

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0034.02 Jason Gelender x4330

SENATE BILL 16-210

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

DelGrosso and Priola,

Senate Committees

Finance
Appropriations

House Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING INFRASTRUCTURE FUNDING, AND, IN CONNECTION**
102 **THEREWITH, REQUIRING THE TRANSPORTATION COMMISSION TO**
103 **SUBMIT A BALLOT QUESTION TO THE VOTERS OF THE STATE AT**
104 **THE NOVEMBER 2016, 2017, OR 2018 ELECTION WHICH, IF**
105 **APPROVED, WOULD AUTHORIZE THE STATE, WITH NO INCREASE**
106 **IN ANY TAXES, TO ISSUE ADDITIONAL TRANSPORTATION**
107 **REVENUE ANTICIPATION NOTES FOR THE PURPOSE OF**
108 **ADDRESSING CRITICAL PRIORITY TRANSPORTATION NEEDS IN**
109 **THE STATE BY FINANCING TRANSPORTATION PROJECTS AND**
110 **WOULD EXCLUDE NOTE PROCEEDS AND INVESTMENT EARNINGS**
111 **ON NOTE PROCEEDS FROM STATE FISCAL YEAR SPENDING**
112 **LIMITS; AND DEDICATING FIVE PERCENT OF STATE SALES AND**
113 **USE TAX NET REVENUE FOR STATE TRANSPORTATION PURPOSES**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

101
102

AND ONE PERCENT OF SUCH REVENUE FOR OTHER CAPITAL
CONSTRUCTION PURPOSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

In 1999, the voters of the state authorized the executive director of the department of transportation (executive director) to issue transportation revenue anticipation notes (TRANs) in a maximum principal amount of \$1.7 billion and with a maximum repayment cost of \$2.3 billion in order to provide financing to accelerate the construction of qualified federal aid transportation projects. The executive director issued the TRANs as authorized. The final payments of principal and interest on the TRANs will be made during fiscal year 2016-17, which will make available for expenditure for transportation-related purposes only revenues dedicated for transportation by federal law, the state constitution, and state law that the state has been using to make principal and interest payments on the TRANs.

Section 3 of the bill repeals a requirement that the state treasurer make conditional transfers, which are reduced or eliminated if the state is required to refund excess state revenues in accordance with the taxpayer's bill of rights, of a specified percentage of total general fund revenues from the general fund to the capital construction fund and the highway users tax fund for state fiscal years 2017-18, 2018-19, and 2019-20.

Section 4 of the bill requires the state transportation commission to submit a ballot question to the voters of the state at the November 2016, 2017, or 2018 election which, if approved, would authorize the executive director to issue additional TRANs in a maximum principal amount of \$3.5 billion and with a maximum repayment cost of \$5.5 billion once the TRANs already issued are repaid in full. The additional TRANs must have a maximum repayment term of 20 years, and the certificate, trust indenture, or other instrument authorizing their issuance must provide that the state may pay them in full before the end of the specified payment term without penalty. Additional TRANs must otherwise generally be issued subject to the same requirements and for the same purposes as the original TRANs; except that the transportation commission must pledge to annually allocate from legally available money under its control any money needed for payment of the notes in

excess of amounts appropriated by the general assembly from the state highway fund for payment of the notes as authorized by **section 6** of the bill until the notes are fully repaid.

Section 5 of the bill requires proceeds from the sale of any additional TRANs that are not otherwise pledged for the payment of the TRANs to be used only for specified projects until all of the projects have been funded in whole or in part with such proceeds and have been fully funded and specifies additional transportation project contract award process requirements and limitations for a project to be funded in whole or in part with proceeds of additional TRANs.

Sections 6 and 7 of the bill require 5% of state sales and use tax net revenue collected on or after July 1, 2017, to be credited to the highway users tax fund (HUTF), paid from the HUTF to the state highway fund for use, subject to annual appropriation by the general assembly, for payment of TRANs and, to the extent not used for that purpose, state transportation projects. Section 6 also requires 1% of state sales and use tax net revenue collected on or after July 1, 2017, to be credited to the capital construction fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the "Fix
3 Colorado Roads Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 hereby finds and declares that:

6 (a) Colorado's population is expected to increase to over seven
7 million three hundred thousand in 2030, and much of this growth will
8 occur in the interstate 25 and interstate 70 corridors;

9 (b) Population growth has significantly increased traffic and
10 congestion in the interstate 25 and interstate 70 corridors and will continue
11 to do so in the future, causing longer travel times, increasing air pollution,
12 decreasing Coloradans' access to recreational opportunities, and
13 accelerating the deterioration of Colorado's transportation infrastructure;

14 (c) The growth of the economy of this state has prompted new and
15 ever-increasing uses of public highways, roads, and other transportation

1 infrastructure, and the existing transportation infrastructure of this state
2 cannot accommodate such greatly increased uses; and

3 (d) In order to preserve and improve Colorado's economic
4 prosperity and quality of life, it is necessary to develop and maintain a
5 modern, efficient, and cost-effective multimodal transportation system that
6 can move people, goods, and information without undue delays or
7 environmental consequences.

8 (2) The general assembly further finds and declares that:

9 (a) One of the major concerns of the citizens of this state is the
10 ability of the state and local governments to address the long-term
11 transportation infrastructure needs of this state that are critical to the
12 continued growth of the state's economy and the maintenance of citizens'
13 quality of life;

14 (b) The state has significantly decreased its contribution of general
15 state revenues available in recent years to fund critical priority
16 transportation infrastructure needs, and current transportation funding
17 mechanisms do not provide adequate revenues to keep pace with the
18 increasing demands on transportation infrastructure statewide;

19 (c) State and regional economically significant transportation
20 corridors, and their related congestion relief projects, are subject to
21 available appropriation while construction costs escalate and congestion
22 worsens;

23 (d) In 1999, the general assembly and the voters of the state
24 approved Referendum A, which authorized the state to issue transportation
25 revenue anticipation notes to accelerate the funding and completion of
26 twenty-eight strategic transportation projects in significant corridors,
27 including the T-REX project, the highly successful expansion and

1 congestion mitigation project for the interstate 25 corridor in the Denver
2 metropolitan area;

3 (e) The success of the 1999 transportation revenue anticipation
4 notes program shows that leveraging existing revenues is the most prudent
5 and cost-effective means to accelerate and deliver large scale and
6 economically significant transportation projects throughout Colorado;

7 (f) By utilizing revenue anticipation notes for the financing of
8 transportation projects that may be financed, in whole or in part, with
9 federal transportation funds, a significant amount of up-front revenues can
10 be generated for such federal aid transportation projects, which will enable
11 the state to design and construct such transportation projects without using
12 revenues available for other important transportation projects;

13 (g) Utilizing revenue anticipation notes to finance federal aid
14 transportation projects also results in significant cost savings to the state,
15 since such transportation projects can be completed at present-day costs,
16 at current low borrowing rates, and at an accelerated pace, but the state
17 needs to be able to act quickly to issue revenue anticipation notes in order
18 to realize these cost savings;

19 (h) It is reasonable and necessary to utilize revenue anticipation
20 notes for the financing of federal aid transportation projects;

21 (i) Because robust transportation infrastructure benefits all
22 Coloradans, including Coloradans who do not drive, own, or lease motor
23 vehicles and do not pay the motor fuel taxes and vehicle registration fees
24 that generate the vast majority of dedicated funding for transportation, it
25 is appropriate and the intent of the general assembly to use both existing
26 dedicated transportation funding and new dedicated transportation funding
27 in the form of a portion of state sales and use tax net revenues as sources

1 of repayment for revenue anticipation notes; and

2 (j) The issuance of new transportation revenue anticipation notes
3 will accelerate the funding and completion of up to three and a half billion
4 dollars in specific and designated projects in state and regional
5 economically significant transportation corridors throughout Colorado.
6 The projects were identified by the Colorado department of transportation
7 and the transportation planning regions of the state to be of highest
8 priority, and economically significant, to the state of Colorado and the
9 regions in which they will be built.

10 **SECTION 3.** In Colorado Revised Statutes, 24-75-219, **repeal as**
11 **amended by House Bill 16-1416** (2) (c) introductory portion, (2) (d), (3)
12 (b) introductory portion, and (4) (a) introductory portion; and **repeal** (2)
13 (c) (I), (2) (c) (II), (3) (b) (I), (3) (b) (II), (4) (a) (I), (4) (a) (II), and (4) (b)
14 as follows:

15 **24-75-219. Transfers - transportation - capital construction -**
16 **definitions.** (2) (c) ~~For each state fiscal year from state fiscal year~~
17 ~~2017-18 through the state fiscal year 2019-20, the state treasurer shall~~
18 ~~transfer from the general fund to the:~~

19 ~~(I) Highway users tax fund; an amount equal to two percent of the~~
20 ~~total general fund revenues for the state fiscal year in which the transfer~~
21 ~~is made; and~~

22 ~~(II) Capital construction fund, an amount equal to one percent of~~
23 ~~the total general fund revenues for the state fiscal year in which the~~
24 ~~transfer is made.~~

25 (d) ~~For each state fiscal year beginning on or after July 1, 2020, the~~
26 ~~general assembly may appropriate or transfer, in its sole discretion,~~
27 ~~moneys from the general fund to the highway users tax fund, the capital~~

1 construction fund, or both funds.

2 (3) (b) Except as otherwise set forth in subsection (4) of this
3 section, the transfers required pursuant to paragraph (c) of subsection (2)
4 of this section shall be made as follows:

5 (I) On the fifteenth day of the first month of each quarter of each
6 state fiscal year in which the transfers are required, an amount equal to
7 twenty percent of the total amounts that are required to be transferred to
8 the highway users tax fund and the capital construction fund for such state
9 fiscal year, which amounts shall be based on the most recent revenue
10 estimate prepared by legislative council staff that is available at the time
11 of the transfers, shall be transferred to the respective funds.

12 (II) On the date during the state fiscal year on which the state
13 controller distributes the comprehensive annual financial report of the
14 state, the state treasurer shall transfer an amount equal to the differences
15 between the actual amounts required to be transferred to the funds and the
16 estimated amounts previously transferred pursuant to subparagraph (I) of
17 this paragraph (b):

18 (4) (a) For any state fiscal year for which there are excess state
19 revenues that are required to be refunded pursuant to section 20 of article
20 X of the state constitution, the quarterly and year-end amounts that are
21 required to be transferred to the funds pursuant to paragraph (b) of
22 subsection (3) of this section shall:

23 (I) Be reduced by fifty percent, if the amount of the refund is
24 greater than one percent of the general fund revenues for the state fiscal
25 year but less than or equal to three percent of the total general fund
26 revenues for the state fiscal year; and

27 (II) Not be made, if the amount of the refund is greater than three

1 percent of the total general fund revenues for the state fiscal year.

2 (b) ~~The calculations required pursuant to paragraph (a) of this~~
3 ~~subsection (4) shall be based on the most recent revenue estimate prepared~~
4 ~~by the legislative council staff that is available at the time of each transfer;~~
5 ~~except that the last transfer made for each state fiscal year shall be based~~
6 ~~on the actual revenues for the state fiscal year.~~

7 **SECTION 4.** In Colorado Revised Statutes, 43-4-705, **amend** (13)
8 as follows:

9 **43-4-705. Revenue anticipation notes - repeal.**

10 (13) (a) Notwithstanding any other provision of this part 7 to the contrary,
11 the executive director shall have the authority to issue revenue anticipation
12 notes pursuant to this part 7 only if voters statewide approve the ballot
13 question submitted at the November 1999 statewide election pursuant to
14 section 43-4-703 (1) and only then to the extent allowed under the
15 maximum amounts of debt and repayment cost so approved.

16 (b) (I) AFTER THE REPAYMENT IN FULL OF ALL REVENUE
17 ANTICIPATION NOTES ISSUED AS AUTHORIZED BY PARAGRAPH (a) OF THIS
18 SUBSECTION (13), AND SUBJECT TO THE REPAYMENT FUNDING
19 COMMITMENT REQUIREMENT SPECIFIED IN SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH (b), THE EXECUTIVE DIRECTOR MAY ISSUE ADDITIONAL
21 REVENUE ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE AND
22 ONE-HALF BILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF
23 FIVE AND ONE-HALF BILLION DOLLARS. THE MAXIMUM REPAYMENT TERM
24 FOR ANY NOTES ISSUED PURSUANT TO THIS PARAGRAPH (b) IS TWENTY
25 YEARS, AND THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT
26 AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY
27 THE NOTES IN FULL BEFORE THE END OF THE SPECIFIED PAYMENT TERM

1 WITHOUT PENALTY.

2 (II) NOTWITHSTANDING SECTION 43-1-113 (19) AND PARAGRAPH
3 (a) OF SUBSECTION (12) OF THIS SECTION, BEFORE ISSUING ANY REVENUE
4 ANTICIPATION NOTES AS AUTHORIZED BY SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH (b), THE TRANSPORTATION COMMISSION SHALL ADOPT A
6 RESOLUTION PLEDGING TO ANNUALLY ALLOCATE FROM LEGALLY
7 AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT NEEDED FOR
8 PAYMENT OF THE NOTES IN EXCESS OF AMOUNTS APPROPRIATED BY THE
9 GENERAL ASSEMBLY FROM THE STATE HIGHWAY FUND FOR PAYMENT OF
10 THE NOTES AS SPECIFIED IN SECTION 39-26-123 (3.2), C.R.S., UNTIL THE
11 NOTES ARE FULLY REPAID.

12 (III) THE TRANSPORTATION COMMISSION SHALL DIRECT THE
13 SECRETARY OF STATE TO SUBMIT TO THE REGISTERED ELECTORS OF THE
14 STATE FOR THEIR APPROVAL OR REJECTION AT THE STATEWIDE ELECTION
15 HELD IN NOVEMBER OF 2016, 2017, OR 2018, THE FOLLOWING BALLOT
16 ISSUE: "SHALL STATE OF COLORADO DEBT BE INCREASED UP TO
17 \$3,500,000,000, WITH A MAXIMUM REPAYMENT COST OF \$5,500,000,000,
18 THROUGH THE ISSUANCE OF ADDITIONAL TRANSPORTATION REVENUE
19 ANTICIPATION NOTES FOR THE PURPOSE OF ADDRESSING CRITICAL PRIORITY
20 TRANSPORTATION NEEDS IN THE STATE BY FINANCING TRANSPORTATION
21 PROJECTS AND SHALL NOTE PROCEEDS AND INVESTMENT EARNINGS ON
22 NOTE PROCEEDS BE EXCLUDED FROM STATE FISCAL YEAR SPENDING
23 LIMITS?"

24 (IV) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT
25 ISSUE IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b) VOTE
26 "NO/AGAINST", THEN THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE
27 JANUARY 1, 2019.

1 **SECTION 5.** In Colorado Revised Statutes, **amend** 43-4-714 as
2 follows:

3 **43-4-714. Priority of strategic transportation project**
4 **investment program - additional contract award process**
5 **requirements - repeal.** (1) If the executive director issues any revenue
6 anticipation notes in accordance with the provisions of this part 7, the
7 proceeds from the sale of such notes that are not otherwise pledged for the
8 payment of such notes shall be used for the qualified federal aid
9 transportation projects included in the strategic transportation project
10 investment program of the department of transportation.

11 (2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION
12 (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL
13 REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES
14 PURSUANT TO SECTION 43-4-705 (13) (b) THAT ARE NOT OTHERWISE
15 PLEDGED FOR THE PAYMENT OF THE NOTES SHALL BE USED ONLY FOR THE
16 FOLLOWING PROJECTS UNTIL SUCH TIME AS ALL OF THE PROJECTS HAVE
17 BEEN FUNDED IN WHOLE OR IN PART WITH SUCH PROCEEDS AND ALL OF THE
18 PROJECTS ARE FULLY FUNDED:

19 (a) IN THE GREATER DENVER AREA TRANSPORTATION PLANNING
20 REGION:

21 (I) IN THE INTERSTATE 25 CENTRAL CORRIDOR, PHASE 2.0
22 IMPROVEMENTS, INTERCHANGE COMPLETION, AND BRIDGE
23 RECONSTRUCTION BETWEEN SANTA FE DRIVE AND ALAMEDA AVENUE;

24 (II) IN THE INTERSTATE 70 WEST CORRIDOR, RECONSTRUCTION OF
25 THE WESTBOUND BRIDGE AT KERMIT'S AND CONSTRUCTION OF A THIRD
26 LANE ON INTERSTATE 70 DOWN FLOYD HILL TO THE BRIDGE AND TO THE
27 TUNNELS;

1 (III) IN THE INTERSTATE 70 WEST CORRIDOR, CONSTRUCTION OF A
2 WESTBOUND PEAK PERIOD SHOULDER LANE TO MIRROR THE EASTBOUND
3 SHOULDER LANE FROM EXIT 241 TO EMPIRE JUNCTION;

4 (IV) IN THE INTERSTATE 25 NORTH CORRIDOR BETWEEN U.S.
5 HIGHWAY 36 AND STATE HIGHWAY 7:

6 (A) LANE EXPANSION FROM HIGHWAY E470 TO STATE HIGHWAY 7;
7 AND

8 (B) IMPROVEMENTS TO INTERSTATE 25 BETWEEN U.S. HIGHWAY 36
9 AND 120TH AVENUE, INCLUDING INTERSTATE 25 AND THE THORNTON
10 PARKWAY RAMP, AUXILIARY LANES, RECONSTRUCTION OF THE 88TH
11 AVENUE BRIDGE, AND THE ADDITION OF A GENERAL PURPOSE LANE
12 BETWEEN 84TH AVENUE AND THORNTON PARKWAY;

13 (V) IN THE U.S. HIGHWAY 6 CORRIDOR, RECONSTRUCTION OF THE
14 WADSWORTH BOULEVARD INTERCHANGE TO IMPROVE SAFETY AND
15 RELIEVE CONGESTION;

16 (VI) IN THE INTERSTATE 270 CORRIDOR, OPERATIONAL
17 IMPROVEMENTS AND RECONSTRUCTION OF INTERCHANGES AT 62ND
18 AVENUE;

19 (VII) IN THE STATE HIGHWAY C470 CORRIDOR, AN ADDITIONAL
20 LANE IN EACH DIRECTION BETWEEN PLATTE CANYON DRIVE AND KIPLING
21 STREET;

22 (VIII) IN THE INTERSTATE 25 SOUTH CORRIDOR, EXPANSION OF
23 CAPACITY FROM MONUMENT TO CASTLE ROCK;

24 (IX) IN THE INTERSTATE 225 CORRIDOR, BETWEEN INTERSTATE 25
25 AND YOSEMITE STREET, A COMPLETE "NATIONAL ENVIRONMENTAL
26 PROTECTION ACT" STUDY AND DESIGN TO REMOVE THE BOTTLENECK AT
27 YOSEMITE STREET THAT INCLUDES IMPROVEMENTS TO RAMPS, LANES, AND

1 INTERCHANGES AND BRIDGE REPLACEMENT AT SOUTH ULSTER STREET;
2 AND

3 (X) IN THE STATE HIGHWAY 119 CORRIDOR, BUS-BASED RAPID
4 TRANSIT SYSTEM IMPROVEMENTS BETWEEN BOULDER AND LONGMONT,
5 INCLUDING BUS PULL OUT AND QUEUE JUMP LANES, SIGNAL
6 IMPROVEMENTS, VEHICLES, AND BUS STATION CANOPIES AND SHELTERS
7 FOR BUS-BASED RAPID TRANSIT;

8 (b) IN THE PUEBLO AREA TRANSPORTATION PLANNING REGION:

9 (I) IN THE U.S. HIGHWAY 50 WEST CORRIDOR, WIDEN U.S.
10 HIGHWAY 50 TO THREE LANES WEST OF PUEBLO;

11 (II) IN THE INTERSTATE 25 SOUTH CORRIDOR, BETWEEN 1ST STREET
12 AND 13TH STREET OR THE 29TH STREET WIDENING, IN ACCORDANCE WITH
13 THE FEDERAL HIGHWAY ADMINISTRATION'S RECORD OF DECISION, PHASED
14 CONSTRUCTION OF THE NEW PUEBLO FREEWAY;

15 (III) IN THE U.S. HIGHWAY 50 EAST CORRIDOR, FINISH AN
16 ENVIRONMENTAL IMPACT STUDY AND COMPLETE OTHER CORRIDOR
17 IMPROVEMENTS BETWEEN PUEBLO AND THE KANSAS BORDER; AND

18 (IV) IN THE INTERSTATE 25 CORRIDOR, ESTABLISH A NEW
19 TWO-HUNDRED-SPACE PUEBLO PARK-AND-RIDE;

20 (c) IN THE SOUTHEAST TRANSPORTATION PLANNING REGION, IN THE
21 U.S. HIGHWAY 287 CORRIDOR, PHASED CONSTRUCTION OF A NEW
22 TWO-LANE LAMAR RELIEVER ROUTE;

23 (d) IN THE CENTRAL FRONT RANGE TRANSPORTATION PLANNING
24 REGION, IN THE U.S. HIGHWAY 285 CORRIDOR, PASSING LANES AND
25 SHOULDER IMPROVEMENTS ON U.S. HIGHWAY 285 BETWEEN FAIRPLAY AND
26 RICHMOND HILL;

27 (e) IN THE PIKES PEAK TRANSPORTATION PLANNING REGION:

1 (I) IN THE STATE HIGHWAY 21 CORRIDOR, CONSTRUCTION OF A NEW
2 GRADE SEPARATED INTERCHANGE AT THE RESEARCH PARKWAY
3 INTERCHANGE;

4 (II) IN THE INTERSTATE 25 SOUTH CORRIDOR, CAPACITY EXPANSION
5 OF THE MONUMENT PARK-AND-RIDE FROM TWO HUNDRED FORTY CARS TO
6 BETWEEN THREE HUNDRED FORTY AND THREE HUNDRED SIXTY CARS;

7 (III) IN THE INTERSTATE 25 SOUTH CORRIDOR, THE ADDITION OF
8 NORTHBOUND PARK-AND-RIDE TO THE INTERSTATE 25 SLIP RAMP AT THE
9 MONUMENT INTERCHANGE PARK-AND-RIDE; AND

10 (IV) IN THE INTERSTATE 25 SOUTH CORRIDOR, EXPAND AND
11 RECONSTRUCT THE TEJON PARK-AND-RIDE TO INCREASE CAPACITY FROM
12 ONE HUNDRED TO TWO HUNDRED CARS, MAKE SAFETY IMPROVEMENTS,
13 IMPROVE ACCESS AND EGRESS FOR CARS AND BUSES, AND PROVIDE
14 ADDITIONAL CONNECTIONS WITH REGIONAL AND INTERCITY BUSES;

15 (f) IN THE INTERMOUNTAIN TRANSPORTATION PLANNING REGION:

16 (I) IN THE INTERSTATE 70 WEST CORRIDOR, THE DOWD CANYON
17 INTERCHANGE PROJECT;

18 (II) IN THE INTERSTATE 70 WEST CORRIDOR, VAIL PASS AUXILIARY
19 LANES AND A WILDLIFE OVERPASS TO INCREASE SAFETY AND MOBILITY;

20 (III) IN THE INTERSTATE 70 WEST CORRIDOR, INSTALLATION OF A
21 DIVERGING DIAMOND AT THE SILVERTHORNE INTERCHANGE;

22 (IV) IN THE INTERSTATE 70 WEST CORRIDOR, ADDITION OF AN
23 AUXILIARY LANE BETWEEN FRISCO AND SILVERTHORNE AS IDENTIFIED IN
24 A PLANNING AND ENVIRONMENTAL LINKAGES STUDY;

25 (V) IN THE INTERSTATE 70 WEST CORRIDOR, CONVERSION OF A
26 ROUNDABOUT AT RAMP TO A DOUBLE LANE AT THE EXIT 203
27 INTERCHANGE;

1 (VI) IN THE INTERSTATE 70 WEST CORRIDOR, IMPROVEMENTS TO
2 THE EDWARDS SPUR ROAD DESIGNATED AS PHASE TWO OF THE EDWARDS
3 INTERCHANGE PROJECT;

4 (VII) IN THE INTERSTATE 70 WEST CORRIDOR, THE RECORD OF
5 DECISION MAXIMUM PROGRAM OF IMPROVEMENT PROJECT IN CLEAR CREEK
6 COUNTY;

7 (VIII) IN THE STATE HIGHWAY 82 CORRIDOR, A GRADE-SEPARATED
8 PEDESTRIAN CROSSING OVER STATE HIGHWAY 82 AT OWL ROAD TO
9 CONNECT A BUS RAPID TRANSIT STOP AND BUTTERMILK SKI AREA AND
10 IMPROVE SPEED AND SAFETY; AND

11 (IX) IN THE STATE HIGHWAY 82 CORRIDOR, A PEDESTRIAN
12 CROSSING OVER STATE HIGHWAY 82 TO CONNECT THE BASALT TOWN
13 CENTER WITH A PARK-AND-RIDE;

14 (g) IN THE NORTHWEST TRANSPORTATION PLANNING REGION:

15 (I) IN THE STATE HIGHWAY 9 CORRIDOR, TWO INTERCHANGE
16 IMPROVEMENTS, MINIMAL WIDENING, AND WATER QUALITY AND DRAINAGE
17 IMPROVEMENTS;

18 (II) IN THE STATE HIGHWAY 13 CORRIDOR, CORRIDOR
19 IMPROVEMENTS BETWEEN RIFLE AND INTERSTATE 80; AND

20 (III) IN THE U.S. HIGHWAY 40 CORRIDOR, IMPROVEMENTS TO U.S.
21 HIGHWAY 40 BETWEEN FRASER AND WINTER PARK;

22 (h) IN THE GRAND VALLEY TRANSPORTATION PLANNING REGION,
23 IN THE INTERSTATE 70 GRAND JUNCTION CORRIDOR, WIDENING AND
24 COMPLETE RECONSTRUCTION OF THE INTERSTATE 70 BUSINESS LOOP;

25 (i) IN THE EASTERN TRANSPORTATION PLANNING REGION, IN THE
26 STATE HIGHWAY 71 CORRIDOR, CORRIDOR IMPROVEMENTS BETWEEN
27 INTERSTATE 76 AND THE NEBRASKA STATE LINE;

1 (j) IN THE NORTH FRONT RANGE TRANSPORTATION PLANNING
2 REGION:

3 (I) IN THE INTERSTATE 25 NORTH CORRIDOR, ADDITION OF A NEW
4 LANE IN EACH DIRECTION BETWEEN STATE HIGHWAY 14 AND STATE
5 HIGHWAY 66, INTERCHANGE RECONSTRUCTION, MAINLINE
6 RECONSTRUCTION, AND SAFETY AND INTELLIGENT TRANSPORTATION
7 SYSTEM IMPROVEMENTS BETWEEN STATE HIGHWAY 7 AND STATE HIGHWAY
8 14;

9 (II) IN THE INTERSTATE 25 NORTH CORRIDOR, EXPANSION OF THE
10 CAPACITY OF THE PARK-AND-RIDE AT THE JUNCTION OF INTERSTATE 25
11 AND HARMONY ROAD FROM TWO HUNDRED TO FOUR HUNDRED SPACES AND
12 FIRST DEPLOYMENT OF DEPARTMENT PAID OR MANAGED PARKING DUE TO
13 HIGH DEMAND;

14 (III) IN THE INTERSTATE 25 NORTH CORRIDOR, EXPANSION OF THE
15 CAPACITY OF THE PARK-AND-RIDE AT THE JUNCTION OF INTERSTATE 25
16 AND STATE HIGHWAY 402 FROM SEVENTY-FIVE TO TWO HUNDRED SPACES
17 AND IMPROVEMENT OF ACCESS AND EGRESS TO THE PARK-AND-RIDE; AND

18 (IV) IN THE U.S. HIGHWAY 85 CORRIDOR, CORRIDOR
19 IMPROVEMENTS BETWEEN FORT LUPTON AND AULT IN ACCORDANCE WITH
20 A U.S. HIGHWAY 85 PLANNING AND ENVIRONMENTAL LINKAGES STUDY;

21 (k) IN THE SOUTHWEST TRANSPORTATION PLANNING REGION:

22 (I) IN THE U.S. HIGHWAY 550 CORRIDOR, COMPLETION OF THE
23 CONNECTION BETWEEN U.S. HIGHWAY 550 AND U.S. HIGHWAY 160;

24 (II) IN THE U.S. HIGHWAY 160 CORRIDOR, PASSING AND MOBILITY
25 IMPROVEMENTS BETWEEN DURANGO AND BAYFIELD; AND

26 (III) IN THE U.S. HIGHWAY 550 CORRIDOR, PASSING AND MOBILITY
27 IMPROVEMENTS FROM THE NEW MEXICO STATE LINE TO DURANGO;

1 (l) IN THE SAN LUIS VALLEY TRANSPORTATION PLANNING REGION,
2 IN THE U.S. HIGHWAY 160 CORRIDOR, MOBILITY IMPROVEMENTS AT WOLF
3 CREEK PASS THAT ARE THE FINAL PROJECT IN THE WOLF CREEK PASS
4 ENVIRONMENTAL ASSESSMENT;

5 (m) IN THE GUNNISON VALLEY TRANSPORTATION PLANNING
6 REGION, IN THE U.S. HIGHWAY 550 CORRIDOR, ADD PASSING
7 OPPORTUNITIES ON U.S. HIGHWAY 550 NORTH OF RIDGWAY;

8 (n) IN THE SOUTH CENTRAL TRANSPORTATION PLANNING REGION,
9 IN THE U.S. HIGHWAY 160 CORRIDOR, CORRIDOR IMPROVEMENTS, PASSING
10 LANES, AND SHOULDER WIDENING; AND

11 (o) THE FOLLOWING STATEWIDE PROJECTS:

12 (I) THE DEPARTMENT'S ROADX PROGRAM;

13 (II) A TRANSIT INFRASTRUCTURE BANK THAT WILL PROVIDE
14 OPPORTUNITIES FOR LARGER SCALE REGIONAL TRANSIT PROJECTS TO MOVE
15 FORWARD WITH LOAN-BASED PROJECT DELIVERY OPTIONS;

16 (III) BUS OPERATIONAL IMPROVEMENTS TO HIGHWAY PROJECTS,
17 INCLUDING TRANSIT SIGNAL PRIORITY TREATMENTS, BUS STOPS AND
18 PULLOUTS, QUEUE JUMP LANES, AND BUS-ON-SHOULDER SIGNING AND
19 STRIPING;

20 (IV) EXPANSION OF THE DEPARTMENT'S BUSTANG INTERREGIONAL
21 EXPRESS BUS SERVICE THROUGH FREQUENCY ENHANCEMENTS ON BASE
22 ROUTES AND POTENTIAL EXPANSION OF REGIONAL COMMUTER OR RURAL
23 REGIONAL SERVICE, INCLUDING POTENTIAL EXPANSION OF SERVICE TO
24 PUEBLO AND GREELEY;

25 (V) ASSET MANAGEMENT PROGRAM PROJECTS; AND

26 (VI) RIGHT-OF-WAY ACQUISITION FOR TRANSIT PROJECTS.

27 (3) IN ADDITION TO THE REQUIREMENTS SPECIFIED IN SUBSECTIONS

1 (1) AND (2) OF THIS SECTION, AND NOTWITHSTANDING ANY OTHER
2 PROVISION OF LAW OR DEPARTMENT RULE TO THE CONTRARY, THE
3 DEPARTMENT MUST COMPLY WITH THE FOLLOWING REQUIREMENTS AND
4 LIMITATIONS WHEN AWARDING A CONTRACT FOR ANY TRANSPORTATION
5 PROJECT THAT WILL BE FUNDED IN WHOLE OR IN PART WITH PROCEEDS
6 FROM THE SALE OF ADDITIONAL REVENUE ANTICIPATION NOTES THAT THE
7 EXECUTIVE DIRECTOR ISSUES PURSUANT TO SECTION 43-4-705 (13) (b):

8 (a) IF THE CONTRACT HAS A TOTAL ESTIMATED COMPLETION COST
9 OF SEVENTY-FIVE MILLION DOLLARS OR LESS AND THE DEPARTMENT USES
10 A DESIGN-BUILD SELECTION AND PROCUREMENT PROCESS FOR THE PROJECT
11 AND ALSO CHOOSES TO USE EITHER A BEST VALUE OR ADJUSTED SCORE
12 DESIGN-BUILD CONTRACT PROCESS, THE DEPARTMENT SHALL NOT, WHEN
13 DETERMINING WHICH OF THE CONTRACTORS THAT HAS MADE A RESPONSIVE
14 PROPOSAL IS PROVIDING THE BEST VALUE OR WHICH OF THE CONTRACTORS
15 THAT HAVE SUBMITTED A STATEMENT OF QUALIFICATIONS ARE THE MOST
16 HIGHLY QUALIFIED AND MAY RESPOND TO A REQUEST FOR PROPOSAL FOR
17 THE PROJECT, PENALIZE ANY CONTRACTOR THAT SATISFIES THE LEVEL OF
18 PREQUALIFICATION REQUIRED FOR THE PROJECT FOR A LACK OF
19 EXPERIENCE IN COMPLETING PROJECTS AWARDED ON A DESIGN-BUILD
20 BASIS.

21 (b) AFTER A CONTRACT IN ANY AMOUNT IS AWARDED, THE
22 DEPARTMENT SHALL POST A COPY OF THE WINNING CONTRACTOR'S FINAL
23 WINNING BID OR PROPOSAL AND A LIST OF THE TOTAL FINAL BID OR
24 PROPOSAL PRICES PROPOSED BY EACH OTHER BIDDER ON ITS WEB SITE FOR
25 FREE ACCESS BY THE PUBLIC. THE DEPARTMENT SHALL REDACT FROM THE
26 PROPOSAL ANY GENERAL FINANCIAL INFORMATION OR OTHER PROPRIETARY
27 INFORMATION INCLUDED IN THE BID THAT PERTAINS TO THE CONTRACTOR

1 GENERALLY AND IS NOT ESSENTIAL TO UNDERSTANDING THE TERMS OF THE
2 BID. ANY REQUEST FOR QUALIFICATIONS, REQUEST FOR PROPOSAL, OR
3 OTHER FORMAL DEPARTMENT COMMUNICATION SOLICITING INFORMATION
4 FROM A CONTRACTOR IN CONNECTION WITH THE SELECTION AND
5 PROCUREMENT PROCESS FOR A TRANSPORTATION PROJECT SHALL SPECIFY
6 THAT BY RESPONDING THE CONTRACTOR ACKNOWLEDGES AND ASSENTS TO
7 THE DISCLOSURE REQUIREMENTS OF THIS PARAGRAPH (b).

8 **SECTION 6.** In Colorado Revised Statutes, 39-26-123, **amend**
9 (3); and **add** (3.2) as follows:

10 **39-26-123. Receipts - disposition - transfers of general fund**
11 **surplus - sales tax holding fund - creation - definitions.** (3) For any
12 state fiscal year commencing on or after ~~July 1, 2013~~ JULY 1, 2017, the
13 state treasurer shall credit eighty-five percent of all net revenue collected
14 under the provisions of this article to the old age pension fund created in
15 section 1 of article XXIV of the state constitution. The state treasurer shall
16 credit ~~to the general fund~~ the remaining fifteen percent of the net revenue
17 ~~less ten million dollars, which the state treasurer shall credit~~ AS FOLLOWS:

18 (a) FIVE PERCENT OF THE NET REVENUE TO THE HIGHWAY USERS
19 TAX FUND CREATED IN SECTION 43-4-201, C.R.S.;

20 (b) ONE PERCENT OF THE NET REVENUE TO THE CAPITAL
21 CONSTRUCTION FUND CREATED IN SECTION 24-75-302 (1) (a), C.R.S.;

22 (c) NINE PERCENT OF THE NET REVENUE, LESS TEN MILLION
23 DOLLARS, TO THE GENERAL FUND; AND

24 (d) TEN MILLION DOLLARS to the Older Coloradans cash fund
25 created in section 26-11-205.5 (5), C.R.S.

26 (3.2) ANY MONEY CREDITED TO THE HIGHWAY USERS TAX FUND
27 CREATED IN SECTION 43-4-201, C.R.S., IN ACCORDANCE WITH SUBSECTION

1 (3) OF THIS SECTION IS PAID TO THE STATE HIGHWAY FUND FOR
2 ALLOCATION TO THE DEPARTMENT OF TRANSPORTATION. THE DEPARTMENT
3 SHALL EXPEND THE MONEY FIRST TO MAKE PAYMENTS ON REVENUE
4 ANTICIPATION NOTES ISSUED PURSUANT TO SECTION 43-4-705 (13) (b),
5 C.R.S. THE DEPARTMENT SHALL EXPEND ANY OF THE MONEY NOT NEEDED
6 TO MAKE PAYMENTS ON REVENUE ANTICIPATION NOTES AS PROVIDED IN
7 SECTION 43-4-206 (2), C.R.S.

8 **SECTION 7.** In Colorado Revised Statutes, 43-4-206, **amend** (2)
9 (a) introductory portion and (2) (a) (I); and **add** (2) (a) (III) as follows:

10 **43-4-206. State allocation - repeal.** (2) (a) Notwithstanding the
11 provisions of subsection (1) of this section, the revenues accrued to and
12 transferred to the highway users tax fund pursuant to section 39-26-123
13 (4) (a) or 24-75-219, C.R.S., ~~or appropriated to the highway users tax fund~~
14 ~~pursuant to House Bill 02-1389, enacted at the second regular session of~~
15 ~~the sixty-third general assembly, and credited to the state highway fund~~
16 ~~pursuant to section 43-4-205 (6.5)~~ AND THE REVENUES CREDITED TO THE
17 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (3), C.R.S.,
18 AND PAID TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 39-26-123
19 (3.2), C.R.S., THAT ARE NOT USED TO MAKE PAYMENTS ON REVENUE
20 ANTICIPATION NOTES ISSUED PURSUANT TO SECTION 43-4-705 (13) (b),
21 shall be expended by the department of transportation for the
22 implementation of the strategic transportation project investment program
23 in the following manner:

24 (I) No more than ninety percent of such revenues shall be
25 expended for highway purposes or highway-related capital improvements,
26 including, but not limited to:

27 (A) High occupancy vehicle lanes, park-and-ride facilities, and

1 transportation management systems; and ~~at least ten percent of such~~
2 ~~revenues shall be expended for transit purposes or for transit-related~~
3 ~~capital improvements.~~

4 (B) THE CONSTRUCTION, RECONSTRUCTION, REPAIR,
5 IMPROVEMENT, AND MAINTENANCE OF THE STATE HIGHWAY SYSTEM AND
6 OTHER PUBLIC HIGHWAYS, INCLUDING THE ACQUISITION OF
7 RIGHTS-OF-WAY AND ACCESS RIGHTS FOR THE SYSTEM AND OTHER
8 HIGHWAYS;

9 (III) AT LEAST TEN PERCENT OF SUCH REVENUES SHALL BE
10 EXPENDED FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

11 **SECTION 8. Effective date.** (1) Except as otherwise provided
12 in this section, this act takes effect upon passage.

13 (2) Section 6 of this act and section 43-4-206 (2) (a) introductory
14 portion, Colorado Revised Statutes, as amended in section 7 of this act,
15 take effect July 1, 2017.

16 **SECTION 9. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.