



COLORADO
Department of Transportation

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MEMORANDUM

TO: CDOT Personnel Impacted by New Legislative Changes
FROM: Andy Karsian, Office of Policy & Government Relations
DATE: May 19, 2019
SUBJECT: 2020 Regular Session of the General Assembly: Final Report

Summary

What a long, strange trip it's been. The legislative session began with optimism and surplus budget funds. Nine weeks later, it ran face-first into a public health emergency wall. The surplus turned in to a historic budget deficit, and legislators left the Capitol for 14 weeks.

The legislature returned three weeks ago to an altered reality of social distancing, face masks, limited public access, and remote voting. After an adjournment that was almost as long as the originally scheduled 120-day session, legislators tackled major policy issues arising from the pandemic, racial protests, and the budget shortfall. Transportation policy was in the forefront when the surplus existed; however, by the end, the coronavirus relegated transportation issues to the back burner.

Before the COVID-19 adjournment, CDOT tracked 35 bills with possible impacts on the department. Of those 15 had opportunities to pass. After reconvening, these 15 bills were not part of the priorities that passed in the remaining days of the session. The department can look forward to these bills returning next year, in addition to a host of new bills legislators create in the short six months before the new session convenes.

Below is a list of legislation that passed this year. These bills have varying impacts on CDOT's operations.

If you have questions regarding this memorandum or any legislation, please contact Andy Karsian at (303) 883-9381 or email andy.karsian@state.co.us.

Transportation Finance

[House Bill 20-1376](#) (*Transportation Funding*). To reduce the budget deficit, CDOT will pay two years of the SB18-267 COP debt payments at \$50 million. The JBC codified this commitment in HB1376 by removing the general fund reimbursement to CDOT of \$50 million/year for two years. The Joint Budget Committee also added \$12 million/year of COP debt payments for two years. Finally, the bill removed language requiring CDOT to promulgate rules based off of legislative actions that did not happen.

Impacts to CDOT: For two years, CDOT's budget will be reduced by \$62m/year.

[House Bill 20-1381](#) (*Modify Transportation Funding Mechanisms*). This Joint Budget Committee budget-balancing bill swept a variety of cash funds available to help balance the budget after the pandemic struck. Part of the budget-balancing was \$10 million from the state share of the Multi-Modal Options Fund.



Impacts to CDOT: The General Assembly transferred almost \$100m to the Multi-Modal fund in 2018. The majority of the funding (\$80m) went to local governments for dedicated transit type projects. CDOT had \$14 million in the fund, and the legislature took \$10 million of that to help balance the budget.

Freight Office

Senate Bill 20-118 (Hazardous Materials Transport Permit Issuance). The Public Utilities Commission issued permits for transporting hazardous materials through Colorado. This bill transfers those responsibilities to CDOT's Freight Office. CDOT will begin issuing the statewide permits for hauling hazardous materials in January 2021.

Impacts to CDOT: This legislation creates efficiencies for hazardous material haulers to get permits. Since freight haulers get overweight and oversize permits through CDOT's freight office, bringing hazardous material transport permits into this existing CDOT system consolidates the process.

House Bill 20-1030 (Commercial Vehicle Annual Fleet Overweight Permits). This bill combines two existing overweight freight permits into one. In the past, haulers who applied for an annual fleet overweight permit had two permits for vehicles with quad-axle grouping for divisible vehicles or loads, along with a permit for vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads. This bill combines both into one permit.

Impacts to CDOT: The CDOT Freight Office will incorporate these changes into the existing software permitting system available to freight owners. Owners will be able to apply online.

Senate Bill 20-218 (CDPHE and Hazardous Substances Response). This bill creates a \$25 per truckload fee on fuel manufacturers to pay for state regulations of PFAS, a chemical foam used in firefighting. Producers will pay the fee monthly to CDPHE on every truckload of fuel products delivered during the previous month. Recognizing the need for ongoing projects to support freight and hazardous material transport through the state, 25 percent of the new fee is dedicated to safe and efficient freight movement and hazardous material safety in CDOT. The funding will be dedicated to the CDOT Freight Office for ongoing freight projects.

Impacts on CDOT: The total of the fee revenue to CDOT will be around \$1.8m annually for freight safety projects statewide. This funding will be useful for a variety of different projects designed to improve safety and efficiency for freight hauling in Colorado.

Human Resources

House Bill 20-1153 (Colorado Partnership for Quality Jobs and Services Act) This bill creates standard practices for the creation of collective bargaining for state employees. The legislation establishes a number of processes to create collective bargaining groups, to allow for dispute resolutions in the department, as well as at the judicial level, and to specify a number of labor practices the state and employees will follow.

Impacts to CDOT: The department will work closely with the Department of Law to formalize the new labor practices outlined in the bill.



Senate Bill 20-205 (Paid Sick Leave) In response to the pandemic, the legislature passed SB205 to provide required sick leave throughout the state. Every business must provide at least one hour of accrued sick leave for every 30 hours worked. Employers also must provide additional sick leave during a public health emergency. The bill specifies that employees may take sick time if impacted by the COVID-19 virus directly or if caring for someone else.

Impacts to CDOT: CDOT's sick leave policies already cover most of what this legislation covers, and the new law does not alter those existing policies. Some additional flexibility is offered if the COVID-19 virus impacts employees; however, if an employee has questions about sick leave during the public health emergency, please contact a supervisor or director with their questions or concerns.

Fleet

Senate Bill 20-071 (Permissible Use of State-Owned Motor Vehicles) This bill clarified some language in state statute to comply with a state audit on the use of department fleet vehicles. It states that commuting does not include 'traveling away from home,' which parallels federal tax language. The bill also allows state fleet vehicles to be parked at a residence more than one night a month with the department executive director's permission.

Impacts to CDOT: This does not change much on how CDOT uses light fleet vehicles. The state audit found that there needed to be clarification on fleet use policies statewide and that departments need better oversight on who utilizes fleet vehicles consistently. Harmonizing the language between state and federal tax policies, as well as allowing more flexibility on approval of overnight vehicles at residences, will provide additional flexibility for the department.

P3

Senate Bill 20-017 (Transportation Public-Private Partnership Reporting) This bill requires the High-Performance Transportation Enterprise (HPTE) within CDOT to submit an annual report detailing any new public-private partnerships undertaken during the last year. The HPTE will submit the report to the Transportation Legislative Review Committee and any local governments within the P3 project boundary.

Impact on CDOT: HPTE supported this bill, and the additional outreach and communication to state and local governments will help others understand the ongoing efforts to build better public-private partnerships in the state. HPTE already completes an annual report with most of the information the legislation requires included.

Speed Limits

House Bill 20-1178 (Increase Speeds on Rural Highways) This bill requires CDOT to study rural state highways to see if speed limits could be raised to 70 mph.

Impacts to CDOT: This bill does not require CDOT to do any specific speed studies, nor raise any speed limits. Instead, CDOT amended the bill to allow regions the flexibility to identify appropriate highways that could have a traffic speed study in the future. No specific roads are designated, and no particular number of highways are expected. The regions have discretion to identify any appropriate highways that may fall under the parameters of the legislation. CDOT will provide the legislature a report on identified rural highways and highlighting challenges found to raising speed limits on those highways.

