## Mr. Schultz Public Comment

Received June 26th, 2025

## **Summary**

Mr. Schultz contacted CTIO staff through five separate emails with various review requests. This page summarizes the requests, and the subsequent pages detail the emails in full that were provided to the CTIO Board of Directors as part of the materials included in the July Board of Directors Meeting.

The CTIO Board of Directors instructed staff to consider, review, and respond to the various questions and comments posed.

Below is a cover letter summarizing CTIO's main points, along with a detailed response to each of the five requests from Mr. Schultz.



Dear Mr. Schultz,

Thank you for your detailed feedback regarding Colorado's Express Lanes program. We appreciate the opportunity to clarify how the program operates and address your concerns—transparency and public engagement are key priorities for CTIO.

While we respectfully disagree with some of your conclusions, we value this dialogue as it helps us improve public understanding of the program's benefits and safeguards. Below, we've summarized key points from your correspondence alongside CTIO's perspective, outlined in the additional pages below, based on current policies and data:

#### 1. Equity & Affordability

You raised concerns about income disparities in Express Lane access. However, the program is designed to provide choice and flexibility—all drivers retain free use of general-purpose lanes, while carpools (HOV3+ - often used by families of all income levels), buses, and motorcycles travel toll-free. Our Multimodal Strategic Capital Plan actively invests in transit alternatives to serve all income levels. Toll revenue funds these very improvements, creating a system that benefits all travelers through reduced congestion, even in the general purpose lanes adjacent to the Express Lanes.

#### 2. Enforcement & Due Process

 Regarding citation evidence, Colorado law and our independent hearing process ensure fairness. The two-photo system (with map documentation) has proven sufficient to confirm violations while keeping penalties affordable—adding video evidence would increase costs for all users without improving outcomes. Notably, 93% of drivers comply with Express Lane rules, and violations have dropped 92% since enforcement began.

#### 3. Lane Markings & Safety

 All markings adhere to federal (Manual on Uniform Traffic Control Devices (MUTCD)) and state standards, with regular reviews for clarity. While you cited C-470 concerns, our studies confirm that current configurations safely guide drivers when used as intended.
CTIO conducted a full review of all Ingress and Egress points (entrances and exits) on all Express Lanes in the Summer of 2024. The review identified that all Express Lanes comply with federal requirements. However, changes were made to some Express Lanes striping to improve driver comfort getting in and out of the Express Lanes.

#### 4. Contractor Accountability

 Our primary STEP vendor's main office is located in Denver, with strict performance metrics. Violation disputes are handled by independent hearing officers, ensuring impartiality. The program's success—with weaving-related crashes declining significantly—demonstrates its safety focus over revenue.

#### **Moving Forward Together**

We're proud of Express Lanes' role in reducing congestion and providing reliable travel options. That said, we'll continue:

- Educating drivers on rules through outreach campaigns (funded by penalty revenue).
- Monitoring equity impacts via surveys and the 2026 Multimodal Strategic Capital Plan (MSCP) update.
- Improving signage/markings based on engineer reviews and public input.

For details on policies or dispute options, visit the <u>CTIO Website</u>. We welcome future dialogue—your engagement helps us serve Colorado better.

Cecil Gutierrez, Vice-Chair, CTIO Board of Directors

Piper Darlington, CTIO Director

# 1. Colorado Express Lane Program: Equity, Affordability, and Public Engagement

Dear Colorado Transportation Investment Office (CTIO) Board of Directors,

This is a request for a **policy-level review of the Colorado Express Lane program**, with a particular focus on the policy of establishing these tolled lanes and their impact on equity and affordability for all Colorado residents.

While acknowledging the intended benefits of Express Lanes, such as improved traffic flow and travel time reliability, concerns exist that the current model may disproportionately benefit higher-income individuals while placing a burden on those with limited financial resources. It appears that access to the faster, less congested travel option is often contingent on the ability to pay, creating a two-tiered system that may disadvantage those with lower incomes.

It is understood that CDOT states that drivers always have the choice to use the express lane or the regular lane. However, this "choice" may not be a meaningful one for individuals who cannot afford to pay the fluctuating tolls, especially during peak congestion times. This can lead to increased travel times and potentially missed opportunities for those who rely on efficient transportation for work, appointments, or other essential needs.

While some efforts have been made, such as the Central 70 GES Tolling Equity Program, it is important to consider the broader implications of the Express Lane program on overall equity and access to transportation throughout Colorado.

The CTIO Board of Directors is urged to review the policy on the establishment and operation of Express Lanes, specifically addressing:

Equity and affordability: Examine the socioeconomic impact of Express Lanes and explore alternative pricing structures or programs to ensure equitable access for all residents, regardless of income.

Alternative transportation options: Evaluate the overall transportation system to ensure that sufficient resources and investment are directed towards public transit, carpooling incentives, and other affordable transportation options that complement or provide alternatives to Express Lanes.

Public engagement and transparency: Seek input from a diverse range of stakeholders, including low-income communities and advocacy groups, to better understand their concerns and perspectives on the Express Lane program.

Reviewing this policy with an emphasis on equity and affordability could lead to a more balanced and inclusive transportation system that benefits all Colorado residents.

Thank you for your time and consideration.

Mike good American Schultz

### CTIO Response to 1

## Express Lanes Offer Choice and Opportunities to travel for free (HOV3+ and Motorcycles)

Express Lanes are tolled lanes that run adjacent to the free general purpose lanes. Express Lanes increase roadway capacity and help manage congestion on Colorado highways by adding lanes that provide a choice to drivers. Anyone can use Express Lanes. There are simply different ways to use them.

Users have a choice: they can ride the bus, carpool with three or more occupants, or ride a motorcycle to use the lanes for free (with the exception of the I-70 Mountain Corridor and C-470). Vehicles that do not meet the High Occupancy Vehicle (HOV) requirements can choose to pay a toll to use the lanes. Colorado's Express Lanes work for everyone—those who choose not to pay and stay in the non-tolled general purpose lanes and Express Lanes customers.

#### Express Lanes benefits include:

- Reduced delay on the most seriously congested corridors
- Reliable travel times
- Flexible and reliable mobility choices
- Improved travel speeds in the general-purpose lanes

Since 2015, CTIO has been building its capacity for Express Lanes operations. CTIO currently has 176 lane miles of Express Lanes in operation and 77 lane miles of Express Lanes under construction or in development. For comparison, CDOT maintains 23,000 total lane-miles of highway in Colorado.

#### Equity, Affordability, and Alternative Transportation Options

CTIO published a Multimodal Strategic Capital Plan (MSCP) that serves as a strategic framework to enhance mobility, reduce congestion, and support the state's ambitious greenhouse gas (GHG) reduction goals while ensuring that all Coloradans—particularly underserved communities—have access to safe, reliable, and diverse transportation options. The interim MSCP was completed on March 1<sup>st</sup>, 2025, and there are plans to update it in 2026 once CDOT has completed its 10-Year Plan.

CTIO has partnerships with CDOTs Bustang transit service, the Regional Transportation District (RTD), and is working with these partners to support the expansion of rail and transit in the state. CTIO has funded recent multimodal infrastructure, including new mobility hubs along I-25 North in both Loveland and Berthoud.

#### **CTIO Tolling Policy and Equity**

CTIO has a Tolling Policy that is intended to provide a framework for the setting and adjustment of toll rates on CTIO-operated corridors. The Policy aims to provide:

- Statewide Equity: Implementing consistent statewide policies limits controversy and helps the public's acceptance of toll rates.
- Communications: Educating the traveling public on toll policies (HOV rate setting, etc.) is a challenging proposition. A consistent policy greatly simplifies that effort; and,
- Internal Administration: A consistent tolling policy provides guidance to CTIO staff and simplifies the administration and operation of toll collections.

There are four primary categories of equity concern in the policy that most often involve Express Lanes and other priced facilities: (1) Equity; (2) Modal Equity; (3) Geographic Equity; and (4) Revenue Equity. Despite equity considerations that affect Express Lanes, it is important to note that all income groups and roadway users (not just drivers) can benefit from the implementation of pricing. Freeway users, even low-income users, benefit indirectly from additional road capacity because toll-paying drivers will not be competing for space on existing general-purpose lanes. Toll rate adjustments are conducted annually, usually in May/June.

#### Public Engagement and Transparency

CTIO and CDOT conduct significant public engagement and outreach activities throughout the entire Express Lanes project lifecycle, from design and construction to operations. That outreach takes place through a variety of means, which include the following:

#### National Environmental Policy Act (NEPA

The Colorado Department of Transportation (CDOT) employs a robust public engagement process as part of its transportation planning and project development, especially within the framework of the National Environmental Policy Act (NEPA). This process, which occurs in the planning phase of a project before construction of the preferred alternative commences, ensures that stakeholders and the public have opportunities to provide input and shape transportation decisions, including on projects that have Express Lanes as one of the possible alternatives under consideration. For example, the I-270 corridor is currently undergoing a NEPA process with Express Lanes as one of

the alternatives under consideration. As with all NEPA processes, there is a robust community and stakeholder engagement component to gather feedback.

The <u>CDOT NEPA manual</u> has a dedicated section on public involvement.

Once a project alternative is identified through the NEPA process, CDOT and CTIO regularly communicate with stakeholders on construction progress and on the development of any tolling equity programs resulting from the project.

## **Regular Ongoing Express Lanes Research**

CTIO conducts regular Express Lanes surveys to:

- Understand current attitudes toward Express Lanes
- Discover what barriers to use exist for drivers
- Compare perceptions between 2021 and 2023
- Gauge awareness and support of safety enforcement efforts.

The last survey was completed in February 2024 and provided to the CTIO Board at the July 2024 meeting.

#### **CTIO Transparency Policy**

CTIO also has a clear Policy to provide transparency and accountability for, and public participation in, any Public-Private Partnership or "P3" entered into by CTIO. This includes significant public engagement and outreach. The policy is available <a href="here">here</a> on the CTIO website.

## 2. Express Lane Citations

Dear Colorado Transportation Investment Office (CTIO) Board of Directors,

A request is made for a **policy-level review concerning the evidence provided in Express Lane safety violation citations.** Specifically, the policy of providing only two static images in the citation, rather than video footage that captures the entire event, is a concern.

While the state utilizes advanced roadside technology to enforce Express Lane rules and capture images of violations, the limited information presented in the citation itself, which typically consists of only two images, can be insufficient to provide a complete picture of the situation. Two images alone may not adequately convey the nuances of the driving maneuver or the context in which it occurred. For instance, factors such as traffic flow, sudden lane changes by other vehicles, or the specific location of the driver in relation to the lane markings (e.g., dashed vs. solid lines) at the precise moment of a perceived violation may not be fully apparent from just two snapshots.

It is understood that the purpose of the Safety Enforcement Program (STEP) is to promote safety and compliance with Express Lane rules. However, without a more comprehensive record of the incident, drivers who genuinely believe they did not commit a violation or whose actions were influenced by circumstances not captured in the limited photographic evidence may face difficulty in disputing the citation and demonstrating their adherence to the law. The current policy, by limiting the evidence to two pictures, may not offer drivers the opportunity for a thorough and fair review of their case.

The CTIO Board of Directors is requested to conduct a policy review regarding the nature of the evidence provided in Express Lane violation citations. The review should address:

The feasibility of providing video evidence: Consider including video footage of the alleged violation in the citation or making it accessible to drivers for review.

Enhancing photographic evidence: Explore ways to improve the quality and context of the photographic evidence. This could include providing more images or incorporating other visual aids to better explain the event.

Ensuring due process and fairness: Evaluate the current evidence policy in the context of due process. Ensure drivers have enough information to understand the basis of the alleged violation and dispute it if needed.

Reviewing and potentially revising this policy can enhance transparency and fairness in the Express Lane enforcement process. This fosters greater trust and cooperation between the public and transportation authorities.

Thank you for your consideration.

Sincerely,

Mike good American Schultz

## CTIO Response to 2

#### Photo Evidence Provided In The Notice of Civil Penalty

On the Notice of Civil Penalty, CTIO provides two photos and a map of where the Toll Evasion violation occurred. The map indicates the two points where the first and second photos were taken. Between these two points on the map is the area where the vehicle either entered or exited the Express Lane outside authorized access zones. The map and the two photos show that a Toll Evasion violation occurred and clearly show the license plate of the vehicle. The Code of Colorado Regulations defines "Toll Evasion" as several acts, including "Avoiding a Toll ... By entering or exiting the Toll Lane other than at a

designated access/egress point, and/or swerving between Toll Lanes and General-Purpose Lanes ('Weaving')." 2 CCR 606-1 § 3.01.1(C). The 2 photos with a map indicating the area where the vehicle entered/exited the Express Lane outside authorized access zones are sufficient evidence that a Toll Evasion violation occurred. Adding more photos or video for evidence would add additional costs in the form of a higher civil penalty amount and would not provide additional context to prove that a Toll Evasion violation did or did not occur.

#### **Dispute Process**

CTIO understands there are circumstances in which a vehicle needs to move into or out of the Express Lanes due to safety concerns and does not want to issue erroneous Civil Penalties. The Responsible Party or Person has the right to file an answer disputing the Civil Penalty and has the right to request a hearing before an independent Hearing Officer. Per Colorado Statutes 2-CCR 606-1, § 5.02.2, The Responsible Party shall, within the time specified in the Notice of Civil Penalty Assessment, file an answer to the complaint in the manner specified in such Notice. Also, per Colorado Statutes 2-CCR 606-1, § 7.01.1, upon receipt of a request, the CTIO or a Contractor on its behalf shall set the matter for a hearing before an Administrative Hearing Officer. Extenuating circumstances for Toll Evasion can be explained within the answer or to a Hearing Officer.

#### Public outreach and communication related to Express Lanes

In 2024, CTIO focused communications and outreach efforts on the ongoing rollout of the Express Lanes Safety and Toll Enforcement Program and the start of enforcement on I-25 between Monument and Castle Rock, Central 70 from I-25 to Chambers Road, and US 36 from Federal Boulevard to Table Mesa Drive. Outreach included earned media interviews, stakeholder meetings, video development, educational materials distributed to nearly 300 stakeholders, and paid advertising, including digital, radio, billboard, and television placements. Earned media efforts garnered over 77 million impressions. Paid media efforts were underway as of December 2024, but were expected to total over 36 million impressions. The 2024 CTIO Annual Legislative Report provides more information on CTIO's work in this area.

The CTIO Board continues to direct staff to reinvest civil penalty revenues collected from the STEP program in outreach and communication in an effort to further drive down violations. In 2025, the Board approved \$1.9 M to go towards a robust education campaign that included advertising spots on television, streaming services, radio, podcasts, billboards, social media platforms, and newspapers. These spots reinforced the message that drivers would be fined for crossing solid lines, and our <u>animated video advertisements</u>

showed how to use the lanes properly. That's in addition to the <u>thorough</u> <u>information</u> about Express Lanes usage on the website.

## 3. C-470 Markings

Dear Colorado Transportation Investment Office (CTIO) Board of Directors,

A formal request for a policy-level review of current Express Lane markings in Colorado can be made. The focus should be on the clarity of these markings and potential driver confusion.

According to the recent email from CDOT Citizen Advocate, Gina Quintana, written requests for a policy-level review should be submitted to the CTIO Board of Directors at board@codot.us.

The concern is the inconsistent use of dashed/dotted and solid white lines at entry and exit points on different Express Lane corridors. For example, the I-25 southbound entrance requires crossing a dashed line followed by a solid line, while the C-470 exit between Quebec and Broadway uses a dotted line followed by a solid line for exit.

These differing applications of similar markings, which dictate permissible entry and exit maneuvers, can be confusing and potentially lead to accidental violations. This concern is amplified by instances of legal challenges, such as the successful dispute of a ticket for crossing a solid line to enter an Express Lane on C-470, highlighting the ambiguity that some drivers face.

The CTIO Board should review the policy governing Express Lane markings to enhance clarity and consistency across all corridors. Consider the following:

Review the current policy on Express Lane markings to evaluate the clarity and effectiveness of existing standards.

Assess the potential for confusion by conducting studies or surveys to gauge driver understanding of different marking patterns.

Explore options for enhanced driver education and signage to better inform drivers about the rules for each Express Lane corridor.

A review of this policy could create a more consistent and understandable system for all drivers using Colorado's Express Lanes.

Thank you for your time and consideration.

Sincerely,

Mike good American Schultz

## 4. Markings review

To Whom It May Concern,

Concerns are expressed regarding the lane markings on the C-470 Express Lanes and their connection to the Express Lanes Safety and Toll Enforcement Program, managed by the Colorado Transportation Investment Office (CTIO).

Specifically, it is a concern that some of the lane markings are unclear or potentially misleading, making it difficult for drivers to navigate the Express Lanes correctly. This is particularly troubling in light of the enforcement program that issues citations for violations related to these lanes, enforced through a third-party business.

It seems highly inappropriate and like a conflict of interest for CDOT to be responsible for designing the lane markings and also have a role in dictating the fines associated with violating those markings. When the entity responsible for the lane markings and/or their enforcement also benefits financially from the issuance of citations, there is a risk that revenue generation could be prioritized over ensuring clear, safe, and easily understandable traffic guidance.

Observations and Concerns Regarding C-470 Express Lane Pavement Markings and Traffic Flow:\*\*

Numerous instances have been observed where pavement markings, specifically directional arrows, on the C-470 Express Lanes are deteriorating, cracked, or have become indistinguishable. This compromises their effectiveness as essential traffic control devices.

Furthermore, the configuration of the lanes presents a potential safety hazard. When operating in the left lane adjacent to a dashed line designated for entry or exit, attempting to merge as indicated by this marking may inadvertently direct a driver into an exit-only lane. This scenario can lead to a sudden and unexpected traffic merge, potentially leaving the driver with no safe recourse other than abrupt deceleration. This situation increases the risk of a significant traffic accident, even when a driver's intent was to merge into the Express Lane in accordance with the apparent markings.

These concerns are amplified by the Express Lanes Safety and Toll Enforcement Program, managed by the Colorado Transportation Investment Office (CTIO). Given that the Colorado Department of Transportation (CDOT) is responsible for designing and maintaining the lane markings, and also involved in the enforcement program, a potential conflict of interest arises. It is crucial that the design and maintenance of these markings, as well as the enforcement program, prioritize public safety and clear, unambiguous traffic guidance above all else.

It is believed that the design and enforcement of the C-470 Express Lanes should prioritize public safety and clear communication over revenue generation. Therefore, a thorough investigation is respectfully requested into the following:

- 1. The clarity and effectiveness of the C-470 Express Lane markings: Are they consistent with established standards, and are they clear to the average driver?
- 2. The procedures for issuing and processing citations related to the Express Lanes: Are they fair and transparent?
- 3. Any potential conflict of interest arising from the relationship between the entities responsible for the lane markings, enforcement, and revenue generation: Are there sufficient safeguards in place to ensure that safety and public interest are the primary considerations?

This matter should be taken seriously, and a prompt and comprehensive investigation should be conducted. Ensuring clear and safe road markings is essential for the safety and well-being of all drivers using the C-470 Express Lanes.

Thank you for your time and attention to this important issue. A response and information on the steps that will be taken to address these concerns are anticipated.

Thank you for your time and consideration.

Sincerely,

Mike good American Schultz

## CTIO response to 3 and 4

Public safety and clear communication are the highest priorities for CDOT and CTIO. The design, maintenance, and enforcement of Express Lanes is guided by federal and state standards, including Manual on Uniform Traffic Control Devices (MUTCD), the Colorado Supplement to the MUTCD, Section 627, 708 and 713 of the 2019 CDOT Standard Specifications for Road and Bridge Construction and CDOT Standard Plan S627-1. CDOT regularly reviews pavement markings and signage to ensure they are visible, understandable, and consistent with best practices. If you notice specific locations where markings have deteriorated, CDOT encourages you to report them directly via their website or customer service line, so maintenance crews can respond promptly.

The configuration of Express Lane entry and exit points is carefully engineered to balance traffic flow and safety. Dashed lines and directional arrows are placed in accordance with national standards to guide drivers safely. Additionally, CTIO does perform ingress/egress studies to ensure our designated areas are sufficient for the

traveling public to safely traverse the existing intermediate access locations on CTIO's Express Lanes. CTIO's latest study, conducted in the Summer of 2024, found that no revisions to the existing intermediate access locations were required on C-470 - however, CTIO did make some striping changes on our other corridors. CDOT is always open to feedback and continuously monitors traffic patterns and incident reports. If a particular merge or exit raises recurring questions or concerns, CDOT will review and, if warranted, adjust the designs of markings to enhance driver clarity and reduce risk.

The Express Lanes Safety and Toll Enforcement Program (STEP) is designed to ensure compliance and maintain safe, efficient traffic flow. To ensure drivers use the Express Lanes in a safe manner and to reduce instances of toll evasion, CTIO enforces unauthorized entry and/or exit from the Express Lane in accordance with the CRS 43-4-808(2) (b) and 2 CCR 606-1. Civil Penalties are issued for clear violations, such as crossing solid lines, entering/exiting Express Lanes outside authorized access zones, using the Express Lane when closed, or operating unauthorized vehicles in the Express Lane. The process is transparent, with clear guidelines published online. As with all Notice of Civil Penalties issued, it includes information on how to answer (dispute) if you choose to do so.

CDOT and CTIO design Express Lanes markings following the rules of the federal Manual on Uniform Traffic Control Devices (MUTCD) and the related State Supplement. The entrances and exits are clearly denoted not only by the road striping, but also by the signage. All Express Lane entrances are denoted by large overhead signs advising drivers of the designated entrances. Express Lane exits are denoted by roadside "Local Exit" signs and the road striping. Dashed road striping denotes when crossing into and out of the Express Lane are permitted. Notably, this signage and road striping combination is effective because the vast majority of drivers on these roadways never receive a STEP civil penalty. In fact, only 5.8% of Colorado drivers have received a STEP civil penalty.

STEP's primary goal is to increase safety and reduce safety violations across our network. Since the inception of the program, we have seen a 92% reduction in violations issued and a reduction in weaving-related Express Lanes accidents. The Express Lane rules are in place to keep all motorists safe and to keep traffic flowing along Colorado's Express Lane corridors as efficiently as possible.

## 5. STEP Program Review

Dear Colorado Transportation Investment Office (CTIO) Board of Directors,

A request is made for a policy-level review concerning the location and accountability of contractors responsible for the Safety Enforcement Program (STEP) for Colorado's Express Lanes. The concern is that utilizing out-of-state contractors may hinder accountability and contribute to transparency issues in the program's interactions with Colorado citizens.

While acknowledging the efficiency and advanced technology employed by the STEP program, it is believed that prioritizing contractors located within Colorado could enhance accountability and transparency within the program. For instance, local contractors may have a more intuitive understanding of Colorado's unique traffic flows, weather conditions, and road characteristics, which could be beneficial in reviewing and interpreting violation data. Furthermore, a local presence can facilitate:

Increased Accountability: If issues or disputes arise, it might be more challenging to hold an out-of-state contractor accountable for their actions compared to a Colorado-based entity that is more directly subject to local regulations and community scrutiny. Enhanced Transparency: Having local contractors could facilitate greater transparency in the program's operations, as they may be more readily accessible for community engagement and feedback.

Improved Responsiveness to Local Concerns: Colorado-based contractors are likely to be more attuned to local community concerns, transportation challenges, and communication preferences, which could lead to more effective and sensitive interactions with drivers. The CTIO Board of Directors is urged to review the policy regarding the procurement and location of STEP program contractors. This review should consider: Prioritizing Colorado-based contractors: Evaluate the potential benefits and challenges of requiring STEP contractors to be located within Colorado, focusing on enhanced accountability and transparency.

Strengthening contractor accountability mechanisms: Review and potentially revise the selection criteria for STEP contractors to ensure that factors like local knowledge, community engagement experience, and responsiveness to local concerns are adequately addressed, with a focus on enforcing accountability.

Promoting transparency in contractor operations: Explore ways to incorporate community feedback into the contractor performance evaluation process and ensure that contractors are held accountable for their interactions with Colorado citizens, fostering transparency. Reviewing this policy with an emphasis on accountability and transparency could lead to a more collaborative and community-oriented approach to Express Lane enforcement. It is believed that a local presence could help to build stronger relationships with the community and improve the overall effectiveness of the STEP program.

Thank you for your time and consideration.

Sincerely,

Mike Good American Schultz

#### CTIO response to 5

#### STEP Vendor Location

The primary vendor responsible for the equipment and technology required to enforce the STEP program has its headquarters here in Denver, Colorado. CTIO has a robust set of performance indicators for the contractor to adhere to as part of the contract with the state and provides regular reports that demonstrate this. The vendor has continually demonstrated a high level of service that meets and often exceeds the expectations to support CTIO and CDOT's goal of improving safety and reducing violations on Express Lanes.

#### **Independent Dispute Resolution**

The dispute resolution process is independent and not influenced or overseen in any way by the vendor responsible for the equipment and technology implemented on the STEP Program.

The Responsible Party or Person has the right to file an answer disputing the Civil Penalty and has the right to request a hearing before an independent Hearing Officer. Per Colorado Statutes 2-CCR 606-1, § 5.02.2, The Responsible Party shall, within the time specified in the Notice of Civil Penalty Assessment, file an answer to the complaint in the manner specified in such Notice. Also, per Colorado Statutes 2-CCR 606-1, § 7.01.1, upon receipt of a request, the HPTE or a Contractor on its behalf shall set the matter for a hearing before an Administrative Hearing Officer. Extenuating circumstances for Toll Evasion can be explained within the answer or to a Hearing Officer.

#### STEP Program Feedback and Purpose

As noted in an earlier response, CTIO conducts regular research to:

- Understand current attitudes toward Express Lanes
- Discover what barriers to use exist for drivers
- Compare perceptions between 2021 and 2023
- Gauge awareness and support of safety enforcement efforts.

The last survey, 4, demonstrates an increase in support for the STEP program. Demonstrating that motorists have an understanding of the dangers of weaving in and out of Express Lanes for everyone travelling the corridor. Data has also shown that the percentage of overall drivers affected by the STEP program in Colorado is relatively low (less than 7%), which shows that the vast majority of motorists are using the Express Lanes correctly and safely.

The STEP Program is not a community engagement program. The Express Lane rules are in place to keep all motorists safe and to keep traffic flowing along Colorado's

Express Lane corridors as efficiently as possible. Violators who ignore these rules present hazards to themselves and other roadway users. The Safety and Toll Enforcement Program supports CDOT's Moving Toward Zero Deaths initiative—eliminating all traffic fatalities and severe injuries on Colorado roads.