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Department of Transportation
Office of Policy and Government Relations

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MEMORANDUM

TO: Transportation Commissioners, Executive Director, Senior Management Team, Branch Managers, and Office Directors
FROM: Andy Karsian, Office of Policy & Government Relations
DATE: May 15, 2017
SUBJECT: 2017 Regular Session of the General Assembly: Final Report

Summary

On May 10, 2017, the General Assembly adjourned bringing the first session of the 71st General Assembly to a close. Legislators introduced 681 bills and CDOT took positions on and/or monitored 51 bills this session that impacted the department or state transportation public policy.

Table 1 summarizes CDOT supported or opposed bills, as well as other key legislation affecting CDOT operations and personnel. This memorandum summarizes all bills with CDOT impacts that were debated during the session, with specific emphasis on the following policy areas:

- [Key Legislation Impacting CDOT \(pages 2-3\)](#)
- [Transportation Finance \(page 3-4\)](#)
- [Traffic and Motor Vehicle Law \(page 4\)](#)
- [Public Safety \(page 4\)](#)
- [Transportation Commission and STAC \(page 4\)](#)
- [Transportation Planning \(page 4\)](#)
- [Aviation \(page 5\)](#)
- [Transit and Rail \(page 5\)](#)
- [Rulemaking and Reporting \(page 5\)](#)
- [State Administration \(page 5-6\)](#)

If you have questions regarding this memorandum or legislation, please contact Andy Karsian at (303) 757-9703 or andy.karsian@state.co.us.



Table 1.

Key Legislation Impacting CDOT
2016 Regular Session

| Bill Number | Short Title | Final Legislative Action | CDOT Position/Action |
|---|---|--------------------------|----------------------|
| Supported Bills | | | |
| HB 17-1242 | New Transportation Infrastructure Funding Revenue | Postponed Indefinitely | Support |
| HB 17-1362 | Plan for Addressing Statewide Infrastructure Needs | Postponed Indefinitely | Support |
| SB 17- 027 | Increase Penalty for Texting while Driving | Enacted | Support |
| SB 17- 213 | Automated Driving Motor Vehicles | Enacted | Support |
| SB 17- 229 | Penalties when Passing Stationary Vehicles | Enacted | Support |
| SB 17- 262 | HUTF and Capital Construction Transfers | Enacted | Support |
| SB 17- 267 | Sustainability of Rural Colorado | Enacted | Support |
| Opposed Bills | | | |
| HB 17- 11123 | Extend On-Premises Retail Alcohol Beverage Sales | Postponed Indefinitely | Oppose |
| HB 17- 1153 | Highway Congestion Mitigation | Postponed Indefinitely | Oppose |
| HB 17- 1166 | Access Between Highway and adjoining Businesses | Postponed Indefinitely | Oppose |
| SB 17- 1348 | Prohibit HOV3+ Requirement on North I-25 Express Lanes | Postponed Indefinitely | Oppose |
| SB 17- 303 | State Highway System Funding and Financing | Postponed Indefinitely | Oppose |
| Neutral with Concerns/ Sought Amendments | | | |
| HB 17-1068 | Prevailing Wages for CDOT P3 Projects | Postponed Indefinitely | Amended |
| HB 17-1071 | Authorize New Transportation Revenue Anticipation Notes | Enacted | Amended |
| HB 17-1193 | Small Cell Facilities Permitting and Installation | Enacted | Amended |
| SB 17- 040 | Public Access to Government Files | Enacted | Amended |
| SB 17 - 211 | Contractor Surety Bonds for Public Projects | Enacted | Amended |
| SB 17- 243 | Continuation of Motorcycle Operator Safety Training Program | Enacted | Amended |
| SB 17- 190 | Engineer Excavator Stamp Plan Underground Facility | Postponed Indefinitely | -- |

CDOT Priority Legislation

This year, CDOT’s legislative agenda included one high priority bill, two budget decision items, and four capital requests. Four of those eight requests were approved by the General Assembly and became law. Three capital construction requests were not funded. Table 2 summarizes the legislative priorities and outcomes from the session.

Table 2.
2016 Session

| Summary | Request Amount | Final Action |
|--|----------------|-----------------|
| Priority Bills | | |
| Automated Driving Motor Vehicles (SB213) | --- | Signed Into Law |
| Budget Decision Item Requests | | |
| Ensure Senate Bill 09-228 Transfers for FY 17/18 | \$79M | Approved |
| Additional Marijuana Revenue for Public Safety Awareness | \$1.45M | \$950,000 |
| Capital Development Committee Requests | | |
| Referendum C Annual Transfer to CDOT | \$500,000 | \$500,000 |
| I-70 Rockfall Mitigation | \$700,000 | --- |
| GAZEX Avalanche Mitigation - I-70 EJMT Vicinity | \$2M | --- |
| I-70 Fall River Road Pedestrian Bridge | \$2M | --- |



Senate Bill 17-213 (Autonomous Driving Motor Vehicles). CDOT, along with executive branch partners and industry stakeholders, introduced this bill which begins to address policy for the increasing prevalence of automation in motor vehicle. The bill puts key industry definitions in statute and begins the process of state approval for the testing of autonomous vehicles on the state's roads. CDOT and the State Patrol will establish an approval process for autonomous vehicles that do not comply with all state and federal traffic laws. Testing these vehicles without approval from the state will result in a traffic infraction and/or impoundment of the vehicle.

Transportation Finance

House Bill 17-1018 (Regional Transportation Authority Mill Levy). This bill extends the authority for RTAs to impose a mill levy to 2029. The Governor signed this bill.

House Bill 17-1171 (Authorize New Transportation Revenue Anticipation Notes). This bill sought to transfer 10% of the sales tax revenue from the general fund to the HUTF. It also had a specific project list included in the bill. The bill died in the House State, Veterans, and Military Affairs Committee.

House Bill 17-1242 (New Transportation Infrastructure Funding Revenue). This bipartisan bill would have asked voters to approve a \$0.5 sales tax increase in order to pay for \$3.5B in bonds for state highways, a portion for local governments, and a multi-modal fund. The bill died in the Senate Finance Committee.

House Bill 17-1362 (Plan for Addressing Statewide Infrastructure Needs). This bill asked the Transportation Legislative Review Committee to have five meetings around the state to gather and address public input on solving the statewide transportation funding needs. The bill died in the Senate Finance Committee.

Senate Bill 17-205 (Multimodal Transportation Infrastructure Funding). This bill sought to send to the voters a request for a \$0.25 sales tax increase for \$3.5B worth of bonds for state highways, \$500 of which must be used for passenger rail along the Front Range. The bill died in the Senate Transportation Committee.

Senate Bill 17-262 (HUTF and Capital Construction Fund Transfers). This bill allocated three years of SB228 transfers. The passage of SB 267 changed the allocation and dedicated the last two fiscal years' transfers to pay down the negative factor for education in the state. The bill was signed by the Governor.

Long Bill and Budget Decisions (Senate Bill 17-171, Senate Bill 17-254 and Senate Bill 17-262). During the budget debates legislators offered many amendments to HB1405 that impacted transportation funding. Many of these amendments pulled funding from other state departments to use instead for funding roads. CDOT successfully protected the Department budget from additional cuts. Additionally, in SB 262, CDOT secured, in a very tight budget year, an allocation of SB228 funds for FY17/18 for \$79M. For subsequent years the SB228 funding will be used to pay down the negative factor for education funding in the state, per SB 267.

Senate Bill 17-267 (Sustainability of Rural Colorado). This bill classifies the hospital provider fee revenue in Colorado's general fund as an enterprise. It also provides a host of other policy fixes, most important to the department is the use of \$1.8B in certificates of participation to pay for state highway projects. CDOT will pay \$50M of the \$150M annual payment for the COPs, with the general fund paying for the remainder. The bill passed both Houses and was sent to the Governor.

Senate Bill 17-303 (State Highway System Funding and Financing). This bill would have 5% of the sales and use tax of the general fund to the HUTF. It also would have sent a ballot measure to the voters to approve a specific ownership tax increase to fund up to \$4B in bonding for state highways. The bill died in the House Transportation Committee.



Traffic Safety and Motor Vehicle Law

House Bill 17-1061 (Modify Definition of Commercial Vehicle). The bill increases the minimum weight for classification as a commercial vehicle from 10,001 pounds to 16,001 pounds unless the vehicle is registered for use in interstate commerce. The state patrol is authorized to adopt rules for inspection, securing loads, and coupling devices. The bill was signed by the Governor.

House Bill 17-1153 (Highway Congestion Mitigation). This bill would have changed the statewide HOV3+ policy back to HOV 2. It also sought to prioritize north I-25 for use of future federal funding and reduced planning timelines to six months for construction projects. The bill died in House Transportation Committee.

House Bill 17-1348 (Prohibit HOV3+ on North I-25 Express Lanes). This bill sought to prohibit HOV3+ in managed lanes along north I-25. The bill died in the House Transportation Committee.

Senate Bill 17-027 (Increase Penalty for Texting While Driving). This bill increases the penalty for texting while driving to \$300 and one or four points. The bill was signed by the Governor.

Senate Bill 17-059 (Lane Change Signal in Roundabouts). This bill would have allowed local governments to determine rules for vehicles using turn signals in roundabouts. The bill died on third readings in the Senate.

Senate Bill 17-093 (Operations of Bicycles Approaching Intersections). This bill would have allowed bicyclists to coast through intersections and red lights if they slow down and there are no approaching vehicles. The bill died in Senate Transportation Committee.

Senate Bill 17-229 (Penalties When Passing Stationary Vehicles). This bill strengthens Colorado's Move Over law by adding other vehicles, including CDOT vehicles with flashing lights on the shoulder. The bill increases the penalties when bodily harm or fatalities occur. The bill was sent to the Governor.

Senate Bill 17-243 (Continuation of the Motorcycle Operator Safety Training Program). This bill moved the MOST program from CDOT to the State Patrol, leaving all governance, rules and funding the same. The CSP will manage the program for three years until the next sunset date. The bill was sent to 303 the Governor.

Public Safety

House Bill 17-1123 (Extend On-Premises Retail Alcohol Beverage Sales Hours). This bill would have allowed local government to permit bars to serve alcohol for longer hours. Concerns about the increase in drunk drivers and public safety ultimately killed the bill. The bill died in the Senate on second readings.

Transportation Commission

House Bill 17-1031 (Hearings on Transportation Commission Districts). This bill requested that the Transportation Legislative Review Committee meet five times around the state to discuss Transportation Commissioner boundaries. The bill died in the Legislative Council Committee.

Transportation Planning

House Bill 17-1166 (Access between Highways and Adjoining Businesses). This bill sought to add 'convenience' as a factor for reasonable access in the highway code when determining access from businesses to state highways. The bill died in the House Transportation Committee.

Senate Bill 17-290 (Engineer Excavator Stamp Plan for Underground Facility). This bill required engineer plans to correctly identify underground utilities prior to excavation. Concerns about engineer liability led to the sponsors killing their own bill in committee. The bill died in the Senate Transportation Committee.



Aviation

House Bill 17-1070 (Study Drone Use by Public Safety Agencies). This bill asks the Department of Public Safety to perform a study of unmanned aircraft systems the state and local governments use in public safety situations. The bill was sent to the Governor.

Senate Bill 17-235 (Allow Seaplanes in State Parks). This bill sought to permit seaplane use of state waters. Concerns over invasive species and regulation killed the bill which died in the Senate Transportation Committee.

Transit and Rail

Senate Bill 17-153 (Southwest Chief and Front Range Passenger Rail Commission). This bill expands the existing Southwest Chief Commission to include representatives from the Front Range in order to plan for passenger rail along the Front Range. The bill was sent to the Governor.

Rulemaking and Reporting

House Bill 17-1006 (Correct Statutory Citation in Rule without a Hearing). This bill allows state departments to correct technical statutory citations within existing rules without having to follow the complete rulemaking process. The bill was signed by the Governor.

House Bill 17-1270 (Agency Discretion of Enforcing Minor Violations for Small Businesses). This bill allows a state department or agency to use discretion when enforcing a fine on a business of 50 or fewer employees on a first time violation of a rule enacted within the last year. The bill died in Senate Appropriations.

Senate Bill 17-002 (Compulsory Review of Rules by Each Principal Department). This bill would have changed the current system of rule reviews by state departments and required departments review rules every three years. The bill died in the House State Affairs Committee.

Senate Bill 17-186 (Reduce Regulatory Burden of Rules). This bill would sought to have each rulemaking agency prepare a regulatory flexibility analysis, which considered the impacts on small businesses, prior to any rulemaking process. The bill died in the House Business Affairs and Labor Committee.

Senate Bill 17-231 (Reporting Requirements by CDOT to the General Assembly). Annually the state removes unnecessary reports from statute and this bill removed six CDOT reports from statute. The bill was signed by the Governor.

State Administration

House Bill 17-1001 (Employee Leave to Attend Child's Academic Activities). This bill sought to replace a 2015 repealed law allowing for employee leave. CDOT already allows this in department policy. The bill died in the Senate State Affairs Committee.

House Bill 17-1051 (Procurement Code Modernization). This bill modernized a variety of procurement procedures that state departments must follow. As CDOT has a different procurement process than other departments, this bill had little impact on the department. The bill was signed by the Governor.

House Bill 17-1068 (Prevailing Wages for CDOT Public Private Partnerships). This bill required federal Davis-Bacon prevailing wages on all public private partnerships. The bill died in the Senate Transportation Committee.

House Bill 17-1177 (Mediation for Disputes Arising Under CORA). This bill requires a week 'cooling of' period of two weeks to allow the state department who denied the CORA request, to contact the applicant and try to fix the dispute prior to a district court filing. The bill was signed by the Governor.



House Bill 17-1296 (Assignment of State Owned Vehicles). This bill provides additional procedures for state agencies on how fleet vehicles are assigned. The Department of Personnel and Administration, in collaboration with other state departments, will be creating rules to clarify additional policies. The bill was sent to the Governor.

House Bill 17-1300 (Apprenticeship Utilization in Public Projects). Would have created a requirement to use apprentices for at least 25% of the workforce on public projects over \$500K. The bill died in the Senate State Affairs Committee.

Senate Bill 17-040 (Public Access to Government Files). This bill allows departments to provide requested public information under CORA requests in a searchable format instead of a .pdf document. The bill was sent to the Governor.

Senate Bill 17-113 (Cap Employer Contribution Rates for PERA Employees). This bill capped the amount an employer could contribute to their employee's retirement accounts. The bill died in the House State Affairs Committee

