



COLORADO

Department of Transportation

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DATE: January 18, 2019
TO: Transportation Commissioners, Executive Director, Executive Management Team, Branch Managers, and Office Directors
FROM: Andy Karsian, Office of Policy & Government Relations
RE: Legislative Update

The session began in earnest this week. The Senate introduced 84 bills and the House 124 in the first eight days. These represent the first three of the five bill titles legislators introduce. By the end of January there will be another host of bills arriving. CDOT has seen some drafts and is looking forward to some robust discussions around transportation policy.

In the midst of the hubbub, CDOT's new Executive Director, Shoshana Lew visited with legislators this week in preparation for her confirmation later this month. She discussed a variety of policy issues, from public private partnerships to climate change to public outreach. The Senate Transportation committee will hold a confirmation hearing on January 29th.

Legislation

As of today, CDOT is tracking 12 bills for possible direct or indirect impacts to CDOT, its employees, and the state's transportation network. Below are summaries of a few bills introduced or heard this week.

Senate Bill 19-012 (Use of Mobile Electronic Devices While Driving):

This bill addresses the growing number of crashes resulting from distracted drivers. It prohibits drivers from using a mobile electronic device (i.e mobile phone) in their hand. Drivers would need to use a Bluetooth device or the phone's speaker if making a call. Using a phone while driving would still be permitted, except for drivers under 18 years old, but no driver would be allowed to hold the phone in their hands. The bill increases the fines and points for multiple texting while driving offenses. The first offense is \$300/4 points, second offense is \$500/six points, and subsequent offenses \$750/eight points. Finally, the bill removes some statutory language that hinders law enforcement's ability to issue texting while driving citations.

This bill is similar to one introduced last year that died in the Senate. This year it continues to face resistance from both sides of the aisle, primarily on the ban. Amendments will be offered that may reduce the penalties and remove the ban, which would alleviate most of the concerns on the bill.

CDOT Position: Pending (requested support position for the Governor's office)

Senate Bill 19-062 (Limit Agency Rule-Making Authority to Amend Rules):

This bill would allow the Legislative branch of government more authority over the Executive branch's ability to promulgate and amend rules. The legislation says that if a department wants to amend or reinterpret an existing rule, the legislature must approve the change with annual legislation. There are certain instances when the department would not need approval for amending rules, such as, new federal regulations, court decisions, or if an existing statute is amended necessitating amended rules. The bill creates a significant delay in rule making and decreases a department's ability to be responsive to stakeholders. A perfect example for CDOT is the ongoing conversation about chain law. CDOT would not be able to promulgate new rules until well into the 2020 legislative session even though the work was completed in spring or 2019. Additionally, this bill would insert a political layer of legislative approval which could jeopardize future rulemaking.

CDOT Position: Pending (requested oppose position from Governor's office)

