

Transportation Legislation Review Committee

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Transportation Legislation Review Committee Report to Legislative Council

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

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of the CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete a financial or performance audit.

Committee Activities

The TLRC held four meetings during the 2011 interim. Briefings and presentations were made by state departments, local governments, transit authorities, public highway authorities, and transportation industry associations on a wide range of subjects, including:

- highway maintenance;
- the Regional Transportation District (RTD);
- the Denver International Airport (DIA);
- transit and rail;
- the ports of entry;
- special license plates; and
- the motor carrier industry.

Staff from the Legislative Council Staff and Joint Budget Committee (JBC) prepared documents on the TLRC's oversight authority and statutory charge, special license plates, and transportation financing, and provided presentations on transportation financing. The following subsections discuss the TLRC's activities in the 2011 interim.

Transportation infrastructure and financing. The committee heard from CDOT, public highway authorities, the Colorado Wyoming Petroleum Marketers Association, Legislative Council Staff, JBC Staff, and local government officials regarding the state transportation network and financing. Long-term funding challenges for maintaining and improving existing transportation infrastructure were discussed. According to the information provided, after adjusting for inflation, in the current year the state has approximately half of transportation funding that was available ten years ago. Briefings also covered the Highway Users Tax Fund (HUTF) "off-the-top" appropriations and revenues generated under Senate Bill 09-108 (Funding Advancements for Surface Transportation and Economic Recovery Act of 2009) for the repair and replacement of deficient bridges.

Ports of entry. The Colorado State Patrol (CSP) presented findings from a study on the operation of Colorado's ports of entry (POE) commissioned under House Bill 10-1113. The study proposes that POE operations and personnel be transferred from the DOR to the CSP, and POE facilities be transferred from the DOR to the CDOT. Following implementation of its recommendations, the study anticipates cost savings of \$1.8 to \$3.1 million over a five-year period. As a result of this testimony and discussion, the committee recommends Bill C, which consolidates POE functions within the CSP.

Mining industry. Representatives of the Colorado Mining Association discussed industry use of, and needs for, Colorado's transportation system, with an emphasis on railways.

Motor carrier industry. The committee heard testimony regarding inefficiencies of the Colorado semitrailer plate registration process, including differences with neighboring states. Colorado law requires semitrailers to register annually, but 27 other states, including those that surround Colorado, have a permanent registration process. Industry representatives requested that Colorado consider legislation to develop a process similar to that in use in Idaho. As a result of this testimony and discussion, the committee recommends Bill A, which creates a new registration process for semitrailers.

Aviation. The committee heard from DIA officials regarding airport operations and ongoing projects. 2010 was the busiest year for DIA to date. DIA challenges were discussed, including land use, airspace capacity, and business-related transactions. Information was also provided regarding the RTD FasTracks East Corridor line, which will serve as a light rail connection between downtown Denver and the DIA South Terminal, and is expected to receive passengers beginning in 2015.

Public transit and rail. The committee heard testimony from the RTD regarding mass transit systems and programs in Colorado. RTD testified that it has 75 park-n-ride locations; 10,025 bus stops; and 97 million annual boardings by passengers. Fares and revenue were discussed, including the requirement that RTD recover 30 percent of its costs. RTD reported that, in 2010, it recovered 48.7 percent of transit costs. Information was also provided on FasTracks and various lines' construction and completion time lines. The committee also heard from the CDOT Division of Transit and Rail and SwiftTram, Inc. CDOT staff discussed the awarding of transit project grants and various rail lines and transit authorities in the state. SwiftTram, Inc. provided information regarding mass transit equipment and vehicles.

Special license plates. At the committee's request, the DOR presented information on special license plates, including: types of plates, revenue and costs, procedures to establish plates, and suggestions for statutory changes to improve the process for establishing new special license plates. As a result of these discussions, the committee recommends Bill G, which clarifies and amends state law pertaining to establishment of new group special license plates and plate inventories.

Other. As a result of committee discussion on low-speed electric vehicles, waste tire fees, branch of service identifier fees, and transportation-related reporting requirements, Bills B, D, E, and F, respectively, are recommended. These bills are discussed in greater detail in the following section.

Committee Recommendations

The TLRC recommends the following bills for consideration in the 2012 legislative session.

Bill A — *Multi-year Class A Trailer Registration.* Bill A creates a permanent special registration for interstate commercial trailers and semitrailers owned by out-of-state applicants beginning in 2013. Applicants based in Colorado may also apply for a special registration of a trailer or semitrailer that is ten or more years old. The specific ownership tax and the vehicle registration fee are set at \$95.50 and \$24.50, respectively. Fee revenue is distributed as follows:

- \$13.00 to the state HUTF;
- \$5.00 to the state Bridge Enterprise Special Revenue Fund;
- \$2.50 to the state License Plate Cash Fund;
- \$2.00 to the county clerk and recorder that registers a vehicle;
- \$1.50 to the county in which the vehicle is registered for the County Road and Bridge Fund; and
- \$0.50 to the state Colorado State Titling and Registration Account.

Under the bill, the DOR is required to issue a report to the General Assembly discussing the cost-effectiveness of the special registration by 2014.

Bill B — *Low-speed Electric Vehicles.* Bill B amends state law to permit low-speed electric vehicles to be operated on roadways at speeds of up to 40 miles per hour.

Bill C — *Transfer Ports of Entry to State Patrol.* Bill C eliminates the Motor Carrier Services Division (MCSD) in the DOR as of July 1, 2012. Commercial driver licensing and international registration plan functions of the MCSD are retained by the DOR, and all POE staff, functions, and powers are transferred to the CSP. Following the transfer, a POE officer is defined as a uniformed member of the CSP who is not a state patrolman, but who may exercise the powers of a peace officer in performing his or her duties.

Bill D — *Waste Tire Processor End User Fund.* Bill D extends the statutory repeal of the Processors and End Users Fund from July 1, 2012, to July 1, 2020. The fund is supported by a portion of the \$1.50 fee collected by retailers for each tire sold. Fund revenue supports partial reimbursements to waste tire processors and end users to encourage waste tire recycling technologies, and the use of, and reduction of, waste tire stockpiles.

Bill E — *Repeal Branch of Service Identifier Fee.* Bill E eliminates the fee charged to a member or veteran of the armed services to have a military service branch identifier affixed to his or her driver's license. Currently, the identifier requires payment of a \$15 fee, which is credited toward the cost of creating the identifier (estimated at \$83,088) and the HUTF.

Bill F — *Repeal Transportation-related Reporting Requirements.* Bill F repeals certain transportation-related reports required to be made to the TLRC, House and Senate Transportation Committees, Capital Development Committee (CDC), and other committees. The following required reports are eliminated:

- an annual capital construction request for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the Capital Construction Fund, submitted by the Transportation Commission to the CDC, with copies provided to the JBC and House and Senate Transportation Committees;

- a copy of the Colorado Clean Energy Development Authority three-year plan, submitted to the Senate Agriculture, Natural Resources, and Energy Committee and the House Transportation Committee;
- an annual report on the effectiveness of motor vehicle emissions program quality assurance and enforcement measures and related matters, submitted by the DOR to the TLRC;
- an annual report on the cost and effectiveness of the High Emitter Program from the Department of Public Health and Environment to the TLRC;
- a prioritized list of recommendations concerning railroad rights-of-way or rail lines proposed to be acquired by the state and the proposed uses, submitted by the CDOT to the TLRC;
- an annual report on the Law Enforcement Assistance Fund, including programs funded by the fund, submitted by the CDOT Office of Transportation Safety to the TLRC; and
- a report providing notice to the TLRC of any public highway authority (PHA) creation or of a value capture area within the boundaries of a PHA to be created.

Bill G — *Group Special License Plate Procedure.* Bill G requires a nonprofit organization to obtain written notification from the DOR confirming that statutory requirements have been met prior to seeking action by the General Assembly to authorize a new group special license plate. The bill also permits group special license plates and alumni plates that have not reached the minimum number issued to be made available until the total plate inventory is depleted.