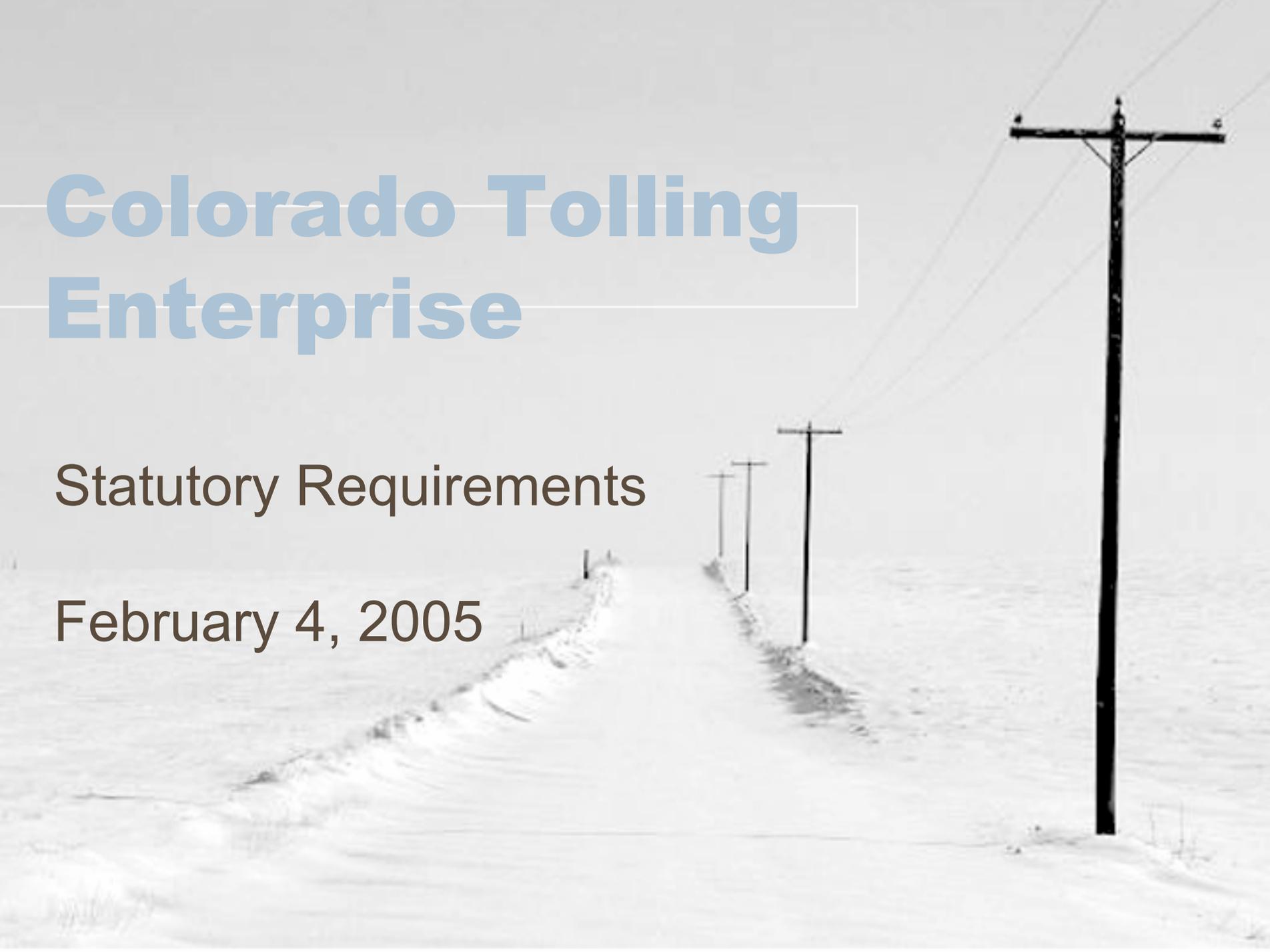


Colorado Tolling Enterprise

A black and white photograph of a snowy landscape. A road or path is visible, leading into the distance. On the right side of the road, there are several utility poles with cross-arms, receding into the distance. The sky is overcast and grey. The overall scene is desolate and wintry.

Statutory Requirements

February 4, 2005

State Legislation

HB 1310

- CRS 43-4-801- 12
- Signed into law 2002
- CTE Created 2003



Legislative Declaration

- The general assembly hereby finds....in order to finance, construct, operate and maintain additional highway capacity and accommodate the needs of the traveling public....through safe, efficient, convenient, and modern vehicular traffic, it is necessary...to provide for the financing, construction, operation, regulation, and maintenance of a statewide system of toll highways that are interoperable ,..and that will reduce traffic congestion, delays, hazards, injuries and fatalities.



Legislative Declaration (cont.)

- The general assembly further finds and declares that it is necessary to authorize the transportation commission to create, under the supervision of the transportation commission, a statewide tolling enterprise that has the power to impose tolls, issue revenue bonds, and exercise other powers necessary and appropriate to carry out these purposes.”



Key Definition

- **“Toll Highway” means a new highway or additional lane capacity and related highway improvements. A toll highway cannot eliminate previously existing highway lanes that have served vehicular traffic on a toll-free basis except pursuant to section 42-4-1012 C.R.S. (Hot Lanes Project)**



CTE Organization

- Commission created enterprise;
- Commission serves as board of the enterprise;
- A Division of CDOT;
- Board appoints director of enterprise with consent of CDOT Exec. Director;
- CTE Operates as a "Government Owned Business " within CDOT;
- CTE is an enterprise so long as authority issues revenue bonds and receives < 10% of annual revenues are grants for state and/or local governments.



Powers and Duties of the Board

- **Adopt Bylaws and regulations**
- **Issue revenue bonds**
- **Set and adopt a budget for the enterprise**
- **Designate a state toll highway**
- **Establish and change tolls.**
- **Establish, charge, collect fees for use of property**
- **Acquire and dispose of real property**
- **Acquire by purchase, gift, grant or condemnation rights of way**



Powers and Duties of the Board (cont.)

- **Make and enter into contracts with a private entity to facilitate a public-private initiative**
- **Enter into other agreements, including Intergovernmental agreements**
- **Contract for services**
- **Prepare detailed plans, specs.**
- **Acquire, construct, relocate, operate, regulate, and maintain a toll highway, including toll stations**



Powers and Duties of the Board (cont.)

- **Purchase, trade, exchange, acquire, buy, sell, lease with option to buy, dispose of, or encumber real or personal property without restriction or limitation.**
- **Enter into interest rate exchange agreements for bonds**
- **Establish, create, and approve nonprofit entities and bonds issued by such entity for the purpose of financing, constructing, operating, or maintaining a toll highway, etc.**



Powers and Duties of the Board (cont.)

- **Transfer money, property or other assets to CDOT**
- **The board shall ensure unrestricted access by all vehicles to any toll highway and shall not require that a particular class of vehicles travel upon any toll highway.**



Applicability of Other Laws

- **CTE not subject to state procurement code**
- **CTE is subject to Sunshine Law**
- **A toll highway financed, constructed, operated, or maintained pursuant to the part 8 shall conform to and be an approved part of the applicable regional transportation plan and the statewide transportation plan...**



Separate Fund for Tolling

- **Creates Statewide Tolling Enterprise Fund in state treasury**
- **All toll/other revenue deposited in fund**
- **General funds may not be deposited in fund**
- **\$ in fund continuously appropriated to enterprise**
- **Fund may not be used for any other purposes than operating, administration, planning, financing, construction, operation, maintenance, or repair of a toll highway**



Creates Separate Fund (Continued)

- **The CTE Board has exclusive authority to budget and approve the expenditure of \$ in the fund.**
- **\$ from tolls shall only be expended to fund the admin., planning, design, development, financing, construction, operation, maintenance, or repair of the state toll highway or to pay bonds of the enterprise that were issued to finance the state toll highway.**



Creates Separate Fund (Continued)

- **Once the costs of constructing the state toll highway, including sufficient contingencies, debt service on all bonds issued to finance the toll highway, and the state highway fund reimbursed for any loans; toll rates must be adjusted to cover ongoing operation, maintenance, renewal, and replacement of the state highway.**



Start Up Loan to CTE

- **Transportation Commission may transfer \$, at TC set interest rate, to CTE for expenses prior to the receipt of bond proceeds or toll revenues by the CTE.**
- **Transferred \$ must be deposited in a separate fund.**
- **The CTE must repay any transfers including interest when it receives “sufficient bond proceeds or toll revenues”.**



Bonding

- Enterprise may issue bonds
- Enterprise may invest proceeds from bonds
- All banks, etc may invest in bonds
- Income, property, and bonds issued by the enterprise are exempt from all taxation and assessments in the state.



Traffic Laws/Toll Collection

- **State and local traffic laws apply to toll facility.**
- **State and local law enforcement agencies may enter into agreements with the CTE**
- **CTE may adopt regulations re: toll collection enforcement and providing a civil penalty for toll evasion.**
- **Penalty: \$10 - \$100 plus court costs.**



Traffic Laws/Toll Collection (cont.)

- Any officer may enforce toll evasion if authorized by municipal ordinance
- Local courts have jurisdiction to try toll cases.
- Penalties, exclusive of court costs, shall be remitted to CTE, consistent with enforcement agreements.

