



COLORADO

Department of Transportation

Office of Policy and Government Relations

DATE: February 27, 2015
TO: Transportation Commissioners, Executive Director, Executive Management Team, Branch Managers, and Office Directors
FROM: Andy Karsian, Office of Policy & Government Relations
RE: Weekly Legislative Report – 2015 Session of the Colorado General Assembly

Overview

Another short week at the legislature with both chambers closed for a snow day on Monday. Nonetheless, plenty happened under the dome concerning CDOT. The Department's Highway Division bill cleaning up organizational language in statute passed unanimously out of the House. HB 1173, the I-70 Tire Tread bill passed 2nds in the House over the objection of some (see below). The bill allowing CDOT to approve contracts with fewer than three bids also passed the House and is on its way to the Senate. A very special thank you to Kathy Young, Leo Milan and Jill Ferguson for taking the time to explain the nuanced world of contract indemnification.

Legislation

As of today CDOT is tracking 40 bills for possible direct or indirect impacts to its employees, or the state's transportation network. In the next few weeks legislators will vote on these bills while preparing to introduce the next round of legislation. Some key bills that have been introduced are below.

House Bill 15-1197 (Indemnity in Public Construction Contracts). This bill's goal is to stop the use of 'duty to defend' clauses that require third parties to legally defend a public body against that entity's liability. Some municipalities use this clause in public works contracts. The part of the bill that concerns CDOT, however, is a requirement that the public body face all legal defense first prior to assigning liability to third parties. This would inhibit CDOT's ability to negotiate settlements with contractors. CDOT would be forced to litigate more lawsuits instead of going through the dispute resolution process. The sponsor continues to express a desire to amend CDOT out of the bill as state departments are not his target with the legislation.

House Bill 15-1173 (Tire Tread Requirements for I-70). The House approved HB 1173 on a voice vote during second readings on Thursday. Friday Representatives will vote it out of the House for the Senate to tackle next. The bill requires passenger vehicles to have adequate tire treads or traction control devices during winter months along the west I-70 corridor. The bill will have more difficulties in the Senate where arguments of new fines, impacts to consumers and worries about police enforcement are gaining traction.

If you have any questions on these or any other legislative issues please contact Andy Karsian at 303-757-9073. Weekly memos and our bill tracking chart are available online at: <http://www.coloradodot.info/about/governmentrelations/state-government-liaison>.

