

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0661.01 Jason Gelender x4330

SENATE BILL 23-268

SENATE SPONSORSHIP

Mullica and Kirkmeyer, Ginal, Hansen, Liston, Moreno, Pelton B., Priola, Roberts, Simpson, Winter F.

HOUSE SPONSORSHIP

Bird and Bockenfeld,

Transportation & Energy

Transportation, Housing & Local Government

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF INFORMATION REGARDING THE**
102 **TEN-YEAR TRANSPORTATION PLAN.**

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://leg.colorado.gov>.)

For each transportation project identified in the 10-year transportation plan (plan) prepared by the department of transportation (department) under the direction of the transportation commission (commission), **section 1** of the bill requires the following information to be specified and regularly updated as circumstances change:

- The time frame for project completion;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
2nd Reading Unamended
April 26, 2023

SENATE
3rd Reading Unamended
April 17, 2023

SENATE
Amended 2nd Reading
April 14, 2023

- The total estimated amount of funding required to complete the project; and
- 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 1 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 2 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. As part of its reporting to the TLRC, the department is required to provide guidance to the TLRC as to how to access and understand the plan, and the TLRC may, if it determines that the plan does not include all the information required by section 1, instruct the department to ensure that any missing required information is promptly added to the plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-106, **amend**
 3 (15)(d) as follows:

4 **43-1-106. Transportation commission - efficiency and**
 5 **accountability committee - powers and duties - rules - definitions.**

6 (15) In addition to any other duties required by law, the commission shall
 7 have the following charges:

8 (d) (I) To study and make recommendations for existing and

1 future transportation systems in Colorado with a focus of such study and
2 recommendations being a ten-year plan for each mode of transportation.
3 ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably
4 expected to be implemented with the estimated revenues which are likely
5 to be available. FOR EACH TRANSPORTATION PROJECT IDENTIFIED IN THE
6 TEN-YEAR PLAN, THE PLAN MUST SPECIFY AND REGULARLY UPDATE AS
7 CIRCUMSTANCES CHANGE:

8 (A) THE TIME FRAME DURING WHICH THE PROJECT IS EXPECTED TO
9 BE COMPLETED;

10 (B) THE TOTAL ESTIMATED AMOUNT OF FUNDING REQUIRED TO
11 COMPLETE THE PROJECT; AND

12 (C) ACCOUNTING FOR THE TOTAL ESTIMATED AMOUNT OF FUNDING
13 FOR THE PROJECT, THE AMOUNT OF FUNDING FROM EACH FUNDING SOURCE
14 THAT HAS BEEN ALLOCATED FOR THE PROJECT OR IS ANTICIPATED TO BE
15 ALLOCATED FOR THE PROJECT. THE PLAN MUST ALWAYS IDENTIFY SPECIFIC
16 FUNDING SOURCES AND AMOUNTS THAT TAKEN TOGETHER ACCOUNT FOR
17 FULL FUNDING FOR EACH PROJECT IDENTIFIED IN THE PLAN BUT MAY
18 INDICATE, TO THE EXTENT MADE NECESSARY BY DATA LIMITATIONS AND
19 UNCERTAINTIES REGARDING THE AVAILABILITY OF FUTURE FUNDING AND
20 WITH RESPECT TO BOTH THE PLAN GENERALLY AND ANY INDIVIDUAL
21 PROJECT, THE EXTENT TO WHICH AND REASONS WHY THE SOURCES AND
22 AMOUNTS OF FUNDING LISTED ARE UNCERTAIN AND SUBJECT TO CHANGE.

23 (II) THE COMMISSION SHALL ALLOCATE DEPARTMENT OF
24 TRANSPORTATION FUNDING AND RESOURCES TO THE EXTENT
25 NECESSARY TO PROVIDE TO STATE AND LOCAL GOVERNMENT ELECTED
26 OFFICIALS A DESIGNATED AND READILY AVAILABLE DEPARTMENT
27 CONTACT TO RECEIVE AND RESPOND TO THEIR QUESTIONS ABOUT THE

1 STATUS AND FUNDING OF SPECIFIC TRANSPORTATION PROJECTS THAT
2 AFFECT THEIR COMMUNITIES AND CONSTITUENTS. THE DEPARTMENT
3 SHALL INFORM THE MEMBERS OF THE GENERAL ASSEMBLY AND THE
4 GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY IN THE STATE OF
5 THE IDENTITY OF THE DESIGNATED CONTACT AND THE MEANS BY WHICH
6 THE DESIGNATED CONTACT MAY BE REACHED.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 43-1-227 as
8 follows:

9 **43-1-227. Ten-year plan reporting requirements.** (1) THE
10 DEPARTMENT AND THE COMMISSION SHALL ANNUALLY REPORT ON THE
11 STATUS OF THE TEN-YEAR PLAN FOR EACH MODE OF TRANSPORTATION
12 DESCRIBED IN SECTION 43-1-106 (15)(d)(I) AS FOLLOWS:

13 (a) (I) DURING EACH LEGISLATIVE INTERIM, THE DEPARTMENT
14 SHALL PRESENT A REPORT ON ITS PROGRESS IN DELIVERING THE PROJECTS
15 IDENTIFIED IN THE TEN-YEAR PLAN TO THE TRANSPORTATION LEGISLATION
16 REVIEW COMMITTEE CREATED IN SECTION 43-2-145 (1)(a). AS PART OF
17 THE REPORT, THE DEPARTMENT SHALL PROVIDE GUIDANCE TO THE
18 COMMITTEE AS TO HOW TO ACCESS AND UNDERSTAND THE PLAN, AND THE
19 COMMITTEE MAY, IF IT DETERMINES THAT THE PLAN DOES NOT INCLUDE
20 ALL THE INFORMATION REQUIRED BY SECTION 43-1-106 (15)(d)(I),
21 INSTRUCT THE DEPARTMENT TO ENSURE THAT ANY MISSING REQUIRED
22 INFORMATION IS PROMPTLY ADDED TO THE PLAN.

23 (II) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
24 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
25 SUBSECTION (1) CONTINUES INDEFINITELY.

26 (b) THE COMMISSION SHALL INCLUDE IN ITS ANNUAL PROPOSED
27 BUDGET ALLOCATION PLAN PRESENTED TO THE JOINT BUDGET COMMITTEE

1 OF THE GENERAL ASSEMBLY AN UPDATE ON THE TEN-YEAR PLAN.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect September 1, 2023; except that, if a referendum petition is
4 filed pursuant to section 1 (3) of article V of the state constitution against
5 this act or an item, section, or part of this act within the ninety-day period
6 after final adjournment of the general assembly, then the act, item,
7 section, or part will not take effect unless approved by the people at the
8 general election to be held in November 2024 and, in such case, will take
9 effect on the date of the official declaration of the vote thereon by the
10 governor.