

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION



Office of Policy & Government Relations

Herman Stockinger, Director

4201 East Arkansas Avenue, Room 275
Denver, Colorado 80222
(303) 757-9772

DATE: January 7, 2013
TO: Transportation Commission, Executive Director, Senior Management Team,
Branch Managers, Office Directors
FROM: Kurt Morrison, Office of Policy & Government Relations
RE: 2013 Legislative Session Preview

On January 9, 2013, the General Assembly legislative session begins and will continue for up to 120 days or sooner, depending on when the leadership opts to adjourn. This memorandum provides:

- an analysis of the new members on the House and Senate transportation committees;
- summaries of CDOT legislative agenda bills;
- summaries of Transportation Legislation Review Committee (TLRC) approved bills; and
- other legislation expected to be introduced once the legislature convenes.

As bill drafts are circulated, each bill will be analyzed for impacts to CDOT, its mission, and the state transportation network.

Transportation Committees

For CDOT, the coming session will focus notably on educating many new members. Over half of all members on the House or Senate transportation committees have never sat on either committee before. The following subsections analyze changes made to each panel. Table 1 provides a summary of the new members and committee compositions.

Senate Transportation Committee. The Senate Transportation Committee is an almost entirely-new roster of members, with only one returning member who sat on the committee last session. Key members with significant knowledge in transportation – particularly Sen. Nancy Spence (R-Aurora), Sen. Gail Schwartz (D-Snowmass), and Sen. Suzanne Williams (D-Aurora) – were either term-limited or received other committee assignments. The committee will be chaired by Sen. Rollie Heath (D-Boulder), a noted education policy advocate and former gubernatorial candidate, and vice-chaired by Sen. Nancy Todd (D-Aurora).

House Transportation and Energy Committee. The House Transportation Committee also experienced a number of changes. With the larger majority in the House, Speaker-designee Ferrandino opted to retain the committee size of 13 and increase the majority advantage by an additional seat, resulting in 8 majority members and 5 minority members. The committee also will once again have energy issues in its portfolio, overturning a change made in 2011 by Speaker McNulty that removed all energy matters from the committee's purview. There are 3 members, out of 13, that have sat on the House Transportation Committee in the past. All other members are new to the committee, except for Rep. Primavera who sat on the committee prior to losing her reelection bid in 2010. That said, two freshman members – Rep. Diane Mitsch Bush (D-Routt) and Rep. Polly Lawrence (R-Highlands Ranch) – bring a very strong base of transportation knowledge to the legislature and the committee.

Table 1.
House and Senate Transportation Committees
2013 Legislative Session

	Committee Party Split/Size		Majority Party (Dem.)	Minority Party (Rep.)
	2011-12	2013-14		
Senate Transportation Committee	4 majority/ 3 minority	3 majority/ 2 minority	Sen. Rollie Heath, chairman Sen. Nancy Todd, vice-chair Sen. Matt Jones*	<i>Sen. Steve King</i> Sen. Randy Baumgardner*
House Transportation & Energy Committee	7 majority/ 6 minority	8 majority/ 5 minority	<i>Rep. Max Tyler, chairman</i> Rep. Dominic Moreno, vice-chair <i>Rep. Randy Fischer</i> Rep. Tracy Kraft-Tharp Rep. Pete Lee Rep. Diane Mitsch Bush Rep. Cherylyn Peniston Rep. Diane Primavera*	<i>Rep. Ray Scott</i> Rep. Don Coram Rep. Perry Buck Rep. Justin Everett Rep. Polly Lawrence

Note: Italics/bold typeface indicates returning members that sat on the committee in 2012.

*Previously served on the House Transportation Committee in sessions prior to 2012.

CDOT Legislative Agenda

This year, CDOT has two department bills submitted to the General Assembly. During a four-month process, these bills were selected and thoroughly vetted by the CDOT Office of Policy and Government Relations, Senior Management Team, Executive Director, and Governor’s Office.

Motorcycle Operator Safety Training Program Improvements. In September 2011, the State Auditor’s Office submitted its findings to the Legislative Audit Committee on the CDOT Motorcycle Operator Safety Training (MOST) Program. If the program were to be continued, the State Auditor recommended that the program implement a number of changes to strengthen the program’s administration and oversight. CDOT also conducted a survey and stakeholder meetings with program customers, motorcycle clubs, and other interested parties to evaluate the program, resulting in a number of program improvement recommendations. This bill request would implement the recommendations from the State Auditor and the CDOT survey and stakeholder meetings. Specifically, the bill:

- establishes a statutory prohibition on the use of MOST reimbursements by vendors for capital business expenses (i.e. motorcycles, helmets, books, etc.);
- creates a statutory advisory and oversight committee;
- requires an annual report to the General Assembly; and
- creates a “sunset review” of the program requiring the General Assembly to reevaluate CDOT’s progress in improving the program over the next several years.

The bill’s sponsors will be Rep.-elect Joann Ginal in the House, and Sen. Lois Tochtrop in the Senate. Both are motorcycle riders.

Weight Loads Conforming Change with Federal Law. Federal law dictates weight limits for vehicles traveling on federal-aid highways. All states, including Colorado, establish weight limits in state law that mirror the federal statutes. Any state laws establishing weight limits that conflict with federal weight laws place CDOT in jeopardy of losing federal transportation funds. In working with our federal and private sector partners, CDOT determined that Colorado’s vehicle weight law has an inconsistency with federal weight law. Federal law requires that the gross weight limit of a vehicle be determined by a federal formula accounting for number of axles and length, not to exceed 80,000 pounds. Whereas the state law requires that the gross weight limit of a single vehicle be limited to no more than 36,000 pounds for a single vehicle of two axles, or no more than 54,000 for a single vehicle with three or more axles. The

bill proposal would reconcile this inconsistency by striking the 36,000 and 54,000 weight limits for two axle and three or more axle vehicles, leaving the federal formula limit and 80,000 pound cap in place.

The bill's sponsors will be Rep.-elect Diane Mitsch Bush and Rep. Ray Scott in the House, and Sen. Angela Giron in the Senate.

TLRC Legislation

The Transportation Legislation Review Committee (TLRC) is comprised of the members of the House and Senate Transportation Committees and meets when the legislature is not in session. The TLRC's main charge is that it may refer up to eight bills for introduction during the next legislative session, and those bills do not count against a member's five bill limit for that session. This interim, the TLRC approved eight bills; seven of which will be introduced in January when the session convenes.¹ Five of those bills will have a direct or indirect impact on CDOT and/or the state's transportation network. The following paragraphs provide a summary each bill.

Add Two At-Large Members to Transportation Commission. TLRC Bill A would add two at-large members to the Transportation Commission, bringing the total commission size to 13 members. The two new at-large members would be appointed by the Governor and confirmed by the Senate. One at-large member would be required to reside on the western slope; the other on the eastern slope. Despite the residence requirements, both members would be intended to represent statewide interests.

Vehicle Registration Penalty Statement and Repeal Specialty Plates. TLRC Bill C changes the penalty noted on a vehicle registration card to reflect the penalty for failure to register a vehicle as \$500. This change brings vehicle registration cards in line with existing statutory law. The bill also eliminates outdated special license plates.

Repeal Branch of Service Identifier Fee. TLRC Bill F eliminates the fee charged to an active member or veteran of the armed forces to have a military identifier symbol affixed to his or her driver's license or state identification card. Under current law, the identifier requires a \$15 fee to be remitted. Fee revenue covers the cost of administration, with the remainder credited to the Highway Users Tax Fund (HUTF). The bill will reduce HUTF revenue once the program is operational. At this point, the Department of Revenue has not issued any military identifiers.

Vehicle Special License Plate Limit. TLRC Bill G caps at 96 the total number of special license plates made available. Currently, there are significantly fewer special license plates than 96; almost all special license plates carry a fee credited to the HUTF.

PUC Oversight of Rail fixed Guideway Systems. TLRC Bill H aligns state law with the Moving Ahead for Progress in the 21st Century Act (MAP-21). The change prohibits the state Public Utilities Commission (PUC) from charging fees to cover the costs of oversight and administration of rail fixed guideway system safety.

Other Legislation

Currently, legislators are in the process of crafting their bills with the legislative staff to be introduced during the session. Prior to introduction, bills are kept confidential unless released by the bill sponsor. At this point, the following bills are anticipated to be introduced. CDOT has worked with

¹ One bill approved by the TLRC will not be introduced in January since it was deemed by the Legislative Council to fall outside the scope of the TLRC's charge. That bill would have established a "per-se" definition for driving under the influence of marijuana.

sponsors and stakeholder groups in advance of the legislative session to be included in possible legislation and to iron out potential issues before reaching bill draft form.

Portion of Sales and Use Tax Growth for HUTF. A bill that failed to receive approval by the TLRC will likely be introduced by an individual legislator. This bill would divert a portion of sales and use tax growth from the state General Fund and credit it to the HUTF. The bill would authorize transfers of \$10 million per year in every fiscal year following a year in which state sales and use tax net revenue grows by 1.5 percent or more. The bill failed due to concerns that it would siphon General Fund dollars away from other essential state services, namely education. The sponsor has indicated that he plans to introduce the bill in January 2013, as one of his five bills.

HUTF for Transit Purposes. Section 18 of Article X of the Colorado Constitution provides that vehicle license fees, registration fees, and fuel taxes may only be expended for the “construction, maintenance, and supervision of the public highways of this state.” Legislation is anticipated to be introduced to allow cities and counties to expend their HUTF moneys for transit purposes, under the premise that transit is within the “maintenance and supervision” provision of this constitutional section. If approved, this bill would allow local governments to spread their HUTF dollars over a broader range of projects beyond highways and roads to now cover transit projects. The bill would not apply to CDOT’s HUTF dollars.

Off-highway Vehicles. In 2011 and 2012, legislation was introduced to permit off-highway vehicles (OHVs) to be operated on public highways subject to certain registration, licensing, speed, equipment, and other requirements. Both bills were postponed indefinitely. This concept is expected to return again in 2013, with the caveat that certain counties may opt-in to allowing OHVs on roads within their jurisdiction. CDOT has already voiced concerns that any new road users ought to pay their fair share of road use fees, be restricted from use on state highways, and be allowed only on roads below a certain speed limit threshold.

Long Bill: Cost of Living Adjustment. This year, the Governor’s budget request included a 1.5 percent salary increase for state employees. The increase will cost approximately \$57.8 million. Increases in health, life, dental, and insurance plan costs will be split between the state and employees. These changes, if approved, will be included in the Long Bill – the legislative vehicle for the annual state budget – and approved in late spring by the General Assembly.

If you have any questions on these or any other legislative issues please feel free to contact Kurt Morrison at (303) 757-9077 or kurtis.morrison@state.co.us.