



MEMORANDUM

TO: HIGH PERFORMANCE TRANSPORTATION ENTERPRISE BOARD OF DIRECTORS
FROM: PIPER DARLINGTON, BUDGET AND SPECIAL PROJECTS MANAGER
DATE: SEPTEMBER 18, 2019
SUBJECT: HPTE PARK-AND-RIDE STUDY: FINAL REPORT

Purpose

This memorandum is to provide a final report on the outcomes of the HPTE led study of CDOT owned park-and-rides that was completed on behalf of the Division of Transit and Rail (DTR).

Requested Action

The purpose of this memo and presentation is informational only.

Background

CDOT currently manages 27 park-and-rides, located predominantly along I-25, I-70, and the Highway 82 corridor between Leadville and Glenwood Springs. Of these parking lots, a handful are considered high priority by DTR as they provide access for parkers using the Bustang regional bus service, operating along I-25 between Fort Collins and Colorado Springs. Since starting Bustang in 2015, DTR has observed that some of the parking facilities are not being used for their intended purpose which is to encourage transit use and facilitate daily (or short-term) carpooling. The parking capacity at some locations has been constrained by squatters, long-term parkers, and other non-CDOT related commercial uses.

Due to lack of legislative authority, DTR and CDOT have a limited ability to control parking lot access through pricing, enforcement, and/or other typical mechanisms. DTR approached HPTE as to whether it could potentially manage CDOT's park-and-ride system in a more effective manner by charging a user-fee at certain park-and-rides in order to implement newer technologies and provide enforcement. To further explore this possibility, HPTE engaged outside experts to look at the park-and-ride system to better understand factors such as:

- The best management approach to limit parking usage to intended users;
- The feasibility of implementing paid parking at selected park-and-ride locations;
- The potential price sensitivity of commuters;
- Appropriate technologies for enforcement and revenue collections;
- Appropriate technologies to provide information, such as parking availability, to users;
- A preliminary financial analysis of the income and expenses associated with the preferred strategy; and,
- An understanding of the long-term capital costs needed to ensure sustainability of the system

The outcome of the study was to recommend a preferred strategy of management for CDOT and HPTE to consider. Goals such as increased access and safety for Bustang riders and short-term carpoolers, better information for park-and-ride users, and the financial sustainability of the program were prioritized in the analysis.

Details

The scope of the initial study focused on three key park-and-rides identified by DTR as high priority. Harmony Road Transfer Center (250 spaces) in Fort Collins, the Monument Park-and-Ride (257 spaces) located in Monument, and the Woodmen Road Park-and-Ride (160 spaces) in Colorado Springs. Although not currently utilized by Bustang, the Hogback or Dinosaur Park-and-Ride lots in Morrison were also included as part of the study due to the high number of spaces (1,191), high rates of use, and the critical function served by the lots in reducing traffic congestion along I-70 into the mountains. See the attached presentation for a summary of data collected, findings and recommendations from the final study.

Key Issues Considered by HPTE

Throughout the study, several key issues were important for HPTE to consider and address related to the park-and-ride study:

1. Can HPTE charge a user fee for use of parking lots?
 - o Yes. HPTE can charge and collect a user fee for use of parking lots. Because the definition of “surface transportation infrastructure” contemplates “...infrastructure, facility, or equipment,” and parking lot facilities fall within the definition of a surface transportation infrastructure project. Since HPTE can impose user fees for the privilege of using that infrastructure, it follows that HPTE can impose a fee for use of its parking lot facilities.
2. Does the part of HPTE statute mandating that user fee revenues be expended only for the infrastructure project for which they were collected apply to parking lots?
 - o Yes. HPTE statute requires that any fees collected by the specific “surface transportation infrastructure project” (in this case a parking facility) must be expended on that specific project. So, if HPTE were to collect fees/revenue on a specific parking lot facility, HPTE can expend those fees/revenue only on the specific parking lot for which it was collected.
3. Can HPTE, or a contractually designated third party, issue, collect, and enforce parking citations for parking violators?
 - o No. Generally, only certain entities with specific statutory authority can regulate parking and Colorado courts have accepted that parking is generally left to municipalities to regulate. Therefore, if HPTE were to start regulating parking, it would do so without any legal authority. Currently, the HPTE Board has the ability to promulgate rules, but it is only related to the “enforcement of toll collection” and “toll evasion.” Nothing in the HPTE statute gives the HPTE the ability to impose penalties related to parking enforcement and penalty collection.

In discussing these topics and opinions with the HPTE Attorney General it was ultimately determined that the biggest hurdle for HPTE to implement a user-fee system for parking at CDOT owned park-and-rides is the enforcement and penalty issue. In the cost and feasibility analysis completed as part of the larger study, fine revenue was a significant revenue stream. If HPTE was unable to issue and collect those fines, it would not be able to cover its operating costs for the parking lots. In addition, without enforcement, HPTE and CDOT would not have a mechanism to be able to control and manage parking.

Next Steps Taken

HPTE has consistently engaged internal stakeholders throughout the study process including key staff from DTR, the Office of Innovative Mobility, Regional Planners and the Office of Government and Policy Relations (OPGR). HPTE has discussed the legislative roadblocks it is currently facing to implementing a pay for parking system and suggested some alternative paths forward. HPTE feels that that are two legislative changes worth exploring if CDOT wants to implement paid parking at park-and-rides:

1. A legislative change to HPTE’s statute that would authorize rule-making authority related to any user fees (not just tolls) which would allow the Board to promulgate rules related to the enforcement and collection of parking citations or any future user fees that HPTE was to collect
2. A legislative change to CDOT statute allowing DTR to collect parking fee and enforcement capability (similar to RTD). Given the popularity of the Bustang service this may be an easier path to pursue and DTR would have more flexibility in how it utilized the revenue collected at the lots.

HPTE has offered to support any policy recommendations or changes CDOT wants to pursue during the upcoming legislative session that would make it easier for the collection and enforcement of user fees.

Attachment A: CDOT Park-N-Ride Facilities Paid Parking Analysis: Key Takeaways