regional Council of Governments (DRCOG) projections. Committee discussion ensued about how ridership and cost numbers can be applied to future RTD decisions.

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01:44 PM

Representative Tyler thanked the presenters for their time.

01:54 PM -- High-Performance Transportation Enterprise

Mr. Mike Cheroutes, Director of the High-Performance Transportation Enterprise (HPTE), CDOT, came to the table to brief the committee. He discussed the origins of the HPTE, saying that it was created as a result of the Funding Advancements for Surface Transportation and Economic Recovery (FASTER) legislation, Senate Bill 09-108. He discussed the work of the HPTE and said its mission is to look at new ways of bringing transportation funding to the state. He discussed public-private partnerships and talked about the projects that are currently underway and upcoming.

02:06 PM

Senator Jones asked about the change to the High Occupancy Vehicle (HOV) requirement, which is increasing from a two-person requirement to a three-person requirement, on U.S. 36 and read aloud from a letter he received from a constituent. Senator Jones asked how processes and changes impacting citizens can be more transparent. Mr. Cheroutes explained that CDOT and the HPTE must weigh the risk to the state when undertaking projects, and that in the case of the HOV requirement, it was determined to be in the best interest of the state to put the risk on the private sector and agree to adjust the HOV requirement after certain triggers were met. He said that he spent hours talking with people about the change to the HOV requirement. He explained that the specific HOV issue was discussed in terms of revenue production and in terms of preserving the unique nature of the project. Representative Primavera asked how cars that seat only two people will be impacted. Mr. Cheroutes said that the driver can choose to pay a toll, and that there is a limited exception for hybrid vehicles.

Mr. Donald Hunt, Director, CDOT, joined Mr. Cheroutes at the table and said that HPTE and CDOT work hand in hand and are looking at managed lanes as a way to improve and increase capacity on the state's highways. He said that managed lanes are a tool used to ensure that there is always a lane of traffic that is moving at 45-50 miles per hour and that every major city across the U.S. is looking at managed lanes as a way to control traffic congestion.

Representative Peniston asked how the three-person HOV requirement will be enforced. Mr. Cheroutes said that if a person self-identifies himself as a three-person HOV vehicle and is discovered to be in violation, the driver will receive a large fine. He added that the transponders carried in cars will also play a role in enforcement. Senator Jones discussed the feedback that he has received from his constituents, stating that citizens did not understand the consequences of having the managed lanes and that the project was presented to citizens as the only option available. Senator Heath said that he has also received push-back on the new HOV requirement. Committee discussion ensued.

02:31 PM

Representative Kraft-Tharp asked about the section of highway where U.S. 36 and Interstate 25 (I-25) join, and what the HOV requirement will be on I-25. Mr. Cheroutes said that I-25 will also have a three person HOV requirement. Representative Tyler thanked the presenters for their time.

02:39 PM -- Briefing from Colorado Contractors Association

Mr. Tony Milo, Colorado Contractors Association (CCA), came to the table to brief the committee. He discussed the membership of the CCA and said that the flood recovery efforts have created about 14,000 jobs in Colorado, for Coloradans. Representative Tyler asked about the availability of trained contractors in the state. Mr. Milo stated that prior to the flood recovery, the industry had an unemployment rate in Colorado of about 20 percent and that many workers left the industry all together to pursue other work. Senator Todd asked about financing matching grants for emergency relief funds. Mr. Milo responded and committee discussion ensued.

Representative Kraft-Tharp thanked Mr. Milo for his presentation.

02:45 PM

The committee took a brief recess.

02:57 PM -- Briefing by Truckers for Common Sense

The committee came back to order. Mr. Ray Burgener, Director, and Mr. Hank Hersh, Co-Director, Truckers for Common Sense, introduced themselves to the committee. Handouts were distributed to the committee (Attachments E, F, and G). Mr. Burgener gave a brief overview of the Truckers for Common Sense and said that the organization's mission is to move freight safely and efficiently with fewer trucks, and to reduce the carbon footprint. He said that there is a segment of the trucking industry that has not been represented. He commented on the differences between a non-divisible and divisible carrier. He said that Truckers for Common Sense hauls materials to CDOT and federal Department of Transportation highway jobs. Mr. Hersh commented on divisible load permits and the gross weight limit of 92,000 pounds on 5 axle trucks. Mr. Burgener commented on House Bill 09-1318 concerning the issuance of overweight permits for vehicles weighing more than the 85,000 pound non-overweight vehicle gross vehicle weight limit.

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03:21 PM

Representative Tyler summarized the testimony of the presenters. He clarified that the presenters are stating that the weight limit set forth in House Bill 09-1318 is too high. Mr. Burgener and Mr. Hersh reiterated what they would like to see done legislatively to address this issue. Representative Peniston asked for clarification on why legislative action on this issue is necessary, because the presenters could simply lower the weight limits on the trucks for their own companies if they wish to do so. Discussion ensued concerning legislative concepts from Truckers for Common Sense concerning this issue.

03:30 PM

Representative Tyler commented on the legislative concepts proposed by Truckers for Common Sense and thanked the panelists for presenting to the committee.

03:33 PM -- Discussion on Legislation

Representative Tyler commented on the process for making motions on draft legislation.

BILL:	Discussion on Legislation	
TIME:	03:34:49 PM	
MOVED:	Jones	
MOTION:	Draft legislation concerning the transparency of the Highway Performance Transportation Enterprise. The committee discussed the motion. The motion passed on a vote of 11-0.	
SECONDED:	Heath	
		VOTE
	Baumgardner	Excused
	Buck	Excused
	Coram	Excused
	Everett	Yes
	Fischer	Excused
	Jones	Yes
	King	Excused
	Kraft-Tharp	Yes
	Lawrence	Yes
	Lee	Excused
	Mitsch Bush	Yes
	Moreno	Excused
	Peniston	Yes
	Primavera	Yes
	Scott	Yes
	Todd	Yes
	Heath	Yes
	Tyler	Yes
FINAL YES: 11 NO: 0 EXC: 7 ABS: 0 FINAL ACTION: PASS		

BILL:	Discussion on Legislation	
TIME:	03:43:35 PM	
MOVED:	Tyler	
MOTION:	Draft legislation to reduce the gross weight of 5 axles to 92,000 pounds for overweight permits. The motion passed on a vote of 9-1.	
SECONDED:	Mitsch Bush	
		VOTE
	Baumgardner	Excused
	Buck	Excused
	Coram	Excused
	Everett	Yes
	Fischer	Excused
	Jones	Yes
	King	Excused
	Kraft-Tharp	Yes
	Lawrence	Yes
	Lee	Excused
	Mitsch Bush	Yes
	Moreno	Excused
	Peniston	Yes
	Primavera	Yes
	Scott	No
	Todd	Excused
	Heath	Yes
	Tyler	Yes
FINAL YES: 9 NO: 1 EXC: 8 ABS: 0 FINAL ACTION: PASS		

03:46 PM

Senator Heath commented on transportation finance and said that he will not be recommending any legislation to address funding as a TLRC bill. Representative Primavera commented on the tours that the committee took during the interim and asked if there were any policy ideas that came out of the tours that need to be addressed legislatively. Representative Tyler said that each community addressed a lack of funding and that was a common theme throughout the hearings. Representative Mitsch Bush said that there is a nationwide issue concerning transportation funding and emphasized the need to increase funding in order to maintain the transportation infrastructure in the state.

03:50 PM

The committee adjourned.