



High-Performance Transportation Enterprise

October 17, 2018

STATUTORY DEEP DIVE

- PASSED IN 2009 AS PART OF LARGER FUNDING ADVANCEMENT FOR SURFACE TRANSPORTATION AND ECONOMIC RECOVERY (“FASTER”) LEGISLATION
- PASSED DURING THE RECESSION WHEN SECURING FUNDS FOR TRANSPORTATION WAS EXTREMELY CHALLENGING
- MEANT TO BRIDGE THE FUNDING GAP FOR TRANSPORTATION PROJECTS
- ALLOWS FOR INDEPENDENT FINANCING OUTSIDE THE CONFINES OF CDOT AND TABOR

LEGISLATIVE DECLARATION

- INDICATES THE PROBLEM THE GENERAL ASSEMBLY IS TRYING TO ADDRESS
- THESE STATEMENTS ARE ALMOST ALWAYS USED BY THE COURTS TO INTERPRET A STATUTE WHEN CHALLENGED
- ESSENTIALLY, THE GENERAL ASSEMBLY'S INTENT FOR PASSING THE BILL
- THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
THAT:

LEGISLATIVE DECLARATION: FASTER C.R.S. 43-4-802(2)(e)

“THE CREATION OF A HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE WITH THE AUTHORITY AND MISSION TO SEEK OUT OPPORTUNITIES FOR INNOVATIVE AND EFFICIENT MEANS OF FINANCING OTHER IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS WILL ENSURE THAT SUCH PROJECTS ARE ALSO PROPERLY PRIORITIZED AND ACCELERATED;”

LEGISLATIVE DECLARATION: FASTER C.R.S. 43-4-802(2)(f)

“GRANTING THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE BOTH RESPONSIBILITY FOR THE COMPLETION, RESPECTIVELY, OF DESIGNATED BRIDGE PROJECTS AND OTHER IMPORTANT SURFACE TRANSPORTATION PROJECTS AND THE FLEXIBILITY TO EXECUTE THEIR RESPECTIVE MISSIONS IN A VARIETY OF INNOVATIVE WAYS WILL ENSURE THAT AVAILABLE RESOURCES FOR SUCH PROJECTS ARE EFFICIENTLY AND EFFECTIVELY LEVERAGED SO THAT BOTH THE PROJECTS AND THE STATE’S ECONOMIC RECOVERY CAN BE COMPLETED AS QUICKLY AS POSSIBLE”

C.R.S. § 43-4-806(1)(A): HPTE LEGISLATIVE DECLARATION

“IT IS NECESSARY, APPROPRIATE AND IN THE BEST INTERESTS OF THE STATE FOR THE STATE TO AGGRESSIVELY PURSUE INNOVATIVE MEANS OF MORE EFFICIENTLY FINANCING IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT WILL IMPROVE THE SAFETY, CAPACITY, AND ACCESSIBILITY OF THE SURFACE TRANSPORTATION SYSTEM, CAN FEASIBLY BE COMMENCED IN A REASONABLE AMOUNT OF TIME, WILL ALLOW MORE EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION THROUGHOUT THE STATE, AND WILL ACCELERATE THE ECONOMIC RECOVERY OF THE STATE”

C.R.S. § 43-4-806(1)(b)

“SUCH INNOVATIVE MEANS OF FINANCING PROJECTS INCLUDE,
BUT ARE NOT LIMITED TO:

C.R.S. § 43-4-806(1)(b) – CONT'D

Text

- “PUBLIC PRIVATE PARTNERSHIPS;
- CONCESSION AGREEMENTS;
- USER FEE-BASED PROJECT FINANCING; AND
- AVAILABILITY PAYMENT AND DESIGN-BUILD CONTRACTING”

Examples

- CENTRAL 70, US 36
- US 36
- MEXL
- C-470, SEGMENT 2, CENTRAL 70

C.R.S. § 43-4-806(1)(c)

“IT IS THE INTENT...THAT HPTE ACTIVELY SEEK OUT OPPORTUNITIES FOR PUBLIC-PRIVATE PARTNERSHIPS FOR THE PURPOSE OF COMPLETING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AND THAT THIS SECTION BE BROADLY CONSTRUED TO ALLOW FLEXIBILITY TO PURSUE ANY AVAILABLE MEANS OF FINANCING THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS”

- NOT RESTRICTED TO JUST THE EXAMPLES
- IF NEW PROJECT DELIVERY MODEL COMES ALONG, GO FOR IT

WHAT IS A “SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT”?

- CODIFIED AT § 43-4-803(22) AND § 43-4-803(23)

(22) SURFACE TRANSPORTATION INFRASTRUCTURE:

- “A HIGHWAY, A BRIDGE OTHER THAN A DESIGNATED BRIDGE, OR ANY OTHER INFRASTRUCTURE, FACILITY, OR EQUIPMENT USED PRIMARILY OR IN LARGE PART TO TRANSPORT PEOPLE ON SYSTEMS THAT OPERATE ON OR ARE AFFIXED TO THE GROUND”

(23) SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT:

- “THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE, OR OPERATION OF A DEFINED AMOUNT OF SURFACE TRANSPORTATION INFRASTRUCTURE BY:
- THE TRANSPORTATION ENTERPRISE (HPTE); OR
- A PARTNER OF HPTE UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP

C.R.S. § 43-4-806(2)(A)(III)(A)-(B)

HPTE'S TRANSFERRED POWERS FROM CTE

- HPTE IS A TYPE 1 TRANSFER
- STATUTORY AUTHORITY FOR NEWLY CREATED STATE AGENCIES
- C.R.S. 24-1-105: UNDER A TYPE 1 TRANSFER, "ANY POWERS, DUTIES AND FUNCTIONS NOT SPECIFICALLY VESTED BY STATUTE IN THE AGENCY BEING TRANSFERRED [HPTE], INCLUDING, BUT NOT LIMITED TO, ALL BUDGETING, PURCHASING, PLANNING, AND RELATED MANAGEMENT FUNCTIONS OF ANY TRANSFERRED DEPARTMENT OR OTHER AGENCY, SHALL BE PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE HEAD OF THE PRINCIPAL DEPARTMENT [CDOT]"
- I.E., IF IT'S NOT IN THE HPTE STATUTE, IT'S LIKELY SUBJECT TO CDOT CONTROL
- IMPORTANT TO RECOGNIZE THAT HPTE HAS "OCCUPIED THE FIELD" IN MANY RESPECTS AND THERE ARE VERY LITTLE DUTIES LEFT EXCLUSIVELY TO CDOT'S CONTROL AND SUPERVISION
- CAN'T FORGET ABOUT THE "COLORADO TOLLING ENTERPRISE" (HPTE'S FORMER SELF)
- BECOMES A TYPE 3 TRANSFER ONCE HPTE WAS FORMED:
 - "ITS POWERS, DUTIES AND FUNCTIONS ARE TRANSFERRED BY A TYPE 3 TRANSFER" TO HPTE
- TYPE 3 TRANSFER MEANS THE ABOLISHING OF AN EXISTING DEPARTMENT AND TRANSFERRING ALL OF ITS POWERS, DUTIES, FUNCTIONS, RECORDS, PERSONNEL, PROPERTY, AND UNEXPENDED BALANCES OF APPROPRIATIONS OR OTHER FUNDS
- IMPORTANT TO CONSIDER HPTE'S STATUTORY HISTORY WHEN CONSIDERING ROLES AND LEGAL AUTHORITY

COLORADO TOLLING ENTERPRISE: HPTE'S PREVIOUS ITERATION

- IMPORTANT TO REMEMBER CTE'S AUTHORITY AS A WAY TO COMPARE TO HPTE'S CURRENT AUTHORITY
- EXAMPLES:
 - "ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE TOLL HIGHWAYS...INCLUDING THE DEBT SERVICE...AND REIMBURSED THE STATE HIGHWAY FUND...THE BOARD SHALL ADJUST TOLL RATES IN EACH HIGHWAY CORRIDOR SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY WITHIN THE TOLL HIGHWAY CORRIDOR."
 - "IF A TOLL HIGHWAY REPLACES ANY PART OF AN EXISTING [HOV] LANE, THE BOARD SHALL NOT CHARGE A FEE, TOLL, RATE OR CHARGE..."
 - DUTY DOES NOT EXTEND TO HPTE BOARD
 - GENERAL ASSEMBLY DECIDED NOT TO CUT AND PASTE THESE RESTRICTIVE PROVISIONS INTO CURRENT HPTE STATUTE
 - REPRESENTS A MORE RESTRICTED VIEW OF CTE WHEN COMPARED TO HPTE

C.R.S. § 43-4-806(6)

BOARD POWERS

MAKES EXPLICIT HPTE BOARD DUTIES AND POWERS:

- (a) TO SUPERVISE AND ADVISE THE DIRECTOR
- (b) TO ADOPT BYLAWS
- (c) TO ISSUE REVENUE BONDS
- (d) TO ACQUIRE, HOLD AND DISPOSE OF REAL PROPERTY
- (e) TO ACQUIRE, BY PURCHASE, GIFT OR GRANT, OR VIA CONDEMNATION, ANY LANDS, BUILDINGS OR RIGHTS-OF-WAY (EMINENT DOMAIN POWER)
- (f) TO ENTER INTO IAAs WITH CDOT
- (g) TO ENTER INTO AGREEMENTS, INCLUDING WITH PUBLIC ENTITIES AND PRIVATE ENTITIES
- (h) TO ENTER INTO ALL OTHER AGREEMENTS
- (i) TO EMPLOY CONSULTANTS

- (a) YOU ALL KNOW MR. SPECTOR, RIGHT?
- (b) ADOPTED BY BOARD OCTOBER 2015
- (c) C-470, FOR EXAMPLE
- (d) LEASEHOLD INTEREST IN TOLL HIGHWAY CORRIDORS; DIGITAL SIGNS
- (e) NO INSTANCES OF CONDEMNATION
- (f) ALL PROJECTS HAVE AN IAA WITH CDOT
- (g) CONCESSION AGREEMENT WITH PLENARY, CENTRAL 70
- (h) SEGMENT 3 IS A DBB; SEGMENT 2 = DB
- (i) ERNST AND YOUNG, ATKINS, LAWYERS, ETC.

C.R.S. § 43-4-806(6)

BOARD POWERS – CONT'D

(j) TO PREPARE PLANS OR ESTIMATES FOR PROJECTS

(k) TO ACQUIRE, FINANCE, REPAIR, RECONSTRUCT, REPLACE, OPERATE, OR MAINTAIN ANY SURFACE TRANSPORTATION PROJECT IN THE STATE

(l) TO SET AND ADOPT A BUDGET

(m) TO PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, DISPOSE OF OR ENCUMBER REAL PROPERTY AND ANY OTHER PROPERTY INTERESTS

(n) TO ENTER INTO INTEREST RATE EXCHANGE AGREEMENTS FOR BONDS THAT HAVE BEEN ISSUED IN ACCORDANCE WITH C.R.S. § 11-59.3-101

(p) TO TRANSFER MONEY, PROPERTY OR OTHER ASSETS TO CDOT TO THE EXTENT NECESSARY TO IMPLEMENT THE FINANCING OF ANY SURFACE TRANSPORTATION PROJECT OR FOR ANY OTHER PURPOSE AUTHORIZED IN THE STATUTE

(q) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY AND INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES OF THIS SECTION

J. MASTER PLAN, TRAFFIC STUDIES, ETC.

K. TAKE YOUR PICK

L. MOST RECENT BUDGET APPROVED 03/14/18

M. LEASEHOLD INTEREST IN TOLL HIGHWAY CORRIDORS (SEE PREVIOUS)

N. SECURITIES AND BOND ARRANGEMENTS

P. ABILITY TO MOVE MONEY BETWEEN CDOT-HPTE IN ORDER TO FINANCE PROJECT

Q. CATCH-ALL, ALLOWS FOR REASONABLE DUTIES THAT ARE NOT SPECIFICALLY MENTIONED

C.R.S. § 43-4-806(2)(c)(I)–(IV)

EXERCISE OF ITS POWERS

(2)(c) “THE BUSINESS PURPOSE OF [HPTE] IS TO PURSUE PUBLIC-PRIVATE PARTNERSHIPS AND OTHER INNOVATIVE AND EFFICIENT MEANS OF COMPLETING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS. TO ALLOW [HPTE] TO ACCOMPLISH THIS PURPOSE AND FULL EXERCISE ITS POWERS AND DUTIES THROUGH THE [BOARD], [HPTE] MAY...

- (I) IMPOSE USER FEES FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION INFRASTRUCTURE;
- (II) ISSUE OR REISSUE REVENUE BONDS;
- (III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR NON-GOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS;
AND
- (IV) SEEK OUT AND ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS

(I) MEXL - FIRST APPROVED AUGUST 2015;
US 36 - AMENDED JUNE 2018
SEGMENT 2 - AMENDED JUNE 2018

(II) C-470 (TOLL-BACKED REVENUE BOND WITH TIFIA)

(III) CENTRAL 70; TIFIA; BANK OF AMERICA-MERRILL LYNCH

(IV) CENTRAL 70 (KMP); US 36 (PLENARY)

C.R.S. § 43-4-806(3)(d)

FINANCES

Text

- HPTE MAY EXPEND MONEYS TO:
 - PAY BOND OBLIGATIONS
 - TO FUND SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS
 - TO ACQUIRE LAND REQUIRED OF ANY SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
 - TO PAY ITS OPERATING COSTS AND EXPENSES
- IMPORTANTLY, THE BOARD “SHALL HAVE EXCLUSIVE AUTHORITY TO BUDGET AND APPROVE EXPENDITURE OF MONEYS IN THE TRANSPORTATION SPECIAL FUND.”

Examples

- PAYMENTS MADE TO LENDERS ON ITS LOANS
- IAA BETWEEN CDOT AND HPTE FOR I-270 FEASIBILITY
- COULD PAY LANDOWNERS FAIR MARKET VALUE OF PROPERTY IF HPTE USED ITS EMINENT DOMAIN POWERS; COLFAX & FEDERAL?
- ATTORNEY FEES, BOARD EXPENSES, HPTE STAFF, ANNUAL AUDIT COSTS
- BOARD HAS FINAL SAY TO APPROVE EXPENDITURE OF MONEYS

C.R.S. § 43-4-806(5)

USER FEE REVENUE – SPECIFIC USES

Text

- CAN BE EXPENDED “ONLY FOR PURPOSES AUTHORIZED BY SUBSECTION (3)” ;
- “ONLY FOR THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH THEY WERE COLLECTED” ;
- “TO ADDRESS ONGOING CONGESTION MANAGEMENT NEEDS RELATED TO THE PROJECT” ; OR
- “AS A PORTION OF THE EXPENDITURES MADE FOR ANOTHER SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT IS INTEGRATED WITH THE PROJECT AS PART OF THE SURFACE TRANSPORTATION SYSTEM”
- EXCEPTION: “MAY USE USER FEE REVENUES...TO PAY OVERHEAD OF THE TRANSPORTATION ENTERPRISE. ”
- HPTE HAS BEEN VERY CAREFUL IN THE “COLOR” OF ITS MONEY (I.E., WHERE REVENUE IS DRAWN FROM AND SPENT)

Examples

- USING REVENUES COLLECTED TOWARD COSTS OF OPERATIONS AND MAINTENANCE
- SEGMENT 2 REVENUES BEING SPENT ON I-270 FEASIBILITY – SEE INFORMAL OPINION BY OUR OFFICE
- MESSAGING AND COMMUNICATION TO THE PUBLIC ON I-25 GAP (I.E., WHY USER FEE REVENUES FROM OTHER CORRIDORS CAN’T BE USED TO FUND GENERAL PURPOSE LANES)

C.R.S. § 43-4-806(7.5)

DEMAND MANAGEMENT STUDY

Text

- SECTION THAT AUTHORIZED HPTE TO CONTRACT WITH CDOT WITH THE GOAL OF EVENTUALLY OPERATING AND MAINTAINING A REVERSIBLE HIGHWAY LANE
- "...MAY ENTER INTO A TRANSPORTATION DEMAND MANAGEMENT CONTRACT WITH [CDOT] UNDER WHICH [CDOT] COMPENSATES HPTE FOR RELIEVING TRAFFIC CONGESTION DURING PEAK TRAVEL TIMES, AS DETERMINED BY CDOT AND HPTE, IN THE [I-70 MOUNTAIN CORRIDOR] BETWEEN FLOYD HILL AND THE EISENHOWER-JOHNSON TUNNELS BY PROVIDING AND OPERATING REVERSIBLE HIGHWAY LANES WITHIN THAT PORTION OF THE CORRIDOR..."

Example

- FEASIBILITY STUDY COMPLETED, SHOWN TO BE NOT FEASIBLE
- COMPLIED WITH STATUTORY MANDATE

C.R.S. § 43-4-806(8)(a)

PLANNING

Text

- THIS SECTION PROVIDES DIRECTION WHEN BEGINNING TO PLAN FOR A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, SPECIFICALLY AS IT RELATES TO STAKEHOLDERS BY INVOLVING EVERYONE FROM THE BEGINNING
- “WHEN HPTE DECIDES TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERS, THE BOARD SHALL INVITE...”
 - MASS TRANSIT OPERATORS;
 - PUBLIC HIGHWAY AUTHORITIES;
 - REGIONAL TRANSPORTATION AUTHORITIES; AND
 - METROPOLITAN PLANNING ORGANIZATIONS
- “TO COLLABORATE WITH THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE PROJECT.”

Example

- FUNCTIONALLY ACCOMPLISHED VIA STATEWIDE TRANSPORTATION IMPROVEMENT PLAN (“STIP”) AND TRANSPORTATION IMPROVEMENT PLAN (“TIP”)
- STIP IS UPDATED ON AN ANNUAL BASIS, INVOLVES TRANSPORTATION PLANNING REGIONS AND OTHER STAKEHOLDERS

C.R.S. § 43-4-806(8)(a)

PLANNING – CONT'D

- GOES ON TO STATE THAT THE PARTIES MAY ENTER INTO AN IGA TO DEFINE DEGREE OF COLLABORATION
- THESE PARTIES “THAT ARE ENTITLED TO AND WISH TO COLLABORATE WITH THE BOARD, MAY DEVELOP A PLAN FOR THE COMPLETION OF THE [PROJECT] THAT ADDRESSES THE:
 - FEASIBILITY OF THE PROJECT;
 - THE TECHNOLOGY TO BE UTILIZED;
 - PROJECT FINANCING; AND
 - ANY OTHER FEDERALLY REQUIRED INFORMATION”

C.R.S. § 43-4-806(8)(a)-(b)

PLANNING – CONT'D

- STATES THAT “EVERY METROPOLITAN PLANNING ORGANIZATION OR OTHER TRANSPORTATION PLANNING REGION...IN WHICH...ANY PORTION OF A PROPOSED [PROJECT]...IS TO BE COMPLETED...SHALL HAVE THE RIGHT TO PARTICIPATE IN THE PLANNING AND DEVELOPMENT, AND APPROVE THE COMPLETION, OF THE PROJECT.”
- THE “RIGHT OF PARTICIPATION SHALL EXTEND” TO DECISIONS REGARDING:
 - SCOPE OF THE PROJECT;
 - THE TYPE OF PROJECT;
 - MANNER IN WHICH USER FEES ARE IMPOSED; AND
 - ALLOCATION OF PROJECT REVENUES
 - A PROJECT “SHALL NOT PROCEED PAST THE PLANNING STAGE UNTIL ALL METROPOLITAN PLANNING ORGANIZATIONS ENTITLED TO PARTICIPATE...HAVE APPROVED THE PROJECT.”

C.R.S. § 43-4-806(9)(a)

DUPLICATIVE SERVICES

- HPTE SHALL NOT DUPLICATE THE SERVICES OF:
 - PUBLIC MASS TRANSIT;
 - RAILROAD;
 - PUBLIC HIGHWAY AUTHORITY; OR
 - REGIONAL TRANSPORTATION AUTHORITY
 - EXCEPT AS DESCRIBED IN AN INTERGOVERNMENTAL AGREEMENT OR CONTRACTUAL AGREEMENT ENTERED INTO
 - CREATION OF HPTE SHALL NOT DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM FORMING A PUBLIC HIGHWAY AUTHORITY OR REGIONAL TRANSPORTATION AUTHORITY
- SAME STATUTORY MANDATE EXISTS FOR CDOT

C.R.S. § 43-4-807

BONDS

- HIGHLIGHTS:
 - MAY NOT EXCEED 45 YEARS
 - MAY HAVE FIXED OR VARIABLE INTEREST RATES
 - MAY BE SUBJECT TO PURCHASE BY BOND HOLDER
 - SPECIFIES ENABLING RESOLUTION REQUIREMENTS
 - ANY FUND PLEDGE ISSUES SHALL BE VALID AND BINDING
 - NOT SUBJECT TO PERSONAL LIABILITY ON THE BONDS
 - SPECIFIES REQUIREMENT INVESTMENT GUIDELINES ON THE SALE OF BONDS
 - EXEMPT FROM FEDERAL INCOME TAX

C.R.S. § 43-4-808(1)–(2)

TOLL HIGHWAYS – PROVISIONS

Text

- SHALL “ENSURE UNRESTRICTED ACCESS” TO THE TOLL HIGHWAY (EXCEPT THAT IS MAY DESIGNATE TOLL HIGHWAY FOR HOV OR TO RESTRICT HAZARDOUS WASTE VEHICLE USE TO PROTECT HEALTH AND SAFETY OF PUBLIC); AND
- SHALL ALLOW PUBLIC TRANSPORTATION TO USE WITHOUT PAYING A USER FEE
- TRAFFIC LAWS APPLY TO TOLL HIGHWAYS
- LAW ENFORCEMENT MAY ENTER INTO AGREEMENTS WITH HPTE
- HPTE MAY ADOPT, BY RESOLUTION, RULES PERTAINING TO TOLL ENFORCEMENT AND PROVIDE A CIVIL PENALTY FOR TOLL EVASION
- MAY USE “STATE-OF-THE-ART TECHNOLOGY” TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT, INCLUDING AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY

Examples

- RTD AGREEMENT WITH US 36
- ENTERED INTO AGREEMENT WITH CSP TO INCREASE SAFETY ALONG MEXL AND I-25 NORTH (AUGUST 2018)
- RULES ADOPTED 4/14/2013 – 2 CCR 606-1
- XEROX, CARMA

C.R.S. § 43-4-808(2)(c)(I)

TOLL HIGHWAYS – ENFORCEMENT

- ANY PEACE OFFICER SHALL HAVE THE AUTHORITY TO ISSUE CIVIL PENALTY ASSESSMENTS, OR A MUNICIPAL SUMMONS IF AUTHORIZED PURSUANT TO A MUNICIPAL ORDINANCE, FOR TOLL EVASION
- CODIFIES THE REQUIREMENTS FOR CIVIL PENALTY ISSUANCE
- CODIFIES JURISDICTION – “SHALL BE...WHERE THE ALLEGED VIOLATION OCCURRED”
- HOWEVER, HPTE MAY ADOPT ADMINISTRATIVE TOLL ENFORCEMENT PROCESS
- IF DONE, WOULD EFFECTIVELY “OCCUPY THE FIELD,” PRECLUDING FROM MUNICIPALITIES FROM HEARING TOLL EVASION CASES
- IF DONE, IMPARTIAL HEARING OFFICER SHALL CONDUCT HEARINGS
- IF JUDGMENT ENTERED, HPTE MAY ENTER ADJUDICATION INTO COUNTY COURT, HAVING THE EFFECT OF A JUDGMENT OF THE COUNTY COURT
- ADMINISTRATIVE ADJUDICATION SUBJECT TO JUDICIAL REVIEW IN THE COUNTY IN WHICH VIOLATION OCCURRED

C.R.S. § 43-4-808(3)-(5)

TOLL HIGHWAYS – MISCELLANEOUS

- HPTE MAY:
- IMPOSE USER FEES ON A HIGHWAY SEGMENT THAT PREVIOUSLY OPERATED “USER FEE-FREE” IF:
 - IT HAS OBTAINED FEDERAL APPROVAL; AND
 - IT HAS OBTAINED EVERY LOCAL JURISDICTION’S APPROVAL
 - SHALL PREPARE AIR QUALITY STATEMENT FROM TRAFFIC EXPECTED ON OTHER ROADS AS A RESULT OF USER FEE
- INCORPORATE CONGESTION MANAGEMENT PRICING INTO USER FEES
 - DYNAMIC TOLLING
- AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE REVENUES FOR COST-EFFECTIVE MULTIMODAL TRANSPORTATION PROJECTS THAT PROMOTE MOBILITY, REDUCTION OF GREENHOUSE GASES, AND ENERGY EFFICIENCY
 - FEASIBILITY OF I-25 BUSTANG
- WHEN DETERMINING A NEW PROJECT TO BE FUNDED, HPTE SHALL CONSIDER WHETHER PROJECT WILL HELP RECONNECT DISCONNECTED COMMUNITY BY EXISTING TRANSPORTATION INFRASTRUCTURE

C.R.S. § 43-4-811

FUNDING FOR TRANSIT

- NOTWITHSTANDING ANY OTHER SECTION, ANY ENTITY IMPOSING A USER FEE “MAY USE REVENUES GENERATED BY THE USER FEE OR TOLL FOR TRANSIT-RELATED PROJECTS THAT RELATE TO THE MAINTENANCE OR SUPERVISION OF THE HIGHWAY SEGMENT OR HIGHWAY LANES ON WHICH THE USER FEE OR TOLL IS IMPOSED.”
- “GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE FUNDING OF TRANSIT-RELATED PROJECTS...CONSTITUTES MAINTENANCE AND SUPERVISION OF STATE HIGHWAYS BECAUSE IT WILL HELP TO REDUCE TRAFFIC ON STATE HIGHWAYS AND THEREBY REDUCE WEAR AND TEAR ON STATE HIGHWAYS AND INCREASE THEIR RELIABILITY, SAFETY, AND EXPECTED USEFUL LIFE.”



COLORADO
Department of
Transportation

QUESTIONS?