



Statewide Transportation Advisory Committee (STAC)

This meeting will be hosted virtually.

July 6, 2023

8:30 AM – 12:30 PM

Agenda

- 8:30-8:35** **Welcome and Introductions – Vince Rogalski, STAC Chair**
- 8:35-8:40** **Approval of the June Meeting Minutes - Vince Rogalski, STAC Chair**
- 8:40-8:55** **CDOT Current Events Update – Herman Stockinger, CDOT Deputy Director**
- 8:55-9:05** **Transportation Commission Report – Vince Rogalski, STAC Chair**
- Summary report of the most recent Transportation Commission meeting
- 9:05-9:30** **TPR Representative and Federal Partners Reports**
- Updates from STAC members and federal agencies
- 9:30-9:45** **CDOT Legislative Report – Emily Haddaway and Jamie Grim CDOT Office of Policy and Government Relations (OPGR)**
- 9:45-10:05** **HB1101 Boundary Review Study Update (Informational Update) – Herman Stockinger, CDOT Deputy Director**
- Update on the HB1101 Boundary Review Meeting
- 10:05-10:15** **Break**
- 10:15-11:00** **Program Distribution: TAP Funding Program (Action Item) – Marissa Gaughan, Multimodal Planning Branch Manager**
- Discussion on the TAP funding program distribution options
- 11:00-11:20** **Aeronautics Update (Informational Update) - David Ulaine, Director, Colorado Division of Aeronautics**
- [An update on Colorado's Aeronautics Program](#) (Due to file size a download link has been provided)
- 11:20-11:45** **National Highway Transportation Safety Administration (NHTSA) Region Update (Informational Update) – Kara Mueller, Highway Safety Specialist, NHTSA Region 8**
- A general overview of responsibilities and grant opportunities
- 11:45–12:05** **Featured Region of the Month: Region 2 – Robert Frei, Regional Environmental Programs Manager, Region 2**
- An update on Region 2 projects
- 12:05-12:30** **Other Business - Vince Rogalski, STAC Chair**
- The August 3rd and September 7th STAC Meetings will be hosted at DRCOG's Offices: 1001 17th Street, Suite 700, Denver, CO 80202

Statewide Transportation Advisory Committee (STAC)

Meeting Notes

Chair: Vince Rogalski, Gunnison Valley TPR

Date/Time: Thursday, June 1, 2023; 8:30 a.m. – 11:30 a.m.

Location: Virtual Only

Recording: June 1, 2023 STAC: <https://www.youtube.com/watch?v=oGfL8HVjh1M>

Attendance:

Denver Area:	Nicholas Williams, and Ron Papsdorf	Pueblo Area:	Eva Cosyleon
Central Front Range:	None	San Luis Valley:	Vern Heersink
Eastern:	None	South Central:	None
Grand Valley:	Dana Brosig, Rachel Peterson	Southeast:	Stephanie Gonzales
Gunnison Valley:	Roger Rash	Southwest:	Sarah Hill
Intermountain:	Bentley Henderson	Upper Front Range:	Elizabeth Relford
North Front Range:	Suzette Mallette, Becky Karasko, Johnny Olson	Southern Ute Tribe:	None
Northwest:	Heather Sloop and Brian Cerkvenik	Ute Mountain Ute Tribe:	None
Pikes Peak Area:	Dave Donelson, John Liosatos, Jessica Bechtel	FHWA:	Bill Haas, Will Keenan
		FTA:	Kristin Kenyon
		Transportation Commissioners:	Eula Adams, Lisa Hickey

Highlights and Action Items

1. Welcome and Introductions – meeting commenced at 8:30 am by Heather Sloop, STAC Vice Chair. ([Video Timestamp 00:00:17](#))
2. Approval of the April 2023 Meeting Minutes ([Video Timestamp 00:05:22](#))
 - STAC Action: STAC took action to approve the May 2023 STAC Meeting Minutes.
3. CDOT Update on Current Events (Informational Update) – Herman Stockinger, CDOT Deputy Director ([Video Timestamp 00:05:45](#))
 - Big events along roadways are now sinkholes - one along CO 133 and another just north of the New Mexico Border along CO 17.
 - Nick Farber, CTIO Director, is leaving CDOT, his last day will be sometime later this month.
 - The Transportation Commission agenda for June covers much of what is being discussed today at STAC.
 - We will review the Fee-based Structure for Fiber within CDOT Right-of-Way.
 - Policy Directive 1610 will be updated - the policy for the greenhouse gas (GHG) Rules- the updates include additional mitigation measures and other technical edits and corrections.
 - Kay Kelly, Office of Innovative Mobility Director provided an update related to nominating corridors in Colorado as Alternative Fuel Corridors.
 - We recently learned that the opportunity to start considering corridors to nominate as Alternative Fuel Corridors opened on May 25th with a deadline to submit nominations on June 21st. Corridors CDOT has planned to nominate are:
 - US 40 - portions not already designated
 - I-225 - only interstate not yet nominated
 - US 24

■ CO 82

- Kay requested any additional input to be provided to CDOT ASAP.
- Questions were answered pertaining to the National Electric Vehicle Infrastructure (NEVI) Program. In order to be eligible for NEVI funds, a State DOT must have a NEVI Plan. CDOT will now update NEVI Plans annually. Part of the next NEVI plan will be to get input on nomination of Alternative Fuel Corridors.
- The types of infrastructure covered under NEVI include those that are either one mile from the Alternative Fuel Corridor, or one mile from a Corridor exit. The charging facilities must have at least 4 charging ports that can be used simultaneously which are 150 KWH chargers that are open to the public. The chargers must be no farther apart than 50 miles from each other.
- The first round of NEVI program funded projects will be announced in the next couple of weeks.
- Kay will send links to additional information.
- A question was raised pertaining to TPRs ability to use NEVI and State funding together to build designated corridors. This will be followed up later by Kay.
- CDOT does not own or operate charging facilities funded by the NEVI program, but works closely with the Colorado Energy Office coordinating projects. Private companies are responsible for owning and operating these facilities.
- Links to NEVI Plans:
 - <https://www.codot.gov/programs/innovativemobility/electrification/nevi-plan>
 - https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/

4. CDOT Transportation Commission (TC) Updates – Heather Sloop, STAC Vice Chair ([Video Timestamp 00:22:07](#))

- The TC approved additional budget:
 - \$850,000 to go to the 10-Year Plan, to cover Air Quality Monitoring tasks.
 - \$10 million to go to Central 70 project
 - \$4 million to go to CO 133
- Winter operations and spending were discussed and their expenditures for last winter totaled \$115 million.
- Glenwood Canyon repairs estimated to cost \$240 million
- There were 2 request and 2 decisions made recently by the TC related to snow and ice:
 - 19 Million to replenish the Maintenance Level of Service Program (MLOS) to ensure we have the salaries, supplies, and asphalt for patching for the end of the FY.
 - 10 Highways approved for 25 Million from program reserve to do emergency repairs.

5. TPR and Federal Agency Reports ([Video Timestamp 00:28:13](#))

- DRCOG - The Board held its annual retreat on May 13th. Key discussions included growth and demographic trends, older adult service strategies, housing, and transportation strategies in the wake of SB 213. At the May 17th meeting the board allocated \$193 million to 62 transportation projects across eight counties for the 24-27 FY TIP.
- CFRTPR - None.
- ETPR - The next TPR meeting is scheduled to occur in Limon on the 5th of June.
- Grand Valley TPR - Did not have a board meeting in May. UPWP mid-term review happened and was a good time to review the variety of work done at the Grand Valley TPR office. Started discussion with local managers about transit and MPO funding for next year. There is a need for increased funding due to both state and federal planning requirements increasing.
- Gunnison Valley TPR - None.
- IMTPR - There is a lot of construction going on around the Intermountain TPR. Started work on a new underpass at 27th street and Grand Ave Bridge, in South Glenwood Springs. Expect traffic impacts between Glenwood Spring and Carbondale.
- NFRMPO - At the May 4th North Front Range Planning Council meeting, the Council adopted the FY 24-25 Unified Planning Work Program and the 2024 Budget. Discussed the 2023 congestion management process, and ranked criteria for coming call of project for 23 FY for the Surface Transportation Block Grant (STBG) and the Carbon Reduction Program (CRP) funds. NFR would like to wish Nick Farber a farewell and thanked Nick for all the work done on the I-25 Corridor.

- NWTPR - The NWTPR met on May 11th. Construction season is ramping up, with projects such as the crack sealing project east of Walden, the emergency paving project west of Berthoud Pass, CO 9 south of Kremling is getting a chip seal, and wildlife mitigation, CO-40 to Craig is finished, and in Meeker CO 13 is getting a chip and seal to the Wyoming border this month. There was a robust discussion surrounding HB 1101 and it was discussed to submit a letter of opposition to CDOT. The TPR members raised concerns that their five county TPR will be broken up and would request that they stay together as they work well together. Diane Mitsch-Bush is in the running to become a TC member.
- PPACG - The PPACG Board adopted Transportation Improvement Program (TIP) policies and procedures at their last meeting. Most changes came from the Infrastructure Investment and Jobs Act (IIJA) related to the Carbon Reduction Program funds. Recognized, Shane Ferguson, the Region 2 Transportation Director, for holding a trash pick-up day - where volunteers picked up over 2,500 bags of trash. The I-25 project from Fillmore to the Garden of the Gods is going to AD during the month of June for \$50 million adding accel/decel lanes and will replace a bridge. Ribbon cutting ceremony was held for the first military safety project completed.
- PACOG - The Board meeting was held at the end of May. Heard from the consultant working on the train depot for PACOG about the Front Range Passenger Rail. Jamie Grim of the CDOT Office of Policy and Government relations came to PACOG to give an update on HB 23-1101.
- SLVTPR - Projects for chip seal, resurfacing, and wildlife crossing improvements getting started in the San Luis Valley TPR area. Thanked Herman Stockinger for attending the TPR meeting on May 25th and for filling folks in on the legislation updates, especially HB 23-1101.
- SCTPR - None.
- SETPR - Herman Stockinger attended the SETPR meeting in May. Work continues on US 50 Lamar/Main St. project- and other projects are starting. On June 6th will be the final scoring committee workshop for the Transportation Alternatives Program (TAP) projects. The next TPR meeting will be in July.
- SWTPR - There are a number of transit agencies in the area participating in the fare fee program for ozone free season transit grant.
- Southern UTE - None.
- UMU (Ute Mountain Ute Tribe) - None.
- UFRTPR - The next TPR meeting is to be held later today (June 1) - this afternoon. It will be a full agenda with the Northern Integrated Supply Project team presenting on the relocation of 287 through the Upper Front Range in Larimer County. TPR should be getting an update on the Bustang Outrider system that will be going through Sterling, Greeley, and into Denver. Craig Hurst is providing an update on the Colorado Freight Study. Very interested in hearing more about the American Rescue Plan Act (ARPA) funded projects. Recognized Heather Paddock, Region 4 Transportation Director, for her work on the Region 4 Regional Project Priority Programming Process (4P) meetings.
- FTA - None.
- FHWA - A series of Regional Infrastructure Development Summits funded with IIJA funds, will be hosted by the Governor's Recovery Office this summer. Ten will be planned around the state, please keep an eye out for these summits in your region. Go to: <https://coforward.colorado.gov/events/regional-infrastructure-development-summits> for more details.

6. Transit Update - Jennifer Phillips, CDOT Iterim Director, Division of Transit and Rail (DTR) ([Video Timestamp 00:46:03](#))

- Transit Update - Jennifer Phillips, CDOT Director, Division of Transit and Rail (DTR)
 - An update of all the existing and future plans for the Bustang Program were highlighted. Bustang programs discussed included the original Bustang program, Outrider, Pegasus, Bustang to the Broncos, Snowstang, Slide Through Saturdays, and Bustang to Estes.
 - Information provided for these programs included ridership, farebox recovery ratios, vehicle maintenance programs, etc. The June 2023 STAC packet provides more detailed information regarding these programs.

7. Legislative Update ([Video Timestamp 01:06:14](#))

- Legislative Update (State) - Emily Haddaway

- Not much new since the May STAC, that was held one week prior to the end of the legislative session, except that SB23-213 Land Use Bill did not pass. SB23-1101 did pass with the TC and CDOT evaluating TPR boundaries via a CDOT Study due to finish in November 2023.
- Legislative Update (Federal) - Jamie Grim
 - The US House passed a Bill for debt ceiling increase; it now goes to the Senate.
 - Rescinds \$28 billion from unspent COVID response funds.
 - ARPA is not subject to the rescission because they are direct transfers to the state.
 - Coronavirus Response and Relief and Supplemental Appropriations (CRRSA) and Coronavirus Aid Relief and Economic Security (CARES) Act are on reimbursement, meaning the money has not left the US treasury and therefore are required to be rescinded if the money has not been obligated. Colorado had about \$31 Million CRRSA dollars unobligated, the bulk of the dollars were part of sub-allocations to DRCOG and PPACG.
 - Colorado has been able to obligate the \$31 million in these projects to other projects that are ready to get off the ground, pending FHWA approval.

8. HB 23-1101 Herman Stockinger, Office of Policy and Government Relations ([Video Timestamp 01:19:25](#))

- Factors that go into consideration that were identified in the legislation of HB 1101:
 - Highway and Transit Corridors and Transit District Boundaries
 - Disproportionately Impacted Communities
 - Vehicle Miles Traveled, Truck Vehicle Miles Traveled, Transit Vehicle Revenue Miles, and Lane Miles
 - Population Trends
 - Safety and Management Considerations
 - Commuting, Commercial Traffic, Freight Movement, Tourism Impacts, and Other Travel Patterns
 - Transit-Oriented Development and Access to Affordable Housing
 - Levels of Air Pollutants, Criteria Pollutants, and Greenhouse Gas Pollutants
 - Communities of Interest
- CDOT staff continues to meet with TPRs and other stakeholders regarding this study.
- Developing a mapping tool with maps for each criteria and the ability to “layer” various requirements onto one map.
- CDOT is assessing TPR Intergovernmental Agreements (IGAs) and Bylaws.
- CDOT is forming a HB 23-1101 Study Advisory Committee which will be a mix of Urban, Rural, STAC, Non-STAC, and TC members.
- Considering a survey to receive input from stakeholders.
- It was reiterated that MPO boundaries will not be affected by this study.
- Safety statistics will be a new way of looking at TPRs, but there should not be a concern that safety alone will be a cause to change TPR boundaries.
- STAC Questions/Concerns raised included:
 - Keep boundaries the same, they are working.
 - Engage local communities more in this process.
 - The Advisory Committee approach proposed to oversee and make recommendations to the TC is not necessarily the best approach for this process - it comes across like a black box decision-making process.
 - It is important for CDOT to highly regard what the TPRs want during this process.
 - CDOT recognized that each TPR will have their own approach to conducting their TPR business.

9. Program Distribution Logistics - Marissa Gaughan ([Video Timestamp 02:04:33](#))

- CDOT will update all forecasts of revenue and revisit the TC-directed and FHWA-directed distribution methodology for formula programs (i.e. Regional Priority Program [RPP], Multimodal Transportation and Mitigation Options Fund [MMOF], Metro Planning, Surface Transportation Block Grant [STB] Metro, Carbon Reduction Program, Congestion Mitigation and Air Quality [CMAQ], Transportation Alternatives Program [TAP] and Funding Advancement for Surface Transportation and Economic Recovery [FASTER] Safety). This will require STAC to examine the distribution of the formula programs and provide a recommendation to the Transportation Commission. STAC may recommend changes to the distribution formulas, or recommend no change.

- Once STAC has worked through and made recommendations for all the formula programs, STAC will be presented with the results of all the programs together and make a final recommendation that will be presented to the Transportation Commission for their consideration and final decision.
- Sheryl Trent will be our facilitator for the funding discussions.
- STAC MPO members would like to see more information regarding how the Consolidated Planning Grant (CPG)/Metro-Planning grant funds are distributed.

10. Transportation Alternatives Programs (TAP) ([Video Timestamp 02:18:55](#))

- Per federal legislation, the purpose of the program is to implement nonmotorized transportation projects and environmental mitigation.
 - \$21.6 million is forecasted for FY24 (federal dollars).
 - 59% of funding is distributed based on population (increased from 50% under the FAST Act)
 - This funding is distributed between the CDOT Regions by population, and the Transportation Management Areas (i.e. the large MPOs) by urban area population.
 - Remaining funding can be spent anywhere in the state and is currently distributed to the CDOT Regions based on 45% VMT, 40% lane miles, and 15% truck VMT.
 - Some STAC members raised concerns about the allocation of these funds and the potential that the larger MPOs will be potentially double dipping into both pots for TAP funds.
 - STAC members also raised concerns about the competitive nature of the process that may pit TPRs against each other.
 - The STAC would like to see the data that will be used to select projects so they can make an informed decision on if they support the proposed funding structure. They would also like to know the history of TAP funding and why this change in the project selection process being centralized has occurred.

11. Featured Region of the Month - Region 3 - Mark Rogers ([Video Timestamp 02:38:32](#))

- Region 3 2022 Accomplishments include:
 - Advertised State Delivered Projects – 24
 - Active Local Agency Projects - 56
 - \$251 million spent on delivering projects (\$171 million was expended for construction contractors)
 - Categorical Exclusion (CE) environmental clearance projects processed – 58
- Region 3 Key project highlights were presented for:
 - I-70B First and Grand Intersection Project
 - CO 13 Fortification Creek Wildlife Mitigation
 - I-70 Vail Auxiliary Lanes
 - I-70 R3 Mountain Passes
 - Region 3 uses Unmanned Aerial Systems (UAS) for collecting survey data and is the only Region to use LiDAR as part of their UAS survey program.
- Region 3 Major Springtime Flooding Projects were overviewed for:
 - Riprap being added at the following locations:
 - I-70 MM 58.1 at the Colorado River
 - CO 141 MM 96.8 at the Dolores River
 - I-70 MM 125.0 Hanging Lake rest area ramps undergoing debris flow clean-up.
 - CO 133 MM 16.2 at Bear Creek culvert washed out, and is currently closed as a safety measure.
 - Region 3 Bridge Projects to watch include:
 - I-70 MM 16.8 at Skippers Island
 - CO 141 MM 110.9 at the Dolores River
 - CO 141 MM 152.8 at the Gunnison River
 - Numerous smaller structures are under a watch and will require emergency cleaning.
 - Numerous rockslide and debris flow clean ups are also occurring.

Other Business - Heather Sloop, STAC Vice Chair ([Video Timestamp 02:51:51](#))

- The August, September and October STAC meetings will be in-person, with August and September at DRCOG at 1001 17th Street, Denver. The next STAC meeting is scheduled for July 6, 2023 and will be held virtually.

DRAFT Transportation Commission (TC) Meeting Minutes

Workshops and Regular Meeting Wednesday, June 14-15, 2023

TRANSPORTATION COMMISSION WORKSHOPS

Wednesday, June 14, 2023

[June 14, 2023 Transportation Commission Meeting Recording](#)

Call to Order, Roll Call

Nine Commissioners were present: Gary Beedy (TC Chair), Lisa Tormoen Hickey, Karen Stuart, Kathleen Bracke, Eula Adams, Yessica Holguin, Terry Hart, Mark Garcia, Barbara Vasquez, with Commissioner Hall excused.

Right of Way Condemnation Authorization Request (Keith Stefanik) [Timestamp 00:08:13](#)

Purpose and Action: Seeking TC approval to initiate and conduct condemnation proceedings for: Region 3 Project CO 92 Rogers Mesa Reconstruction, Project #: STR 092A-0209, Project Code: 22992.

Discussion:

- CDOT Chief Engineer, Keith Stefanik, explained that this property is a CDOT Region 3 single ownership that includes a permanent and temporary easement- the parcels are on or adjacent to CO 92 in Delta County near Hotchkiss. Owners are Dion and Dixie Luke.
- The purpose of the project is to improve safety along this corridor.
- The Transportation Commissioners had no questions on this right of way condemnation authorization request.
- After the presentation, Keith Stefanik asked if there were any questions to him or Jason Smith - Region

Budget Workshop (Jeff Sudmeier and Bethany Nicholas) [Timestamp 00:12:35](#)

Purpose and Action: To review the fifth budget amendment to the FY 2022-23 Annual Budget in accordance with Policy Directive (PD) 703.0. Amendments include: for the Bridge Replacement and Rehabilitation Program - 1) Off-system Load Ratings - \$5.25 million; 2) Fatigue Cracks \$10.5 million; 3) T1 Steel Butt Weld Investigation \$0.1 million. In addition the Colorado Transportation Investment Office (CTIO) is requesting a \$4 million local from CDOT to cover operating and maintenance expenses on C-470.

Discussion:

- A TC Commissioner asked about the state insurance and where does that show up in the budget, specifically insurance on on-system bridges.
 - Jeff Sudmeier says he's not sure he has an answer for that. We don't have a universal policy on our infrastructure
 - Another TC Commissioner brought up the state general risk pool which is self-insured.
 - It was explained that CDOT pays premiums on the State risk pool through a common policy, which relates to the transfers made to other state agencies. Those expenses show up under the administration costs of the budget or the agency operations line of the budget
- A lengthy discussion ensued pertaining to the CTIO C-470 backup Loan and the 40-year term for a \$4 million line of credit. Nick Farber replied yes that we have the ability to rebate. But we have to pay back on the bonds first, prior to any prepay.

- In addition how tickets and fines will be issued via use of camera technology was discussed. If toll lane users do not pay their tolls, then they are fined. Fines are not the first consideration when dealing with drivers who violate use of toll lanes weaving in and out.
- Commissioner Vasquez appreciated the conversation about how this is setting up like a line of credit. The CTIO may not need all of the \$4 million.
- The intent of CTIO is to only do this once. It would be optimal to use toll revenue as this is the way it is structured. CTIO could get to a good spot where it's this year and done, or this year, next year, and done.
- Commissioner Beedy wanted to point out the shifting of rural pavement projects that came up in the TPR meeting and approved moving from CO 71 to CO 63.
 - Also mentioned Commissioner Hickey asked that we have a roundtable for commissioners to bring up budget questions or ideas
 - Commissioner Hickey recommended taking 10 minutes during each workshop to brainstorm without having to have staff inform them.
- Commissioner Adams praised Jeff Sudmeier and Bethany Nicholas for providing information, data, and insight to the TC.

Colorado Transportation Commission Audit Review Committee Agenda (Timestamp 01:21:00)
Commissioners: Chair, Eula Adams, District 3; Karen Stuart, District 4; and Terry Hart, District 10

The Audit Review Committee (ARC) met as an agenda item on the TC Workshops. The ARC agenda items covered included:

- Motion to Approve the March 15, 2023 Minutes - minutes were approved.
- External Audit Team Results and Plan for FY 23
- Cyber Security
- Financial Security
- Peer Review Verba

For more details go to the recording link provided above.

Amendments to GHG Mitigation Measures (Policy Directive 1610) Appendix A, with updates to the transit GHG Mitigation Measures and Non-substantive Changes (Darius Pakbaz) Timestamp 02:06:21)

Purpose and Action: This workshop covered the proposed amendments to Policy Directive (PD) 1610.0 - GHG Mitigation Measures (PD-1610) to provide newly corrected transit numbers in Appendix A. The action requested from the TC is to approve the amendments to PD 1610.0.

Discussion:

- Commissioner Adams asks a question about incorporating hydrogen batteries into the fleets with more positive effects on GHG.
 - Libba Rollins, of the CDOT Air Section responded that for GHG rule we are looking at tailpipe emissions and not at life cycle. For a zero emissions vehicles it could be hydrogen battery, solid state battery, traditional battery. It doesn't differentiate within the GHG rule.
- Commissioner Bracke mentioned that the North Front Range MPO were supportive of the changes on the GHG Mitigation Measures and appreciates Libba reaching out and working with them. Says it would affect the compliance with the Rule on the time frame and when the emissions would be reduced for the transit fleet. We need to incentivize changing to alternative fuel vehicles and not continue as is.

- Darius Pakbaz answered that it is an average taken to account- that if an agency uses a particular mitigation measure, that we wanted to make sure information was correct, assumptions have been updated on there. Recommendation is if you have information already available to use the user transit tool instead of focusing on the average measure- that way get a more accurate representation of what the mitigation level would be on there.
- Rollins added that the targets in table one in the rule were not developed using heavy duty emissions. It's only light duty vehicle fleet mix, and doesn't affect compliance, more so the emission factors.
- Commissioner Stuart explained that the rationale for the revised timeframe out to 2050 are the financial constraints for vehicle purchases, supply chain logistics that delay delivery of ZEVs, issues with vehicle storage, getting infrastructure in place to properly accommodate vehicles, at least for RTD
- Commissioner Bracke noted that we need to help agencies become ready for ZEVs using available grants and other incentives that are possible.
- Commissioners are concerned with the need to move quickly towards ZEVs and reduce GHG emissions vs. being realistic about goals mandated for transit agencies.
- Libba Rollins added in response to what are we doing to incentivize the clean transit enterprise which has a \$134 million over the next 10 years. Have a funding opportunity out for planning funds and grants- as the gateway to apply for capital grants in charging infrastructure, and buses themselves as small planning grants. State goal is a thousand transit zero emission vehicles by 2030. Have 100 now. It takes 18 months or longer to order a bus.

Update on Bustang Family of Services (Jennifer Phillips) [Timestamp 02:39:07](#)

Purpose and Action: To provide the TC with an update on the family of Bustang services. No action is required at this time and the presentation is informationally only.

An update of all the existing and future plans for the Bustang Program were highlighted. Bustang programs discussed included the original Bustang program, Outrider, Pegasus, Bustang to the Broncos, Snowstang, Slide Through Saturdays, and Bustang to Estes.

Information provided for these programs included ridership, farebox recovery ratios, vehicle maintenance programs, etc. The June 2023 STAC packet provides more detailed information regarding these programs.

Discussion:

- Commissioner Beedy asked about the cost per person for the West line route and have the people cover those costs reasonably and get the ridership.
 - Jennifer Phillips responded that the CDOT Division of Transit and Rail (DTR) will provide the requested data.
- Commissioner Garcia asked a question being a clean transit enterprise board member if Bustang can qualify for clean transit enterprise.
 - Jennifer Phillips replied yes, because Bustang is a transit agency.
 - Commissioner Garcia replied that he looks forward to getting the grant.
- Commissioner Bracke had a question on the expansion study, if there was opportunity for public input- hearing a lot from Northern Colorado residents if there are opportunities for Snowstang from Fort Collins to Steamboat, or service to Rocky Mountain National Park in Estes Park from Loveland. A lot of Bustang services centered out of Denver.
 - Jennifer Phillips replied yes that the inner city and regional bus plan will kick off in the summer and will do a lot of outreach on that.
- Commissioner Bracke asked about the Bustang North route and when the buses will start using the new mobility hubs.

- Heather Paddock, Region 4 Transportation Director, replied it's scheduled for Spring 2024. Construction will be completed at the end of this year in 2023, and service will kick up in March 2024.

Region 3 Update (Jason Smith) Timestamp 02:59:17)

Purpose and Action: To present a Region 3 update to the Transportation Commission. No action requested at this time, for information only.

Projects highlighted in CDOT Region 3 included:

- I-70B First and Grand Intersection Project
- CO 13 Fortification Creek Wildlife Mitigation
- I-70 Vail Auxiliary Lanes
- I-70 R3 Mountain Passes
- Region 3 uses Unmanned Aerial Systems (UAS) for collecting survey data and is the only Region to use LiDAR as part of their UAS survey program.

Discussion

- Commissioner Holguin asked if there were more structures like the CO 92 timber structure bridge.
 - Jason Smith replied that quite a few were replaced but probably have over 20 - have done this project as a pilot project.
 - Commissioner Holguin asked if it was 10 year life span for the bridges or longer.
 - Jason Smith replied that they get inspected on an annual basis, not sure of life span.
 - Keith Stefanik added that Region 1 has a couple of these timber bridges. Also dependent on availability of maintenance staff, with a focus on the load restricted bridges to open them up for trucks and permitting more options for larger loads to move across the state. Seems like pretty efficient fix to increase the longevity of these timber bridges.

Update on TPR Boundary Study (Herman Stockinger and Jamie Grim) Timestamp 03:28:16

Purpose and Action: To provide the TC and update on the TPR Boundary Study. No action at this time, for information only.

Discussion:

- Process includes the advisory committee, a survey and meetings this summer.
- Commissioner Stuart asked if the HB 23-1101 Study Advisory Committee will be the agency that will recommend possible changes to the TC or will it be CDOT staff?
 - Herman Stockinger explained that it would be CDOT staff.
- Commissioner Bracke thanked Herman for making the rounds in Northern Colorado with both North Front Range MPO and the Upper Front Range TPR, and doing the outreach and getting input from folks. Commissioner Bracke explained that HB 23-1101 mentions the TRAC and that familiarity among many local community members regarding what the Transit and Rail Advisory Committee (TRAC) is in terms of its purpose, function, and how it is envisioned to function in the future is low. Requested CDOT to include more information regarding the TRAC as part of this outreach.
 - Herman agreed that including information on TRAC during the outreach process for the HB 23-1101 Study is a good idea.

Adjournment: Approximately 4:00 pm

TRANSPORTATION COMMISSION MEETING 9:00 am to 10:30 am

Thursday, June 15, 2023

[Transportation Commission Meeting June 15th, 2023](#)

1. Call to Order, Roll Call Timestamp 00:00:08

Nine Commissioners were present: Commissioner Gary Beedy (TC Chair), Lisa Tormoen Hickey, Karen Stuart, Kathleen Bracke, Eula Adams, Yessica Holguin, Terry Hart, Commissioner Eula Adams, Barbara Vasquez, and Commissioner Kathy Hall, was excused.

2. Public Comments Timestamp 00:00:48

- Tom B. from Chaffee County requested assistance to have the excessive number of American Flags permanently removed from the Collegiate Peak Scenic Byway. The TC does not know what authority they have to help with this request, but TC will check into how to properly go about removing the flags.
- Region 1 has two interchanges on I-25 that have homeless encampments and are requesting help to get them cleaned up. The TC realizes this is a huge problem in the metropolitan areas of the state.

3. Comments of the Chair and Individual Commissioners Timestamp 00:02:14

- Commissioners recognized and thanked Nick Farber for his work leading the Colorado Transportation Investment Office (CTIO), and Commissioners Vasquez and Hall who have served out their four-year terms on the TC.
- Commissioner Garcia attended the Southwest TPR meeting in Durango and numerous topics were covered by the TPR. The Commissioner noted the importance of SLVTPR meetings to have remote participation options. There have been several meetings with the Broadband Committee and staff who are working up updating the broadband fee structure.
- Commissioner Bracke attended the North Front Range MPO, Upper Front Range TPR, and I-25 Coalition meetings. Commissioner Bracke acknowledges the CDOT staff for hosting the 4P Planning meetings around Region 4, and she had the opportunity to attend the 4P meetings in Morgan and Weld Counties. The meetings have been a great way for CDOT to share information and obtain input from local community stakeholders.
- Commissioner Hart would like to thank everybody that's been involved in the discussion about the fiber and the use of the right of way throughout the State. Conversation has been superb. Commissioner Hart is extremely thankful for the public comments as they help the TC get a better understanding of the needs for different areas around the State of Colorado. There's a spot on I 25 between Pueblo and fountain that I got affected by heavy rain and the patience of the public is tremendous as we are having to deal with that and work our way through this fascinating meteorological event that we're going through. As construction season is booming and cones are going up everywhere around the state, please take the time to be aware of your surroundings and slow down.
- Commissioner Holguin attended the Non Attainment Air Pollution Mitigation Enterprise (NAAPME) board meeting this last month, where they had an excellent presentation on the regional air quality. Providing awareness to all the board members, and as a board, started to think about what is the highest return on investment. And how do we think about the strategy? Not just to address short term needs but thinking about long term impact.
- Commissioner Vasquez wants to thank the co- leadership of Commissioner Brackie on the advanced mobility team. Great work done in collaboration with Kay Kelly, CDOT Office of Innovative Mobility Director, and their team and on the small business and diversity committee

which Vasquez has been leading. They want to thank Marsha Nelson, CDOT Environmental Justice and Equity Branch Manager, for her leadership and great work with CDOT on diversity, equity, and inclusion. Thank you all for making my journey on the TC one of education and service, and to Jason Smith, CDOT Region 3 Transportation Director, for his leadership in Region 3 and his involvement with Northwest Colorado and with the TPR in Northwest Colorado.

- Commissioner Adams thanked the CDOT Staff for all the great work they constantly do. Commissioner Adams also recognized Bustang. Bustang has been making themselves as a resource available to inner city children and some adults so that they could experience a snow day in the mountains free of charge.
- Commissioner Stuart congratulated Piper Darlington, who's going to be the interim executive director of the CTIO after Nick Farber's departure.
- Commissioner Hickey commended the PPACG and Central Front Range TPR for their ability to work cohesively, and collectively to resolve conflict quickly, moving forward on tasks in a timely manner. Commissioner Hickey was very pleased and proud of the group led by Shane Ferguson, CDOT Region 2 Transportation Director, doing a clean up along our highways.
- Commissioner Beedy expressed appreciation of all of the perspectives and the way the TC has worked together to come to conclusions and move forward. The Project Priority Programming Process (4P) meetings in Commissioner Beedy's Eastern TPR were well attended. There's always the frustration that there's just not enough funding to meet the transportation infrastructure preservation needs, plus wanting to have some of the safety and other improvements on our rural roads in our District. Especially with the wild weather we have had over the past six months.
- Other Public Comment: [Timestamp 00:41:28](#)
 - Jeff Weist President of the Colorado Cable Telecommunications Association (CCTA), the trade association for the state's cable broadband companies. Wiest thanked CDOT for the work of staff and the individual members of the Commission for their time spent on the very complex issue of restructuring the broadband fee. CCTA would like to make public their support for a simple and transparent right-of-way fee structure.

4. Executive Director's Report (Shoshana Lew) Timestamp 00:47:57

- Exciting milestones have been met recently across the state.
- Two projects along CO 13 really improved resiliency and they support as an alternate route to I-70, and state of the art wildlife crossings are also underway.
- Ground breaking in Glenwood Springs at first component at Glenwood Springs MOVE program - where over \$24 million of RAISE grant funds were awarded to build out transit facilities in Grand Junction, Rifle and Glenwood Springs.
- Emergency project CO 133 is making progress on this to address deterioration of a culvert with a temporary bridge. Hope is open as early as next Monday.
- Teams across the state are dealing with implications of spring runoff, including rockfalls and responding quickly to these emergency events.
- Recognized Nick Farber for his contributions, as well as Commissioners Barbara Vasquez and Kathy Hall for their work on the TC.

5. Chief Engineer's Report (Keith Stefanik) Timestamp 00:53:16

- Regarding traffic safety, he experienced the privilege to be on call with the Governor and the Colorado State Patrol (CSP) on how to reduce injuries and fatalities across the state. A CDOT

wildly important goal (WIG) for FY 24 is to reduce series injuries and fatalities by 15%. Need to be aggressive to accomplish this. Will take a menu of options, and not just one solution. Have seen a decrease in crash rates, but not high enough to meet the 15% reduction goal.

- Attended the spring AASHTO meeting in Seattle. Focus was on the national perspective on safety working with the National Highway Transportation Safety Administration (NHTSA), and is looking forward to working on this with other agencies and stakeholders.
- Cyclist and we have Bike to Work day coming up on June 28, 2023. Serves as a great opportunity. Encouraged CDOT staff to participate in this event.
- Recognized and thanked Nick Farber for his work at CDOT.

6. Colorado Transportation Investment Office (CTIO) Director's Report (Nick Farber) [Timestamp 00:59:00](#)

- CTIO Board approved Piper Darlington to serve as the CTIO Director after Nick's departure.
- The CTIO Board approved tolls for I-25 North Segments 2 and 3, and C-470. Also approved C-470 backup loan.
- It was humbling and an honor to serve on the HPTE and CTIO for 11 years working on toll lanes for US36, I-25, C-470, Mountain Express Lanes/and Peak Period Shoulder Lanes and Central 70. Thanked all the executive staff at CDOT who provided him the opportunity to serve. Thanked the TC and CDOT staff for everything.
- I-25 North TIFIA loan application was submitted, is under credit review, and should be closing in the next month or so.

7. FHWA Division Administrator Report (John Cater) [Timestamp 1:02:43](#)

- FHWA new Administrator theme is DRIVEN - Delivering, Resilience, Innovation, Value (internal), Equity, National.
- Safety, we need to bend the trend, head down not up. A new term is digitally drunk drivers - impaired by distraction.
- Series of summits by the Governor's State Recovery Office, across the state for a total of ten this summer. Regarding how locals can benefit from various competitive grant programs. Hosted through DOLA and Governor's Recovery Office.
- Recognized Nick Farber and provided best wishes.

8. Statewide Transportation Advisory Committee (STAC) Report (Vincent Rogalski) [Timestamp 01:07:03](#)

- Had a good meeting on June 1.
- CDOT updates were covered with legislative session and other project information, etc.
- HB 23-1101 - discussed how the HB 23-1101 Study Advisory Committee was created, if the wishes of TPRs who want to keep their boundaries the same will be honored, what is the decision-making process, and questions surrounding the survey questions being planned for distribution in terms of what will they will be.
- A Bustang update was provided and was very thorough.
- The Program Distribution process was discussed, and three meetings with STAC from August through October will be in-person.
- Region 3 was the featured Region and they provided an update on current accomplishments and ongoing projects in the Region.
- Next STAC meeting will be in July via Zoom.

9. Act on Consent Agenda [Timestamp 01:09:58](#)

A Motion by Commissioner Adams to approve, and seconded by Commissioner Vasquez , passed unanimously.

- Proposed Resolution #1: Approve the Regular Meeting Minutes of May 18, 2023
- Proposed Resolution #2: IGA Approval >\$750,000
- Proposed Resolution #3: FY24 Maintenance Projects \$150K-\$250K
- Proposed Resolution #4: Disposal: SH 85 & Jewell, 15-EX, 16-EX, 17-EX, 18-EX, 53-EX
- Proposed Resolution #5: Adoption of Policy Directive 4.0 "Audit Division Policy"

10. Discuss and Act on Proposed Resolution #6: C-470 operations and maintenance (O&M) Backup Loan Agreement (Nick Farber and Piper Darlington) [Timestamp 01:11:00](#)

A Motion by Commissioner Stuart to approve, and seconded by Commissioner Adams, passed unanimously.

- Loan can be used for any lawful purpose - can pay back loan earlier if possible for this \$4 million line of credit. May not use the full line of credit, also.

11. Discuss and Act on Proposed Resolution #7: 12th Budget Supplement of FY 2023 (Jeff Sudmeier and Bethany Nichols) [Timestamp 01:14:28](#)

A Motion by Commissioner Garcia to approve, and seconded by Commissioner Vasquez, passed unanimously.

12. Discuss and Act on Proposed Resolution #8: Budget 5th Amendment (Jeff Sudmeier and Bethany Nichols) [Timestamp 01:16:21](#)

A Motion by Commissioner Holguin to approve, and seconded by Commissioner Bracke, passed unanimously.

13. Discuss and Act on Proposed Resolution #9: State Infrastructure Bank Rate Update (Jeff Sudmeier and Bethany Nichols) [Timestamp 01:18:12](#)

A Motion by Commissioner Vasquez to approve, and seconded by Commissioner Holguin, passed unanimously.

14. Discuss and Act on Proposed Resolution #11: PD 1610.0 GHG Mitigation Measures (Darius Pakbaz and Theresa Takuski) [Timestamp 01:20:18](#)

A Motion by Commissioner Hickey to approve, and seconded by Commissioner Vasquez, passed unanimously.

15. Discuss and Act on Proposed Resolution #12: ROW Condemnation Authorization Request (Keith Stefanik): [Timestamp 01:21:51](#)

A Motion by Commissioner Hart to approve, and seconded by Commissioner Bracke, passed unanimously.

16. Recognitions - Region 2 - Region Wide Clean Up Day [Timestamp 01:23:25](#)

- Brad Bauer, CDOT Region 2 Deputy Maintenance Superintendent, provided an overview of this successful event to pick up trash (over 2,600 bags) along Region 2 roadways.
- PPACG staff attended to help, and were excited to be participating.
- CDOT Deputy Executive Director, Herman Stockinger, also participated.
- Other CDOT Regions were challenged to have similar events.
- Commissioner Garcia asked about the Adopt a Highway program - Brad explained that that program is not really active in terms of individual adoptions - there are some company sponsors and that works really well. Also a program called CEO for parolees to pick up trash too.
- Commissioner Garcia supported using that program across the state.
- Commissioner Hart thanked Region 2, in his District, for this work.
- Commissioner Holguin and Vasquez also expressed their support and recognition of the importance of this work.

17. Other Matters (Nominating Committee Announced Nominations - Election of Officers) [Timestamp 01:35:04](#)

- Commissioner Stuart provided the results of the nominating committee for election of TC officers.
- Commissioner Beedy was nominated to serve as the TC Chair, and Commissioner Hickey for TC Vice Chair. Herman Stockinger nominated to serve as the TC Secretary.
- A Motion by Commissioner Stuart to approve the nominating committee recommendation, and seconded by Commissioner Adams, passed unanimously.

18. Adjournment - Approximately 11:46 am.

2023

Legislative Round-Up

Office of Policy and Government Relations



COLORADO
Department of Transportation

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Acknowledgment

As of June 7th, 2023, Governor Polis' 30 Day Clock for signing the remaining bills from the 2023 Legislative session has officially ended. This document is an overview of the Department's engagement in the legislative process throughout the last six months and a summary of each new law that impacts CDOT or is related to the topic of transportation.

The 74th General Assembly convened on January 9th, 2023. State Statute dictates that the Colorado Legislative Session lasts a total of 120 calendar days from January to May. Some state legislatures meet year round, while others meet for as little as six weeks each year. Colorado's legislative session falls in the middle of this range, but state legislators still feel the pressure each year to accomplish as much as possible within a limited period.

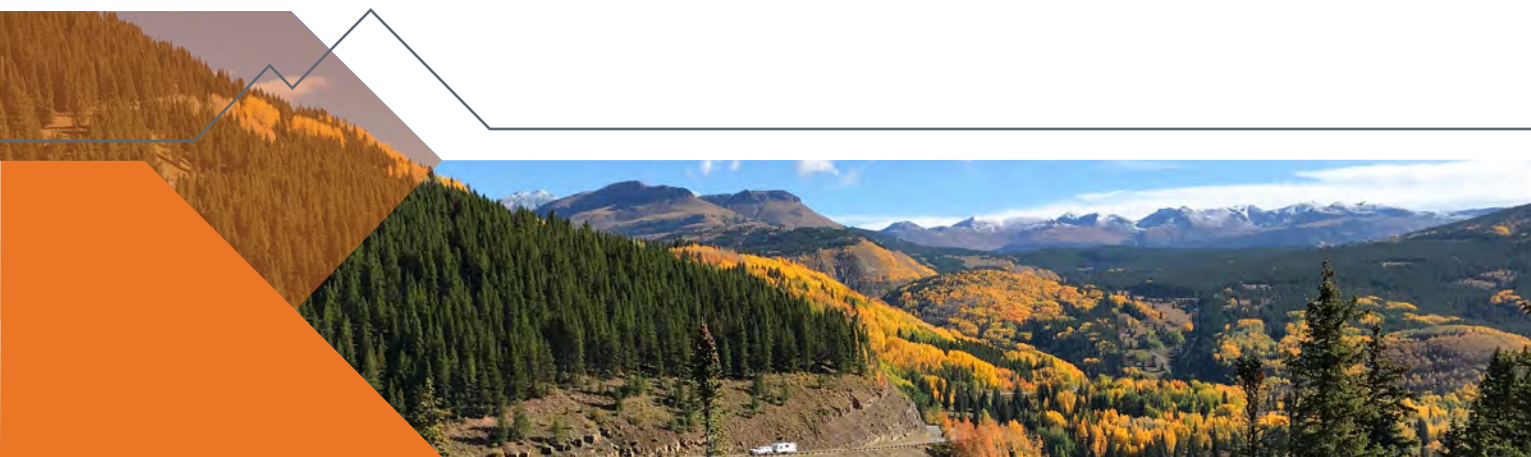
The Colorado legislature is composed of 100 total legislators- 65 Representatives and 35 Senators. This year, democrats held a 23-12 majority in the Senate and a 46-19 super-majority in the House, while also holding control of the Governor's office. Among the 100 legislators, there was a notable number of freshman lawmakers sworn in after the 2022 election. 32 legislators (nearly a third of the General Assembly) were new to the State Capitol in 2023. President Steve Fenberg (D-Boulder) remained in his leadership role in the Senate, and Speaker Julie McCluskie (D-Dillon) assumed a new role as Speaker of the House.

A total of 617 bills were introduced over the course of the 120 day session. 473 of these bills passed both chambers and were signed into law by Governor Polis. The Governor's annual State of the State in January focused heavily on prioritizing housing solutions in the legislature. Housing and Land use policy ultimately were the most hotly debated topics of the session. Other top issues included gun control, reproductive rights, work-week standards, and property taxes. While transportation may not have been in the spotlight, it is worthwhile highlighting CDOT's four legislative priorities that passed and were signed into law this year:

- HB23-1101: Ozone Season Transit Grant Program Flexibility
- HB23-1233: EV Charging and Parking Requirements
- HB23-1267: Scope of Bridge and Tunnel Enterprise
- SB23-283: Mechanisms For Federal Infrastructure Funding

Thank you to CDOT Employees, Transportation Commissioners, and Department Stakeholders for all your help in making the 2023 Legislative Session a success. As my first session as CDOT's Legislative Liaison, I am incredibly grateful for everyone's continued support and collaboration. For any questions on this document, please do not hesitate to reach out using the contact information below.

Emily Haddaway, CDOT Legislative Liaison
emily.haddaway@state.co.us
505-553-2079



Supported Bills

Bill Number	Bill Short Title	Outcome
HB23-1101	Ozone Season Transit Grant Program Flexibility	Signed on April 28th, 2023
HB23-1156	Public airport authority act modernization	Signed on April 10th, 2023
HB23-1233	EV Charging and Parking Requirements	Signed on May 23rd, 2023
HB23-1267	Double Fines on Steep Grades	Signed on June 5th, 2023
HB23-1276	Scope of Bridge and Tunnel Enterprise	Signed on May 15th, 2023
SB23-095	Unlawfully aiming laser device at aircraft	Signed on March 23rd, 2023
SB23-213	Land Use	Postponed Indefinitely
SB23-268	Ten-year Transportation Plan Information	Signed on June 6th, 2023
SB23-283	Mechanisms for Federal Infrastructure Funding	Signed on May 22nd, 2023

Notable Neutral & Amend Bills

Bill Number	Bill Short Title	Position	Outcome
HB23-1048	Two Lane State Highway Staggered Delineator Post	Neutral/Amend	Signed on June 6th, 2023
HB23-1059	Motorcycle Lane Splitting Study	Neutral	Postponed Indefinitely
HB23-1102	Alcohol and Drug-impaired Driving	Neutral/Amend	Signed on June 6th, 2023
SB23-143	Retail Delivery Fees	Neutral	Signed on May 4th, 2023
SB23-200	Automatic Vehicle Information Systems	Neutral/Amend	Signed on June 5th, 2023
SB23-280	Hazardous Material Mitigation	Neutral/Amend	Signed on June 6th, 2023

Opposed Bills

Bill Number	Bill Short Title	Outcome
HB23-1166	Repeal Retail Delivery Fees	Postponed Indefinitely
HB23-1173	Modify Department Of Transportation Governance	Postponed Indefinitely
HB23-1175	Transportation Budget Requirement	Postponed Indefinitely

Agency Testimony

Date	CDOT Employee	Bill Number & Title	Committee
2/1/23	John Lorme	HB23-1048: Two Lane State Highway Staggered Delineator Post	House Transportation, Housing & Local Government Committee
2/14/23	Glenn Davis	HB23-1059: Motorcycle Lane Splitting Study	House Transportation, Housing & Local Government Committee
2/15/23	Glenn Davis	HB23-1102: Alcohol and Drug-impaired Driving	House Judiciary Committee
2/21/23	Ryan Long	HB23-1166: Repeal Retail Delivery Fees	House Transportation, Housing & Local Government Committee
2/22/23	Emily Haddaway	HB23-1173: Modify Department of Transportation Governance	House Transportation, Housing & Local Government Committee
4/5/23	Patrick Holinda & Emily Haddaway	HB23-1276: Scope of Bridge and Tunnel Enterprise	House Transportation, Housing & Local Government Committee
4/11/23	San Lee	HB23-1276: Double Fines on Steep Grades	House Transportation, Housing & Local Government Committee
4/12/23	Jeffrey Sudmeier & Emily Haddaway	SB23-268: Ten-year Transportation Plan Information	Senate Transportation & Energy Committee
4/18/23	Herman Stockinger	SB23-280: Hazardous Material Mitigation	Senate Transportation & Energy Committee
4/18/23	Nathan Lindquist	SB23-213: Land Use	Senate Finance Committee
4/24/23	Patrick Holinda & Emily Haddaway	HB23-1276: Scope of Bridge and Tunnel Enterprise	Senate Transportation & Energy Committee
4/24/23	Glenn Davis & Brittany Janes	HB23-1102: Alcohol and Drug-impaired Driving	Senate Transportation & Energy Committee
4/25/23	Emily Haddaway	SB23-268: Ten-year Transportation Plan Information	House Transportation, Housing & Local Government Committee
5/2/23	Nathan Lindquist	SB23-213: Land Use	House Transportation, Housing & Local Government Committee

House Transportation, Housing, and Local Government Committee

The House Transportation & Local Government Committee considers matters concerning motor vehicle law, traffic regulation, transportation funding, public infrastructure, other subject areas related to the state transportation system, local governments, special districts, housing, and land use planning. In addition, the committee has legislative oversight responsibility for the Department of Transportation and the Department of Local Affairs.



Meg Froelich
Chair
District 3



William Lindstedt
Vice Chair
District 33



Andrew Boesenecker
District 53



Marc Catlin
District 58



Ruby Dickson
District 37



Mandy Lindsay
District 42



Javier Mabrey
District 1



Tisha Mauro
District 46



Jennifer Lea Parenti
District 19



Rick Taggart
District 55



Stephanie Vigil
District 16



Don Wilson
District 20



Ty Winter
District 47

Senate Transportation and Energy Committee

The Senate Transportation & Energy Committee considers matters concerning motor vehicle law, traffic regulation, transportation funding, public infrastructure, other subject areas related to the state transportation system, and energy development and regulation. In addition, the committee has legislative oversight responsibility for the Department of Transportation, the Colorado Energy Office, the Public Utilities Commission, and the Colorado Oil and Gas Conservation Commission.



Faith Winter
Chair
District 25



Kevin Priola
Vice Chair
District 13



Lisa Cutter
District 20



Tony Exum
District 11



**Sonya Jaquez
Lewis**
District 17



Byron Pelton
District 1



**Cleave
Simpson**
District 6

Long Bill

The Department of Transportation's Allocations

Each year, the General Assembly appropriates funding for certain programs through the Long Bill. The primary appropriation made to the department each year is for administrative expenses. The Administration line is appropriated out of the State Highway Fund. Other appropriations made in the FY 2023-24 Long Bill include funding from the First Time Drunk Driving Offender Account, the Marijuana Tax Cash Fund for CDOT's impaired driving program, the Multi-modal Transportation Options Fund, the Clean Transit Enterprise, and Colorado Wildlife Safe Passages Fund.

Revenue and Budget Impacts

SB23-143: Retail Delivery Fees

This law modifies this administration of the Retail Delivery Fee by permitting a retailer to pay the RDF on behalf of the purchaser, so it would not be required to be added to the price of an item separately. The bill also creates an exemption from the RDF for a retail delivery by a qualified business, which is a business that has \$500,000 or less of retail sales in the prior year or is new, that applies retroactively to when RDFs were first imposed.

- Department Impacts: Minor impacts to Department Revenue
- Department Action Items: OFMB to continue tracking the revenue related to SB21-260

SB23-283: Mechanisms For Federal Infrastructure Funding

Existing law allows money expended from the "Infrastructure Investment and Jobs Act" cash fund to be used as matching non-federal money for infrastructure projects pursuant to requirements of the act as well as for grant writing support, project planning support, and administrative needs. The bill clarifies that, with respect to the project planning support for which money from the fund is already authorized to be expended, the Governor's office may specifically expend money from the fund for project planning support for federal funding opportunities in connection with the act and related federal funding opportunities including funding opportunities from the "Inflation Reduction Act." The bill requires that on July 1, 2023, the state treasurer is to transfer \$84 million from the general fund to the "Infrastructure Investment and Jobs Act" cash fund. Additionally, the bill changes the annual reporting requirement of the office to a quarterly reporting requirement beginning on July 1, 2023. The bill also requires that on July 1, 2023, the state treasurer is to transfer \$5 million from the general fund to the state highway fund for use by the Department of Transportation to develop comprehensive operational capacity to maximize utilization and implementation of federal infrastructure funding.

- Department Impacts: Increases CDOT Revenue by \$5 million and increases our opportunities to receive IIJA funding by offering matches to federal dollars. This revenue will fund additional administrative and planning needs for the execution of Front Range Passenger Rail.
- Department Action Items:
 - » OFMB to initiate a \$2 million transfer from the State Highway Fund to Front Range Passenger Rail District.
 - » DTR to utilize additional \$3 million in funding for rail implementation.
 - » OPGR/DAF to continue tracking opportunities to match IIJA funds.

SB23-212: United States Navy Seabees License Plate

The bill creates the Seabees license plate. An applicant qualifies for issuance of the license plate if the applicant is an active or former member of a construction battalion of the United States Navy. The bill exempts an applicant for the Seabees license plate from paying the additional fees associated with special license plates.

- Department Impacts: Typically the HUTF receives \$25 from every license plate. The Seabees License plate waives these fees. This could present an insignificant decrease to the HUTF.
- Department Action Items: N/A

SB23-025: In God We Trust Special License Plates

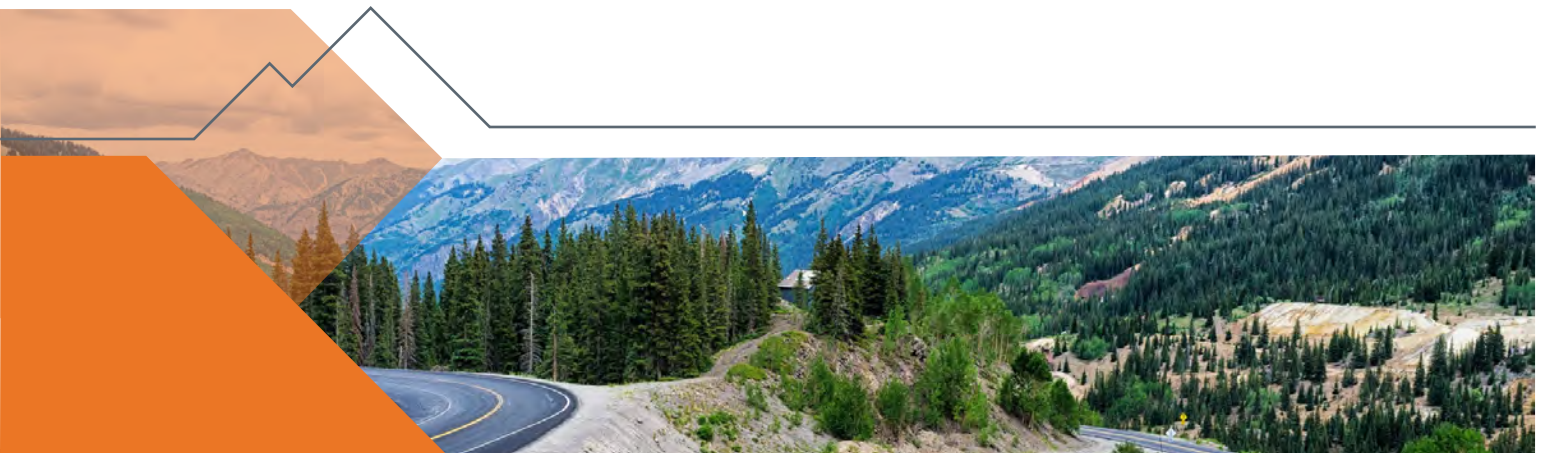
The bill creates the "In God We Trust" license plate for motor vehicles. In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees of \$25 for the issuance of the plate. One of these fees is credited to the highway users tax fund and the other fee is credited to the Colorado DRIVES vehicle services account.

- Department Impacts: \$25 fee from each license plate to be deposited into the Highway Users Tax Fund
- Department Action Items: N/A

SB23-145: Stegosaurus State Fossil License Plate

The bill creates the Stegosaurus state fossil license plate for motor vehicles. The Department of Revenue must designate a nonprofit organization to qualify applicants for issuance of the license plate. In addition to the standard motor vehicle fees, the applicant must pay 2 one-time fees of \$25 for the issuance of the license plate. One fee is credited to the highway users tax fund and the other fee is credited to the licensing services cash fund.

- Department Impacts: \$25 fee from each license plate to be deposited into the Highway Users Tax Fund
- Department Action Items: N/A



Equity & Accessibility

SB23-244: Technology Accessibility Cleanup

The bill clarifies statutory language to ensure the provision of reasonable accommodations for persons with disabilities. The bill requires the Office of Information Technology to promulgate rules regarding accessibility standards for an individual with a disability for information technology systems employed by state agencies. The bill clarifies language regarding sanctions for failing to comply with accessibility standards.

- Department Impacts: CDOT will be required to follow the specified accessibility standards set forth by the Chief Information Officer.
- Department Action Items: The Office of Communications and Office of Chief Engineer to coordinate with the Office of Information Technology to reach compliance with accessibility standards.

SB23-151: Sunset Health Equity Commission

The Health Equity Commission created in the Office of Health Equity in the Department of Public Health and Environment is scheduled to repeal on September 1, 2023. Pursuant to the recommendation in the Department of Regulatory Agencies' sunset review and report, the bill continues the health equity commission indefinitely.

- Department Impacts: The Health Equity Commission will continue to meet and advise coordination on Health Equity Issues with the inclusion of CDOT representation.
- Department Action Items: CDOT Chief Equity Officer to continue serving on Commission.

Aviation

SB23-095: Unlawfully Aiming Laser Device At Aircraft

The bill creates a class 6 felony for a person who knowingly points, focuses, or aims a laser device at an aircraft. The bill provides exemptions for a person who points a laser device at an aircraft under certain circumstances.

- Department Impacts: The Colorado Aeronautical Board supported this legislation, but there are no direct impacts on the Department.
- Department Action Items: N/A

HB23-1156: Public Airport Authority Act Modernization

The "Public Airport Authority Act" authorizes a county or a municipality, or a combination of counties and municipalities, to create an airport authority to operate an airport located within the county or municipality or the combination of counties and municipalities.

- Department Impacts: The Colorado Aeronautical Board supported this legislation, but there are no direct impacts on the Department.
- Department Action Items: N/A

Transit and Rail

HB23-1101: Ozone Season Transit Grant Program Flexibility

This bill expands SB22-180 and increases the flexibility of the ozone season transit grant program in the following ways:

1. Allows transit agencies that operate in areas where ozone levels are highest during a different period than June 1 to August 31 to designate a different period of the year for its “ozone season”
2. Allows a grant recipient to retain grant money that it does not spend for use in a subsequent year
3. Clarifies that a grant recipient may use grant money for reasonable marketing expenses of their related programs
4. Clarifies that eligible transit agencies can use grant money to expand free services or free routes that are already offered

This bill also allows RTAs to go to the ballot for increased funding. Previously RTAs were authorized to go to the ballot for no more than 1% sales tax on every transaction. 1101 authorizes RTAs to seek up to 2%. HB23-1101 also requires Transit Agency Representation in Transportation Planning Regions. On or After September 23rd, 2023, TPRs must include at least one voting representative to represent all transit agencies within the region. The representative must be appointed by the transit agency or if multiple transit agencies provide service within the region, by agreement of the transit agencies. Lastly, the bill directs the Department of Transportation to complete a study of the Transportation Planning Regions before November 30th, 2023 CDOT. The bill lays out a variety of criteria which CDOT must consider within the study.

- Department Impacts: Department is instructed to conduct a study of the TPR boundaries and the transportation commission is required to open the rule governing the boundaries.
- Department Action Items: Department to conduct a study within the timeline set forth in the bill. The study must be delivered to both the Transportation Commission and the Transportation Legislation Review Committee. Transportation Commission must initiate updates to the rules governing the Transportation Planning Regions prior to June 1st, 2024.



Transportation Development

SB23-268: Ten-year Transportation Plan Information

This bill creates new reporting requirements for each transportation project identified in the 10-year Transportation Plan:

1. The time frame for project completion;
2. The total estimated amount of funding required to complete the project; and
3. Accounting for the total estimated amount of funding for the project, and the amount of funding from each funding source that has been allocated for the project or is anticipated to be allocated for the project. The plan must always identify specific funding sources and amounts that taken together account for full funding for each project identified in the plan but may indicate, both with respect to the plan generally and with respect to any specific project, the extent to which and reasons why the source and amounts of funding listed are uncertain and subject to change.

Section One also requires the Department to provide to state and local government elected officials, without creating a new position or hiring additional personnel, a designated and readily available department contact to receive and respond to their questions about the status and funding of specific transportation projects and to inform such elected officials of the existence of the designated contact and the means by which the designated contact may be reached.

Section Two requires the department to annually report to the Transportation Legislation Review Committee (TLRC) on the status of project delivery for the projects identified in the plan and requires the commission to include an update on the plan in its annual proposed budget allocation plan presented to the joint budget committee.

- Department Impacts: The entirety of this bill impacts the department, see above for a comprehensive description.
- Department Action Items: Department of Transportation Development and OPR to implement the provisions set forth in the bill by September 1st, 2023.

SB23-016: Greenhouse Gas Emission Reduction Measures

This is a larger package of greenhouse gas emission reduction provisions. One notable section is section 6 which updates the statewide GHG emission reduction goals to add a 65% reduction goal for 2035, an 80% reduction goal for 2040, and a 90% reduction goal for 2045 when compared to 2005 GHG pollution levels. Section 6 also increases the 2050 GHG emission reduction goal from 90% of 2005 GHG pollution levels to 100%.

- Department Impacts: N/A
- Department Action Items: Department to continue to consider ways to reduce GHG from the transportation sector.

SB23-059: State Parks And Wildlife Area Local Access Funding

The bill requires the Parks and Wildlife Commission to promulgate rules authorizing a local government to request that a state park or wildlife area charge an additional per vehicle fee, not to exceed \$2, to visit. Upon the request, the commission must establish the fee, which will be transferred, minus an administrative deduction, to the local access route cash fund created by the bill and then distributed to local governments to maintain and operate local access routes. The fee will be adjusted every 5 years for inflation or deflation.

The Division of Parks and Wildlife is required to collaborate with local governments to identify and study issues surrounding local access route transportation infrastructure and funding deficits and sources of funding for the routes. The division is given factors to consider and must seek input from the Department of Transportation and the Department of Local Affairs before completing the study. Based on the study, the division will make legislative recommendations regarding sources of funding or partnerships to assist in the maintenance of local access routes and state park services. To implement this act, \$411,000 is appropriated to the Department of natural resources for use by the Division of Parks and Wildlife from the Parks and outdoor recreation cash fund.

- Department Impacts: DNR is instructed to seek input from CDOT while conducting a study of local access route transportation.
- Department Action Items: Department of Transportation to collaborate on the study as needed and requested by DNR.

Roads, Bridges, and Highways

HB23-1276: Scope Of Bridge And Tunnel Enterprise

This bill expands the scope of the BTE to include the completion of preventative maintenance bridge projects, which are projects that involve a treatment or strategy to extend the service life of a fair-rated or good-rated bridge by preventing, delaying, or reducing deterioration. It also specifies that the BTE may repair, reconstruct, replace, and maintain a bridge that the department has rated as fair if the fair-rated bridge is included as part of a project to repair, reconstruct, replace, or maintain a designated bridge.

- Department Impacts: The entirety of this bill impacts the Bridge and Tunnel Enterprise. Please see above for a comprehensive overview.
- Department Action Items: Bridge and Tunnel Enterprise Board to approve bridge bundling and maintenance projects as they deem appropriate.

SB23-200: Automated Vehicle Identification Systems

Concerning the utilization of automated vehicle identification systems for increased traffic law enforcement by certain jurisdictions. This is a larger package with a variety of provisions related to AVIS.

- Department Impacts: No fiscal impact. Allows CDOT to implement AVIS systems on arterials.
- Department Action Items: N/A

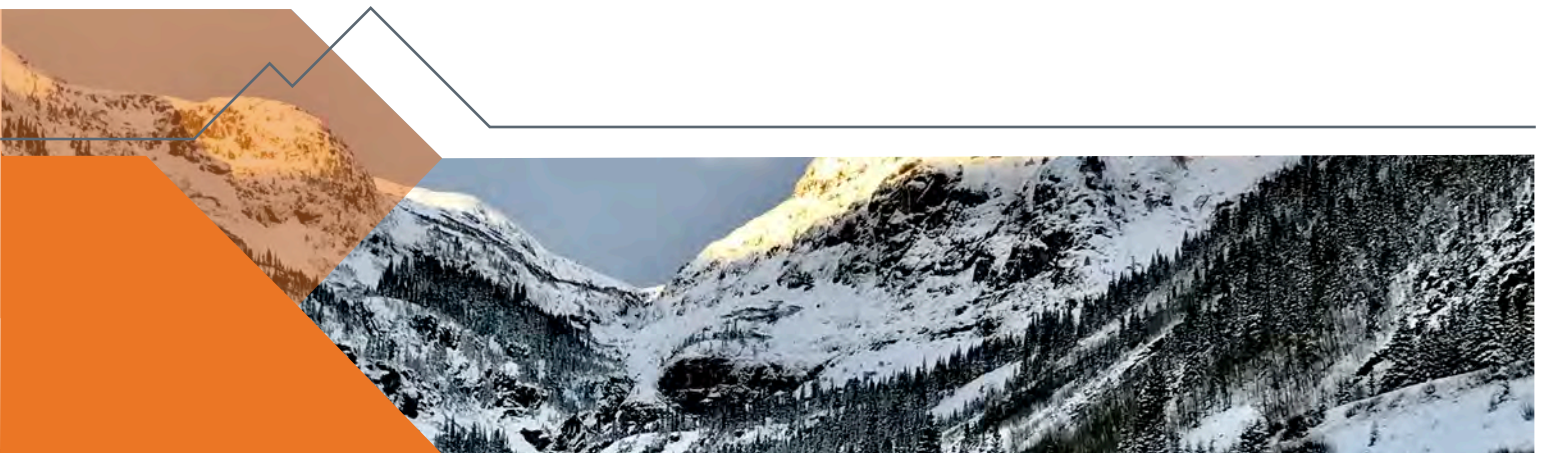
HB23-1048: Two-lane State Highway Staggered Delineator Posts

This bill requires the Department of Transportation to execute the following whenever constructing, repaving, or repairing any section of a two-lane state highway if farming or other oversize loads actively utilize that section of the highway, except when otherwise necessary or required to meet reasonable safety standards:

1. Stagger the posts not less than every one-tenth of a mile where it is practical to do so, and
2. Consider implementing flexible delineator posts and other engineering solutions to accommodate the needs of all vehicles.

The bill also specifies that nothing in the text shall be construed to require delineator posts to be placed where they are not deemed necessary by the Department of Transportation.

- Department Impacts: The entirety of this bill impacts CDOT's internal policies regarding two-lane state highway flexible delineator posts.
- Department Action Items: Office of Chief Engineer to determine how to implement the provisions of this legislation. Updates must be made within 90 days of Adjournment of the 2023 Legislative session.



Water Quality

SB23-274: Water Quality Control Fee Setting By Rule

Section 1 of the bill increases the percentage of appropriated funds that the Department of Public Health and environment may use for the administration and management of the public water systems and domestic wastewater treatment works grant program from 5% to 10%. Section 3 modifies the composition of the Water Quality Control Commission by requiring that:

1. No more than 5 members of the commission be affiliated with the same political party; and
2. The commission includes members with specific types of expertise, including expertise in areas of science and environmental law or policy or areas such as municipal water or wastewater treatment, industry, or labor.

Section 4 requires the commission, on or before October 31, 2025, and after engaging in stakeholder outreach, to set the following fees by rule:

1. Drinking water fees assessed on public water systems;
2. Commerce and industry sector permitting fees;
3. Construction sector permitting fees;
4. Pesticide sector permitting fees;
5. Public and private utilities sector permitting fees;
6. Municipal separate storm sewer systems sector permit fees;
7. Review fees for requests for certification under section 401 of the federal “Clean Water Act”;
8. Preliminary effluent limitation determination fees;
9. Wastewater site application and design review fees;
10. On-site wastewater treatment system fees and biosolids management program fees.

The commission’s fee-setting rules must become effective on or before January 1, 2026, and the commission may by rule authorize the division to phase in the fee-setting rules. Section 4 also creates the clean water cash fund into which the fees collected under the commission’s rules, other than the drinking water fees assessed on public water systems, are credited. The statutory fee provisions in sections 2, 5, 6, and 8 repeal on July 1, 2026. Before the repeal, the state treasurer is required to transfer any money remaining in the various funds into which the statutory fees are credited to the clean water cash fund; except that section 2 specifies that drinking water fees will continue to be credited to the drinking water cash fund and that any money in the drinking water cash fund will remain in that cash fund. Section 7 repeals the division’s regulatory authority concerning nuclear and radioactive wastes. Section 9 requires the division to include, in its annual reporting to the commission and the general assembly, information on:

1. The division’s implementation and enforcement of the discharge permitting program ;
 2. For reports submitted before October 1, 2025, the division’s fee revenue and direct and indirect costs associated with the program; and
 3. For the report submitted in 2025, the fee structure set forth in the commission’s proposed or adopted fee-setting rules.
- Department Impacts: This bill allows the Water Quality Control Commission (WQCC) to be able to set the fees instead of updating state statute to change permit fees. CDOT pays for permits for the construction sector, wastewater (for the Eisenhower Johnson Memorial Tunnel), Municipal Separate Storm Sewer System (MS4), and some industrial permits as well.
 - Department Action Items: N/A

Safety

HB23-1102: Alcohol and Drug-Impaired Driving

Under existing law, the Office of Transportation Safety within the office of the Executive Director of the Department of Transportation receives funding from money remaining in the law enforcement assistance fund after two required annual appropriations are made to provide funding to local governments that have established a qualified drunk driving prevention enforcement program. However, the department has not received funding from the first-time drunk driving offender account since state fiscal year 2020-2021.

The bill expands these programs to include both alcohol and drug-impaired driving and requires the transportation commission to annually allocate \$1.5 million from the state highway fund to the department for allocation to the Office of Transportation Safety, which will then distribute the money to local governments that implement high-visibility alcohol and drug-impaired driving enforcement.

The bill also requires local law enforcement agencies to follow written policies and procedures about racial profiling and use of force, complete in-service training annually, implement a recognizable pattern by which vehicles are stopped to prevent a bias-motivated stop and locate checkpoints in areas where drunk or impaired driving crashes are likely to occur. No money may be allocated to a law enforcement agency subject to a judicially-ordered consent decree. In collaboration with the Department of public safety, the department will publish an annual report. A law enforcement agency not complying with the requirements of the bill may lose funding or must pay back funding already received. The attorney general may bring a civil action to enforce the bill.

- Department Impacts: The entirety of this bill impacts the Office of Highway Safety. See above for a comprehensive overview.
- Department Action Items: HSO to begin a rulemaking as directed in this legislation, and to begin publishing an annual report. OFMB to begin allocating funds from the State Highway Fund to support this program.

SB23-280: Hazardous Material Mitigation

Concerning the mitigation of certain transportation-related environmental hazards, and, in connection therewith:

1. Creating the fuels impact enterprise to administer programs and impose fees that are related to the transportation of fuel within the state
 2. Modifying the clean fleet enterprise so that it administers programs and imposes fees that are designed to reduce emissions from diesel trucks
 3. Creating a tax credit for the conversion, lease, or purchase of clean commercial vehicles
 4. Modifying the fee collected for the distribution to the perfluoroalkyl and poly-fluoroalkyl substances cash fund
 5. Modifying the petroleum storage tank fund
 6. Allowing the Colorado state patrol to conform hazard materials routing regulations to transportation commission rule
- Department Impacts: This legislation creates the “Fuels Impact Enterprise” which is housed under the department. One FTE is appropriated to implement the bill. The Transportation Commission is directed to serve as the board of the Fuels Impact Enterprise.
 - Department Action Items: CDOT Leadership to determine next steps to facilitate the creation of the new enterprise.

HB23-1014: Yield To Larger Vehicles In Roundabouts

Requires a driver to yield the right-of-way to a driver of a vehicle having a total length of at least 40 feet or a total width of at least 10 feet (large vehicle) when driving through a roundabout. Also requires that when 2 drivers of large vehicles approach or drive through a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left. A person who fails to yield commits a class A traffic infraction and is subject to a fine of \$70 and an \$11 surcharge.

- Department Impacts: N/A
- Department Action Items: N/A

HB23-1123: Move Over or Slow Down Stationary Vehicle

This bill requires that motor vehicle drivers take certain actions to mitigate the risk their vehicles present to stationary vehicles on the road.

- Department Impacts: N/A
- Department Action Items: N/A

HB23-1147: Drivers License Examination Reimbursement

The bill prohibits the Department of Revenue from collecting a fee when an individual retakes a driving examination when the department does not administer the driving examination. The bill creates the affordable driver education program testing enterprise for the purpose of:

1. Increasing access to driver training and driving examination in underserved areas;
2. Deploying a free online driver training program in English and Spanish; and
3. Reimbursing private driving schools for conducting driving examinations required by state law.

The bill requires the ADEPT enterprise to:

1. In areas that do not have a third-party provider within 60 miles from a department or county office that issues driver's licenses, provide driving examinations at least once each week;
 2. Make available to the public, at no cost, an online driver training program that qualifies the student to be issued an instruction permit and that is offered in English and Spanish;
 3. Create a system that allows a third-party provider to electronically request and receive information contained in the motorist insurance identification database to verify whether an individual seeking a driving examination as proof of financial responsibility; and
 4. Reimburse a third-party provider so that the cost to an individual taking an examination is \$25 for each initial driving examination and \$50 for a reexamination taken after a failed examination; and
 5. Reimburse counties that provide a driving examination based on the average cost in Colorado of county offices providing driving examinations.
- Department Impacts: N/A
 - Department Action Items: N/A

Trucking

SB23-012: Commercial Motor Carrier Enforcement Safety Laws

The bill changes the number of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the number of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers.

- Department Impacts: N/A
- Department Action Items: N/A

SB23-028: Penalty For Commercial Vehicle Offenses

In 2021, Senate Bill 21-271 adjusted misdemeanor penalties for a variety of offenses described in Colorado Revised Statutes, including the penalty for certain offenses involving the operation of a commercial vehicle. This penalty was changed from a misdemeanor to a class A traffic infraction. However, despite making this change, Senate Bill 21-271 retained certain language that describes the punishment for the former misdemeanor offense. The bill changes the classification for the described offenses from a class A traffic infraction to a class 1 misdemeanor traffic offense, resolving the conflicting language in the statute.

The bill also creates a new offense when an employer or officer of or agent of an employer knowingly authorizes or permits an employee to operate a commercial motor vehicle on Colorado roads if the employee is not at least 21 years old or has not been issued or is not in immediate possession of a commercial driver's license. The bill classifies a violation of this offense as a class 1 misdemeanor; except that a second or subsequent offense is a class 5 felony.

- Department Impacts: N/A
- Department Action Items: CDOT CDL training program to continue to stay in compliance with state law. It is also worth noting that the Governor's office issued a [signing statement](#) alongside this bill stating that additional penalties for commercial traffic violations should be explored further in future legislation.

HB23-1267: Double Fines Speeding Trucks on Steep Grades

The bill allows the department of transportation (department) to establish steep downhill grade zones within the public highways of the state where the downhill grade is 5% or greater and where there are safety concerns related to commercial motor vehicle drivers exceeding the posted speed limits. The bill subjects a commercial motor vehicle driver who commits a speeding violation in a steep downhill grade zone to doubled fines and surcharges. If the department establishes a steep downhill grade zone, the department must erect signs identifying the zone and notifying commercial motor vehicle drivers that increased fines are assessed for speeding in the zone. The bill creates the mountain highways commercial motor vehicle safety account (account) within the highway users tax fund and requires the state treasurer to credit one-half of the amount of each doubled fine and surcharge to the account for the department to pay costs associated with the provision of educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies of means by which the state may reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the state's mountains.

- Department Impacts: This legislation allows CDOT to establish "Steep Downhill Grade Zones" that will be subject to increased fines. See above for further details.
- Department Action Items: Office of Chief Engineer to determine where to establish steep downhill grade zones and to continue implementing them as deemed appropriate.

Innovative Mobility

HB23-1233: Electric Vehicle Charging And Parking Requirements

The bill is a package of various EV requirements including:

1. Requiring the state electrical board to adopt rules facilitating electric vehicle charging at multifamily buildings
 2. Limiting the ability of the state electrical board to prohibit the installation of electric vehicle charging stations
 3. Forbidding private prohibitions on electric vehicle charging and parking
 4. Requiring local governments to count certain spaces served by an electric vehicle charging station for minimum parking requirement
 5. Forbidding local governments from prohibiting the installation of electric vehicle charging station
 6. Exempting electric vehicle chargers from business personal property tax
 7. Authorizing electric vehicle charging systems along highway rights-of-way
- Department Impacts: Department is authorized to install vehicle charging stations within CDOT Right of Way (With the exemption of federal interstates). This bill also includes a revised definition of “Disproportionately Impacted Communities.”
 - Department Action Items: Office of Innovative Mobility to determine if they would like to take action as a result of this legislation. Environmental Justice and Equity Branch to examine new DI definition and determine any adjustments needed to materials, programming, etc.



Human Resources and Administration

SB23-172: Protecting Opportunities And Workers' Rights Act

For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the bill enacts the "Protecting Opportunities and Workers' Rights (POWR) Act", which:

1. Continues the Colorado civil rights division and the Colorado civil rights commission indefinitely;
 2. Directs the division to include "harassment" as a basis or description of discrimination on any charge form or charge intake mechanism;
 3. Allows an employment discrimination claim to be brought in any court of competent jurisdiction in the county or district where the alleged discriminatory or unfair employment practice occurred;
 4. Directs the division to develop and provide to employers, free of charge, training and education programs regarding the prevention of harassment and discrimination in the workplace, bystander intervention, and workplace civility;
 5. Adds a requirement that a written, electronic, or oral agreement or contract under which a person performs services for another must require that the person for whom the services are performed shall not engage in any discriminatory or unfair employment practice with respect to the individual performing the services;
 6. Adds protections from discriminatory or unfair employment practices for individuals based on their "marital status" or "caregiver status";
 7. Specifies that in harassment claims, the alleged conduct need not be severe or pervasive to constitute a discriminatory or unfair employment practice, and an employer has an affirmative defense to the claim if the employer demonstrates that, when the employer knew or should have known of the harassment, the employer took prompt, reasonable, and, if warranted, remedial action to end the harassment, deter future harassers, and protect employees;
 8. Specifies that it is a discriminatory or unfair employment practice for an employer to fail to initiate an investigation of a complaint or fail to take prompt, reasonable, and, if warranted, remedial action;
 9. Specifies the requirements for an employer to avoid liability when an employee proves that a supervisor unlawfully harassed that employee;
 10. Expands the time limit to file a charge with the commission from 6 months to 300 days after the alleged discriminatory or unfair employment practice occurred;
 11. Repeals the limits on remedies in cases involving age discrimination;
 12. Specifies requirements that must be satisfied for a non disclosure provision in an agreement between an employer and employee to be enforceable; voids a nondisclosure provision if a party makes a material misrepresentation; and requires the division to provide to a charging party other charges filed with the division against the same respondent; and
 13. Requires employers with 20 or more employees to provide and maintain records of training and education to all employees regarding harassment and discrimination prevention, bystander intervention, and workplace civility, encourages other employers to provide the training and education, and authorizes the division director to impose penalties on employers that fail to comply with the training and record-keeping requirements.
- Department Impacts: All State Agencies to stay in compliance with State Anti-Discrimination law. \$269,646 and 3.0 FTE is directed to the Department of Transportation to implement this bill.
 - Department Action Items: HR director will continue to direct relevant policies and procedures and continue to communicate to employees as needed.

SB23-105: Ensure Equal Pay For Equal Work

Current law authorizes the director of the Division of Labor Standards and Statistics under CDLE to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequality, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements. Additionally, the bill requires the director to:

1. Investigate complaints or other leads concerning wage inequality;
2. Upon finding a violation, order compliance and relief; and
3. Promulgate rules to enforce the bill.

The bill also requires an employer to:

1. For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity;
 2. For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and
 3. For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.
- Department Impacts: All State Agencies are to comply with hiring practices specified in this bill.
 - Department Action Items: CDOT HR to continue to stay in compliance with state equal pay laws and to implement changes as needed.



SB23-286: Access To Government Records

The bill makes changes to the “Colorado Open Records Act” (CORA). Public records are open to inspection. The bill prohibits, with certain specified exceptions, a custodian of public records from requiring a requester to provide any form of identification to request or inspect records pursuant to CORA. Format of records for inspection. Current law specifies how a custodian is required to provide a record for inspection if the record is available in a digital format that is sortable, searchable, or both. The bill repeals the current requirements regarding records that are available in a sortable format. The bill specifies that if a record is available in digital format, the custodian is required to transmit the record in a digital format by electronic communication or by another mutually agreed upon transmission method if the size of the record prevents transmission by electronic communication. In addition, the bill prohibits a custodian from converting a digital record into a non-searchable or non-sortable format prior to transmission. Records are subject to inspection. CORA currently allows a custodian to deny a requester’s right to inspect certain records on the ground that disclosure of the record would be contrary to the public interest. The bill includes in this category the telephone number or home address that a person provides to an elected official, agency, institution, or political subdivision of the state for the purpose of future communication with the elected official, agency, institution, or political subdivision of the state.

The bill specifies that records of sexual harassment complaints made against an elected official and the results or report of investigations regarding alleged sexual harassment by an elected official conducted by or for that official’s government shall be made available for inspection if the investigation concludes that the elected official is culpable for any act of sexual harassment. The bill specifies that the identity of any accuser, accused who is not an elected official, victim, or witness, and any other information that would identify any such person must be redacted.

Electronic mail policy: The bill requires each member of the general assembly, the governor’s office and each office of the governor, and each state agency and institution to submit, on or before January 1, 2024, a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy. Transmission and per-page fees for records. Currently, a custodian may transmit a record to a requester in one of several ways and may charge the requester for the costs associated with transmitting the record; except that the custodian may not charge a fee if the record is transmitted via electronic communication. In addition, a custodian may currently charge a per-page fee for providing copies of a record. The bill specifies that the custodian may not charge a per-page fee if the records are provided in a digital or electronic format.

Electronic payments: The bill requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other product or service provided by the custodian with a credit card or electronic payment

- Department Impacts: All State Agencies are required to implement the provisions above to stay in compliance with new record-keeping requirements.
- Department Action Items: CDOT Statewide Records Custodian to implement changes as directed by the legislation.

SB23-180: Restore Current Pay Periods For State Employees

The majority of state employees who are paid through the state's payroll system are paid based on a monthly pay period and some state employees are paid based on a biweekly pay period. In 2015, in anticipation of the implementation of a new payroll system for state employees, the general assembly enacted a bill to require that all state employees be paid twice a month for pay periods that began on or after July 1, 2017. However, the payroll system that would have paid state employees twice a month was not implemented. The bill repeals the requirement that state employees be paid twice a month and restores the monthly and biweekly pay periods.

In 2015, the general assembly also enacted a one-time loan program that allowed any state employee to apply to the Department of Personnel for a loan to assist the employee in July 2017, when the transition to the twice-a-month payroll system would have created a 2-week lag in state employees' pay. It was not necessary for any state employee to use the one-time loan program, and the bill repeals the program. In 2016, the general assembly enacted a bill to allow the state personnel director to delay the date by which state employees would be paid twice a month after providing notice to state employees and the general assembly. The bill repeals such authority, as the state personnel director no longer intends to implement a twice-a-month payroll system. The bill also makes necessary conforming amendments to allow the state's payroll system to pay employees on either a monthly or biweekly basis.

- Department Impacts: All state agencies are required to update payroll procedures to match the directives of the bill. No fiscal impact was identified to the Department.
- Department Action Items: Department to examine which updates may be needed to the CDOT payroll system.

HB23-1271: Lunar New Year Day As An Observed State Holiday

The bill designates Lunar New Year Day as an observed, but not a legal, state holiday.

- Department Impacts: All State Agencies to include the Lunar New Year as an observed state Holiday.
- Department Action Items: CDOT HR department to make any needed administrative changes to offer a new observed holiday to CDOT employees.



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Department of Transportation

Office of Policy and Government Relations

2829 W. Howard Place
Denver, CO 80204-2305

DATE: July 6, 2023
TO: State Transportation Advisory Board
FROM: Herman Stockinger
SUBJECT: HB 23-1101 TPR Boundary Study Update

Purpose

To provide an overview of the TPR Boundary Analysis provision in HB23-1101 and the work done so far.

Action

Informational only.

Background

On April 28, 2023, Governor Polis signed HB 23-1101: The Ozone Season Transit Grant Program Flexibility bill. CDOT is impacted by the legislation in two ways. The bill includes a provision requiring Transportation Planning Regions to add a transit agency representative as a voting member to the TPR board. It also includes the amendment requiring CDOT to analyze the TPR boundaries in a study and provide recommendations to the Transportation Commission on or before November 30, 2023. This legislation directs the Transportation Commission to review these recommendations and open the rules governing the TPR boundaries. It does not mandate that the Commission adopt the recommendations.

The amendment includes an extensive list of criteria that CDOT staff examine. The list in the bill is not in priority order:

- Highway And Transit Corridors;
- Transit District Boundaries;
- Disproportionately Impacted Communities;
- Miles Traveled:
 - Vehicle Miles Traveled;
 - Truck Vehicle Miles Traveled;
 - Transit Vehicle Revenue Miles;
 - And Lane Miles;
- Population Trends;
- Safety And Management Considerations;
- Travel Patterns:
 - Commuting;
 - Commercial Traffic;
 - Freight Movement;
 - Tourism Impacts,
 - And Other Travel Patterns;
- Transit-Oriented Development And Access To Affordable Housing;
- Communities Of Interest;
- Air Pollutants;
- Criteria Pollutants;
- Greenhouse Gas Pollutants



In addition to an analysis of the TPR boundaries, the Department must also provide a corresponding study of:

- Membership of the Transportation Advisory Committee
- Membership of the Special Interim Transit and Rail Advisory Committee
- The consistency and transparency of the transportation planning process across the Transportation Planning Regions

Since the bill was passed, CDOT staff have been attending all TPR meetings and working to gather the data needed to meet the requirements of the provision. Currently, staff are analyzing existing TPR IGAs and Bylaws to see if there are recommendations CDOT can make to improve the administrative processes across the state. Staff have convened two meetings with the advisory committee and continue to plan for public outreach at the end of July and beginning of August.

Next Steps

Staff can provide more information upon request.

Attachments

[The signed Act](#)



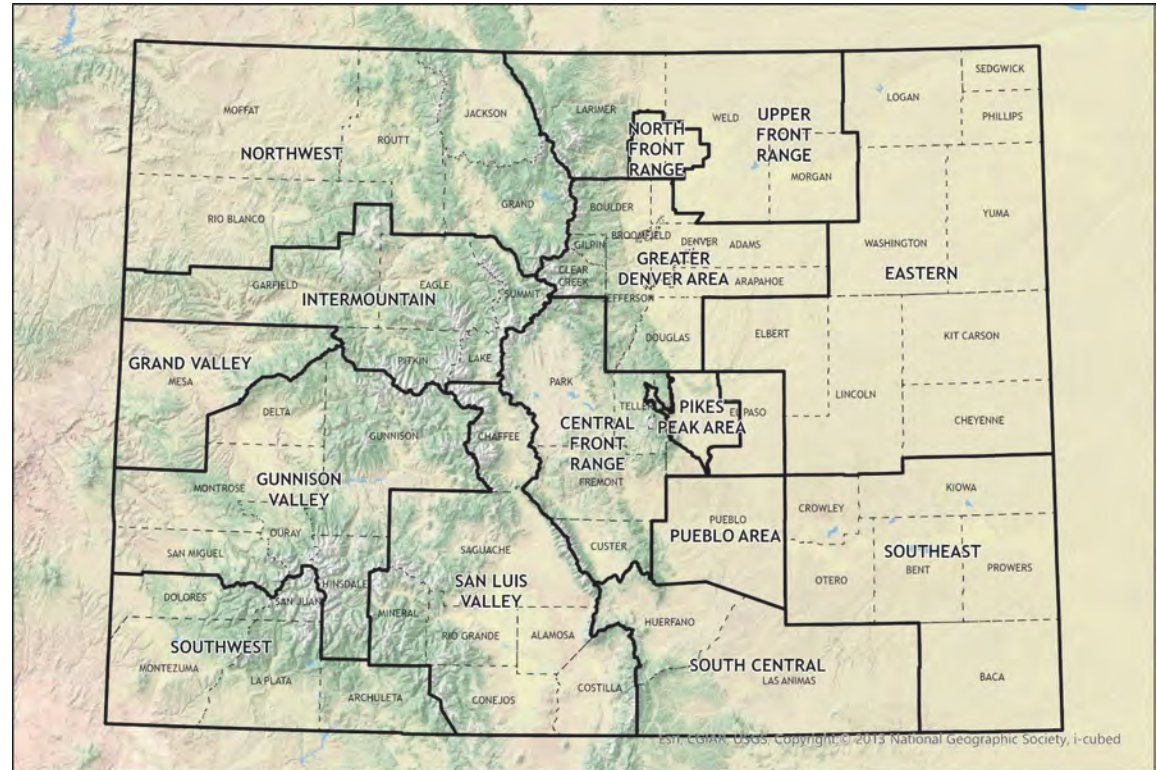


COLORADO
Department of Transportation

STAC Update: TPR Boundary Study

July 6, 2023

1. HB23-1101 refresher
2. Study Progress
3. Next Steps





HB23-1101 Study Language

On or before November 30, 2023, The Department Shall Complete a Study and Study Report of:

- The Consistency and Transparency of the Transportation Planning Process Across the TPRs
- The boundaries of the Transportation Planning Regions (TPRs)
- Membership of the State Transportation Advisory Committee (STAC)
- Membership of the Special Interim Transit And Rail Advisory Committee (TRAC)

In Conducting The Study, **The Department shall provide opportunity for public comment throughout the State** and consider input from stakeholders throughout the State.

The amendment **protects rural Colorado's transportation interests** by mandating that the number of rural TPRs can not be reduced. There are currently 10 rural TPRs and 5 urban MPOs. This number will remain the same.

The Department shall submit the Study Report to the Transportation Commission and to the Transportation Legislation Review Committee on or before November 30, 2023.

Following completion of the study and with consideration of its findings, the Transportation Commission shall initiate updates to the rules before **June 1, 2024**, though we anticipate the TC completing the task by this date.



Statutory Requirements

Factors for consideration identified in legislation:

- Highway and Transit Corridors and Transit District Boundaries
- Disproportionately Impacted Communities
- Vehicle Miles Traveled, Truck Vehicle Miles Traveled, Transit Vehicle Revenue Miles, and Lane Miles
- Population Trends
- Safety and Management Considerations
- Commuting, Commercial Traffic, Freight Movement, Tourism Impacts, and Other Travel Patterns
- Transit-Oriented Development and Access to Affordable Housing
- Levels of Air Pollutants, Criteria Pollutants, and Greenhouse Gas Pollutants
- Communities of Interest



Study Progress

- Two successful two meetings with the Advisory Committee
 - We received feedback from the Advisory Committee recommending that staff continue to examine the management of TPRs and to look for opportunities to educate the public about the role of TPRs
- Designed a survey to collect quantitative data about knowledge and understanding of the management of TPRs. The survey will be distributed along with invitations to the public meetings
- CDOT staff have continued to critically review TPR IGAs and Bylaws
- Staff continue to create maps that reflect all of the statutory requirements
- Began planning for the public meetings that will be held virtually and around the state at the end of July and beginning of August



Next Steps

- CDOT staff will continue to gather data and share the mapping tool to assist in the analysis.
- Continue meeting with stakeholders and attending TPR meetings
- Conduct the first round of public meetings during the last week of July and the first week of August
 - Currently, staff are planning to conduct 5 virtual meetings- 1 for each region
 - And, hold public meetings in conjunction with TPRs meetings when possible
- Distribute the TPR survey that CDOT staff developed to stakeholders around the state



Questions?





COLORADO

Department of Transportation

Program Distribution

Transportation Alternatives Program (TAP) Update
Statewide Transportation Advisory Committee



Facilitation Process and Facilitator's Role

Sheryl Trent will be our facilitator for the funding discussions. Her role will be to:

- 1) Make sure you accomplish what you want to accomplish
- 2) Keep the conversations focused
- 3) Keep the conversations respectful and professional
- 4) Make sure everyone listens and everyone is heard
- 5) Help resolve conflicts and disputes through
 - a) Consensus: "I can LIVE with it AND I can SUPPORT it."
 - b) Voting



Facilitation Ground Rules

Ground Rules (Reminder of what was presented and agreed to at the June STAC meeting)

- 1) Work with respect: no personally directed anger; no name calling; if you disagree, disagree with the concept, do not attack the speaker; be professional
- 2) Listen to understand
- 3) S3: Start on time, Stay on time, Stop on time
- 4) No “squirrels” - stick to the agenda. (We will use a Parking Lot for adjacent or related ideas and items so we capture them)
- 5) This is your (STAC’s) meeting - we will make decisions as a group
 - a) By Consensus
 - b) By Vote
- 6) Once a decision has been made, no back door discussions to change that decision.

Note: If you are on Zoom, please end your thought with “Thank You” so that we know that you are done.



Formula Programs and Tentative Discussion Schedule

** Per state statute, MMOF funding distribution formula is required to also be reviewed by a MMOF Advisory Committee.*

*** These funding sources are only available to the MPOs and will be discussed at Statewide MPO meetings prior to STAC discussion.*

Formula Program	Recipients	Tentative STAC Schedule
Transportation Alternatives Program (TAP)	TMA/ CDOT Region Distribution	July 2023
Regional Priority Program (RPP)	CDOT Region Distribution	August 2023
Metro Planning (Metro-PL), Carbon Reduction Program, Surface Transportation Block Grant (STBG) Urban**	MPO Distribution	September 2023
Multimodal Options Fund (MMOF)*	TPR Distribution	October 2023
Congestion Mitigation and Air Quality (CMAQ)	MPOs/TPRs in air quality nonattainment areas	November 2023
FASTER Safety	CDOT Region Distribution	December 2023

In early 2024, after working through each of these programs, staff will present the updated long range revenue projections.

This draft schedule is subject to change based on the time required for STAC to have these discussions.



Looking Back to Move Forward

Highlights from the recent Call for Projects

- CDOT is just wrapping up the fiscal years 2024 - 2026 call for TAP projects statewide. Takeaways from this last process can help inform about how the process can be improved in the future.
- Awards of funds for fiscal year 2024-2026 totalled close to \$43 million dollars statewide.
- Program Distribution decisions made as part of this process will affect the next call for projects, likely to occur in fiscal year 2025.
- A press release about the Transportation Alternatives Program awards is anticipated to go out soon, shortly after the July STAC meeting.



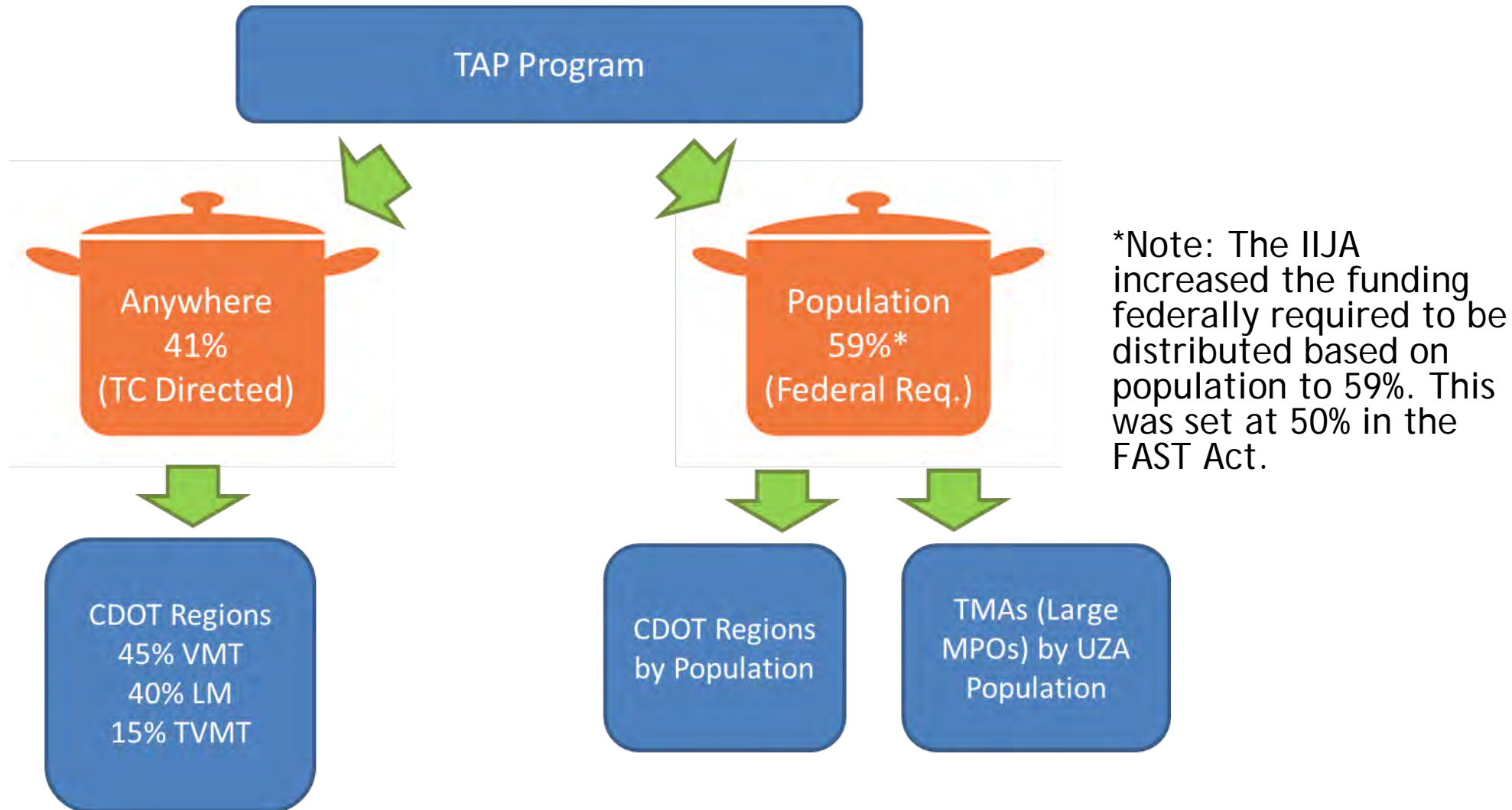
Transportation Alternatives: A Refresher

- **Program Purpose:** Per federal legislation, the purpose of the program is to implement non-motorized transportation projects and environmental mitigation.
- **Program Funding:** ~\$21.6 M forecasted for FY24 (federal dollars)*
- **Current Program Distribution Overview:**
 - 59% of funding distributed based on population (increase from 50% under the FAST Act)
 - This funding is distributed between the CDOT Regions by population, and the Transportation Management Areas (i.e. the large MPOs) by urban area population.
 - Remaining funding can be spent anywhere in the state and is currently distributed to the CDOT Regions based on 45% VMT, 40% lane miles, and 15% truck VMT.
- State DOTs and MPOs are not eligible recipients of TAP funds. 100% of the funds go to local projects.

*Based on FY 24 Transportation Commission Budget



Current Program Distribution





TAP Funding - A History

- At the June STAC meeting, staff was asked to provide more information about the history of TAP funding.
- TAP was established in 2012 under MAP-21 and replaced the Transportation Enhancements Program. While TAP retained many of the same federal requirements and eligibilities as Transportation Enhancements, MAP-21 had some additional requirements.
- One of these additional requirements was that projects must be selected through a competitive process administered by the State or, for funds distributed to the TMAs, through a competitive process administered by the MPOs in consultation with the State.
- This is why for over a decade now the CDOT Regions have conducted the call for projects, with projects evaluated by a review panel at the Region level.



TAP Program Distribution

TAP Program Distribution		
	%	Total \$
DRCOG	27.45%	\$5,929,154
NFRMPO	3.33%	\$720,310
PPACG	6.46%	\$1,396,058
Total TMA Distribution	37.25%	\$8,045,522
Region 1	15.32%	\$3,308,713
Region 2	12.04%	\$2,601,642
Region 3	11.81%	\$2,550,172
Region 4	18.19%	\$3,929,588
Region 5	5.39%	\$1,165,070
TOTAL Region (all areas)	62.75%	\$13,555,185
TOTAL	100.00%	\$21,600,707

- This table uses the anticipated TAP funding for FY 2024 and shows the statewide distribution using current formula assumptions of 59% by population, 41% by VMT, lane miles, truck VMT).
- Data source for population is the 2020 census blocks
- VMT, lane miles and truck VMT data is 2021 CDOT Online Transportation Information System (OTIS) Reports/Inventory Road Information System data.



Discussion Questions

- What elements of the last CDOT call for projects for the TAP program provided benefit to the process?
- What elements of the last CDOT call for projects for the TAP program could be improved for future calls for projects?
- Committee thoughts on the current program distribution for the Transportation Alternatives Program?
 - Current Program distribution formula is 59% federal directed distribution by population; 41% distribution by the Transportation Commission
 - State directed distribution formula of 45% by VMT, 40% by total lane miles, and 15% truck VMT
- Does the current distribution approach work as an equitable approach to distribute the TAP Program funds?
- Did the statewide competitive process (with Regional distribution & TMA distributions) provide projects that qualified for funding and met the objectives of the program?



NHTSA

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

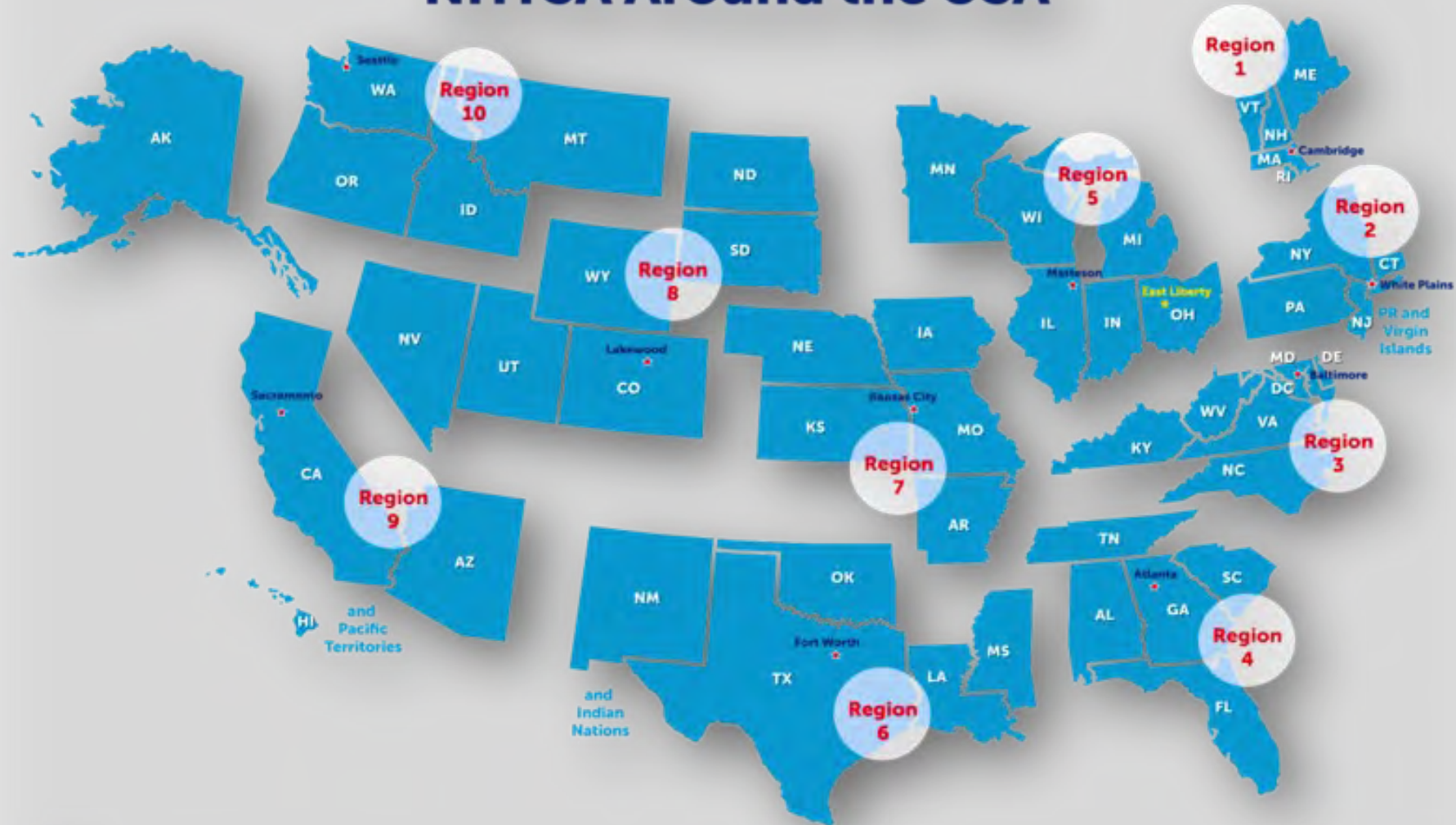
NHTSA & Funding Opportunities

Kara Mueller

NHTSA Region 8

7/6/23

NHTSA Around the USA



U.S. Department of Transportation
National Highway Traffic Safety Administration

★ Vehicle Research and Test Center
★ Regional Headquarters



Section 405 and 1906 Grant Programs

Occupant Protection

Nonmotorized Safety

Traffic Safety Information
Systems

Preventing Roadside Deaths
Grants (*new*)

Impaired Driving

Driver and Officer Safety Education
(*new*)

Distracted Driving

Racial Profiling Data Collection

Motorcyclist Safety

405c - State Traffic Safety Information System Improvements Grants

Eligible Use of Funds: Data program improvements to core highway safety databases



405c – Use of funds

- 9 eligible uses including:
 - Software or applications to identify, collect, and report data to State and local government agencies, and enter data into core highway safety databases
 - Improving the compatibility and interoperability of the core highway safety databases
 - Conducting research relating to State traffic safety information systems
- Full list of eligible uses: <https://www.ecfr.gov/current/title-23/chapter-III/part-1300/subpart-C/section-1300.22>
- **Examples of projects include:** Highway Patrol eCitation, Crash Data Dashboard, DRCOG Crash Data Consortium

Applying for 405c Grant Funds

- Traffic Safety & Engineering Services is responsible for the 405c Traffic Records Program in Colorado
 - Two-step application process (short form, long form)
 - Voted on by the Statewide Traffic Records Advisory Committee (STRAC)
- Highway Safety Offices must submit 405 grant applications by August 1st each year
- More information on CO's 405c Program:
<https://www.codot.gov/safety/traffic-safety/data-analysis/405c>



Thank you!

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