

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0790.04 Jason Gelender x4330

SENATE BILL 24-184

SENATE SPONSORSHIP

Fenberg and Marchman,

HOUSE SPONSORSHIP

McCluskie and Boesenecker,

Senate Committees

Transportation & Energy
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPORT FOR THE DEVELOPMENT OF SURFACE**
102 **TRANSPORTATION INFRASTRUCTURE, AND, IN CONNECTION**
103 **THEREWITH, PROVIDING FUNDING AND OPERATIONAL**
104 **FLEXIBILITY NEEDED TO SUPPORT THE DEVELOPMENT OF**
105 **TRANSIT AND RAIL INFRASTRUCTURE.**

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>.)

The bill clarifies the scope of the high-performance transportation enterprise's (transportation enterprise) powers and duties to expand its

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.

capacity to execute its charge and more explicitly prioritize mitigation of traffic congestion and traffic-related pollution through the completion of multimodal surface transportation infrastructure projects as follows:

- **Section 10:**
 - Authorizes the transportation enterprise to impose a congestion impact fee, as a new user fee, in maximum amounts of up to \$3 per day on the short-term rental of a motor vehicle that is powered by an internal combustion engine and up to \$2 per day for a motor vehicle that is a battery electric or plug-in hybrid electric vehicle that are subsequently adjusted for inflation, and, in conjunction with **section 9**, requires the fee to be collected and administered in the same manner as an existing state daily vehicle rental fee;
 - Clarifies that providing diverse multimodal transportation options, including rail projects, that reduce traffic congestion and degradation of existing surface transportation infrastructure is part of the transportation enterprise's statutory charge;
 - Clarifies that project-specific limitations on the expenditure of the transportation enterprise's project-specific user fee revenue, which do not apply to congestion impact fee revenue, allow multimodal improvements in the same travel shed where the fees were paid;
 - Requires the transportation enterprise to develop a new multimodal strategic capital plan that aligns with the 10-year transportation plan of the Colorado department of transportation (CDOT) and statewide greenhouse gas pollution reduction goals and priorities, complies with specified environmental standards adopted by the transportation commission, and prioritizes benefits to user fee payers and the reduction of adverse impacts on highways;
 - Requires the transportation enterprise to complete an initial assessment of opportunities available through 2030 to leverage federal money made available to the state and to thereafter assess such opportunities on an ongoing basis;
 - Clarifies the scope of an existing requirement of approval from each directly affected metropolitan planning organization and other transportation planning regions for a proposed surface transportation infrastructure project that adds

substantial capacity or significantly alters traffic patterns; and

- Requires the transportation enterprise to detail its work to reduce traffic congestion and greenhouse gas emissions and support the expansion of public transit in its annual report to the legislative committees with oversight over transportation; and
- **Section 8** modifies an existing definition of "surface transportation infrastructure" to more clearly include multimodal transportation options. **Section 8** also modifies an existing definition of "user fee" to include the new congestion impact fee and creates new definitions of "surface transportation infrastructure project network" (network) and "travel shed" to ensure, in conjunction with **section 11**, that the transportation enterprise's user fee revenue can be spent with more flexibility, from a geographic standpoint, than is currently the case.

Section 3 authorizes the regional transportation district (RTD) to extend construction and operations of its northwest rail fixed guideway corridor beyond its boundaries, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service in order to gain the opportunity to access federal intercity rail service money, if all capital and operating expenses outside the district are fully accounted for and already reimbursed to the district by a public body. **Section 3** also requires the district, in cooperation with CDOT, the transportation enterprise, and the front range passenger rail district (rail district), to provide to the transportation legislation review committee and the governor:

- A report containing an implementation plan, which must include, among other things, identification and evaluation of options for creating a separate legal entity or intergovernmental agreement as a business model, for construction and operations of the corridor to the legislative committees that oversee transportation and may also consider the creation of a Colorado rail authority to house some or all passenger rail services under one entity; and
- A report, which must also include the cooperation of any separate legal entity created, concerning a plan to begin providing front range passenger rail service no later than January 1, 2028.

Sections 4, 5, and 6 respectively provide specific, explicit authorization to the RTD, the rail district, CDOT, and the transportation enterprise in accordance with an implementation plan developed as required by **section 3** to enter into a standalone intergovernmental agreement with or create a separate legal entity with each other, to

implement the completion of construction and operation of the RTD's northwest fixed guideway corridor, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service. **Section 7** requires CDOT and the rail district to annually report to the legislative committees that oversee transportation regarding the status of the service development plan for front range passenger rail service between Trinidad, Pueblo, and Fort Collins.

Sections 1 and 2 make legislative findings and declarations.

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

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

4 (a) Efficient, safe, and sustainable modes of transportation play a
5 vital role in the well-being of Colorado's residents and the prosperity of
6 its communities, and continued investment in transit and rail
7 infrastructure will foster economic development, reduce traffic
8 congestion, improve safety, mitigate environmental impacts, improve air
9 quality, and improve accessibility for all citizens, fostering a more
10 interconnected and vibrant state;

11 (b) The state needs to strategically address the growing challenges
12 of population growth and growth in recreational traffic and the associated
13 increase in demand for transportation alternatives, and the expansion and
14 improvement of transit and rail networks will alleviate traffic congestion
15 and wear and tear on highways and provide safer and more reliable
16 transportation options;

17 (c) A dedicated state funding source for transit and rail projects
18 is essential to building a comprehensive and integrated transportation
19 system that meets the diverse needs of Colorado's residents and visitors;

20 (d) All rental cars, regardless of where they are rented, use public
21 highways and have a large impact on our public highway systems, adding

1 congestion, wear and tear, and more greenhouse gas (GHG) emissions.
2 Additional cars on our roads from out-of-state visitors, in-state leisure
3 travel, heavy trucks, and vans for moving services have a documented
4 impact, and investments in offsets such as transit and rail services benefit
5 the drivers of those rental vehicles by reducing the amount of traffic
6 congestion that they encounter throughout the state. A generally
7 applicable fee on short-term vehicle rentals would equitably support
8 investment in such offsets to reduce congestion on the public highway
9 system.

10 (e) While out-of-state visitors and tourists have a positive impact
11 on our economy, the large amount of out-of-state visitors and tourism also
12 has a large impact on traffic congestion and conditions on our public
13 highway system and presents significant challenges to our ability to
14 manage growth in a sustainable way;

15 (f) Continued investment in transit and rail projects and services
16 advances Colorado's commitment to reducing air pollution, addressing
17 ozone nonattainment, safeguarding the environment and the health of its
18 residents by addressing climate change, and reducing GHG emissions that
19 create climate change;

20 (g) Although the general assembly and the federal government
21 have passed laws enabling investments to transition single occupancy
22 vehicles and other fleets to electric vehicles, the state cannot reach its
23 traffic congestion and GHG reduction goals without more transit and rail
24 options in the state to provide transportation alternatives and spur
25 transit-oriented development;

26 (h) Colorado charges road user fees for the purpose of improving
27 our surface transportation systems, and rental cars are one user of our

1 public highway system with a demonstrated impact on traffic congestion
2 on our public highways that could be alleviated and offset by providing
3 new transit and rail services that reduce the traffic congestion and wear
4 and tear they encounter;

5 (i) Rental cars account for over three percent of the vehicle miles
6 traveled (VMT) on Colorado roadways. Based on the "Urban Mobility
7 Report" produced by the Texas A&M Transportation Institute, the annual
8 cost of traffic congestion, which takes into account the cost of wasted fuel
9 consumption and travel delays, in the Denver metropolitan area alone was
10 \$2.394 billion in 2019, which comes out to \$1,263 per commuter and
11 \$21.50 per hour of delay. This suggests that the cost of congestion
12 attributable to rental cars statewide is at least \$74 million per year, and
13 likely higher. This impact from rental cars can be mitigated with new
14 investments in transit and rail. Investment in passenger rail systems and
15 additional revenue service miles of transit will offset VMT and reduce
16 congestion.

17 (j) The fee proposed in this legislation would also be applied to
18 the rental of heavy motor vehicles like moving truck rentals, which have
19 significantly higher wear and tear impacts to Colorado roads than
20 traditional passenger vehicles;

21 (k) The federal government has made available billions of dollars
22 to states, local governments, and private entities in the 2021 bipartisan
23 "Infrastructure Investment and Jobs Act". These federal grants usually
24 provide an 80% federal share and require only a 20% match from the
25 grant recipient, making passenger rail expansion a cost-effective tool for
26 reducing congestion but requiring more state matching money to access
27 federal dollars.

1 (l) Having adequate money to provide the non-federal match for
2 federal grants is essential to allow Colorado to take advantage of this
3 federal money;

4 (m) In 2021, the general assembly created the front range
5 passenger rail district. The Colorado department of transportation's
6 (CDOT) transit and rail division (division) is conducting a service
7 development plan for front range passenger rail to advance the direction
8 of that law. In October 2023, the transportation commission approved
9 funds to commence a service development plan for the northern rocky
10 mountain rail corridor extending from Denver through northwest
11 Colorado and long distance bus service expansion. The division will
12 complete these projects and continue to support project planning for
13 associated projects.

14 (n) Front range passenger rail would connect communities from
15 Fort Collins through Denver on to Trinidad through new passenger rail
16 service, shaping development in our state for generations to come and
17 unlocking smart urban planning decisions, density around transit hubs,
18 and mobility options for those who cannot access a car;

19 (o) As Colorado continues to invest in smart, dense
20 transit-oriented development, it needs high-capacity mass transit to help
21 meet the travel demands of residents, and density itself supports the
22 implementation of mass transit because higher levels of density and
23 transit service are strongly correlated with a reduction in vehicle miles
24 traveled and general car use, which helps increase affordability for
25 residents;

26 (p) Urgent action is also required to fulfill our commitment to
27 equity for a just transition for energy impacted communities such as Craig

1 and Hayden that have coal plants completely closing as soon as 2028. As
2 coal plant closures happen and the existing freight business ends with it,
3 we must ensure continuous use of that existing rail line through utilization
4 for passenger rail. As freight traffic volumes, types, and commodities
5 shift and change, we have an opportunity to partner with the freight rail
6 system for dual use of existing freight rail lines to include northern rocky
7 mountain passenger rail service. Establishing passenger rail service from
8 Union Station to west Jefferson County, Winter Park, Steamboat Springs,
9 Craig, and Hayden is a just transition strategy that also reduces traffic
10 congestion in the interstate highway 70 mountain corridor. This train line
11 uniquely fulfills several objectives of the state including relieving traffic
12 congestion in mountain corridors, supporting affordable housing for the
13 local workforce, and aiding coal-dependent communities in enhancing
14 and diversifying their economies.

15 (q) The southern segment of front range passenger rail is as
16 important as the north segment and the proposed northern rocky mountain
17 rail service. It is imperative that the state continue to pursue this
18 important segment that completes the vision for the full front range
19 passenger rail and is a linchpin to the new federal long distance plan for
20 the country that would create two new long distance service routes
21 through Trinidad connecting to the full proposed front range passenger
22 rail route. The new proposed long distance study map makes Colorado's
23 full front range rail route essential to a new route connecting through
24 Trinidad, Colorado to Albuquerque, New Mexico on to Phoenix, Arizona,
25 and an additional new route that would connect Trinidad to Amarillo,
26 Texas, to Dallas, Texas, and on to Houston, Texas. This makes the
27 southern segment of front range passenger rail not just an important

1 Colorado transportation solution but also of national importance to the
2 future national rail passenger rail network.

3 (r) In addition to the proposed future passenger rail service for the
4 northern Rocky Mountains, there are multiple other underutilized or
5 abandoned freight rail rights-of-way that could be repurposed for
6 passenger rail service to connect mountain communities with the front
7 range, and the state should continue to explore opportunities for
8 establishing more passenger rail services.

9 (s) Efforts to expand passenger rail must be complemented by the
10 expansion of a more comprehensive statewide bus system, especially on
11 key corridors like interstate highways 70 and 25, building on the
12 successes of initiatives like CDOT's Bustang, Snowstang, and Pegasus
13 bus services, with a commitment to improving convenience, and
14 accessibility for all Coloradans and contributing to reductions in GHG
15 emissions and traffic congestion.

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

17 (a) The Colorado high performance transportation enterprise,
18 which has been doing business as the Colorado transportation investment
19 office (CTIO) since 2021, has a strong track record of using user fee
20 revenue to support the development of surface transportation projects
21 with the primary objective of alleviating traffic congestion within the
22 state;

23 (b) The CTIO has historically supported multi-modal
24 transportation through the expansion of commuting options in express
25 lanes and the distribution of transit passes to low-income residents, but
26 with the creation of the new dedicated revenue source provided for in this
27 act must now utilize its existing power and charge, as set forth in its

1 enabling legislation, to fund transit and rail projects to further reduce
2 traffic congestion on our highway system;

3 (c) It is necessary and appropriate to direct the CTIO to update its
4 strategic plan to incorporate policies implementing legislative direction
5 in Senate Bill 21-260, which tasked the transportation commission to
6 establish GHG pollution reduction planning standards and to contribute
7 to the state's implementation of House Bill 19-1261, which established
8 GHG reduction goals for the state;

9 (d) A major barrier to expanding transit and rail in the state of
10 Colorado is a lack of financing infrastructure and a dedicated revenue
11 source;

12 (e) The state needs a more equitable transportation system that
13 mitigates the impact that automobiles place on the public highway system,
14 and the state lacks the dedicated revenue source for transit and rail that is
15 needed to fund such a system and mitigate those impacts;

16 (f) This act directs the regional transportation district (RTD), the
17 front range passenger rail district (FRPRD), the transportation
18 commission and the board of directors of the high-performance
19 transportation enterprise to develop a plan for using their joint authorities
20 and funding streams to deliver the first phase of front range passenger rail
21 from Denver to Fort Collins and to use existing contracts to the extent
22 possible to facilitate the best means to deliver that project and to conduct
23 rail traffic controller modeling and other analyses for intercity passenger
24 rail from Union Station to Fort Collins for at least two scenarios,
25 including a scenario of three round trips per day and a scenario of five
26 round trips per day;

27 (g) As it is the desire of the general assembly to ensure not just

1 train service from Union Station to Fort Collins, but also daily service
2 from Trinidad to Pueblo to Fort Collins, this act also requires the FRPRD:

3 (I) To report to the general assembly regarding a plan and an
4 expeditious timeline by which the FRPRD will implement the whole
5 front-range rail train service from Fort Collins to Pueblo and Trinidad;
6 and

7 (II) To report periodically to the general assembly regarding its
8 planning and implementation progress and the barriers and challenges it
9 faces for extending service to the southern portion of the FRPRD,
10 encouraging the inclusion in each report of a detailed analysis of the
11 extent of coordination among the host rail companies; and

12 (h) In the near term, it is necessary and appropriate for CTIO to
13 use the new dedicated revenue stream provided for in this act to finance
14 service that originates from the service development plan for front range
15 passenger rail, the service development plan for the northern rocky
16 mountain rail corridor, the aforementioned statewide bus expansion study,
17 and other strategies to increase the use of public transportation.

18 (3) The general assembly further finds and declares that:

19 (a) The division will complete a report on the status of a service
20 development plan for the northern rocky mountain rail corridor by
21 December 31, 2024;

22 (b) The division has identified potential private partners to operate
23 new passenger rail services along the northern rocky mountain rail
24 corridor;

25 (c) Western slope communities in Grand, Routt and Moffat
26 counties have existing and emerging transportation needs that are
27 currently underserved; and

1 (d) As it is the intent of the general assembly to ensure not only
2 expanded passenger rail service from Denver to Winter Park but also to
3 establish passenger rail service from Denver to Craig and Hayden, this act
4 also requires the division:

5 (I) To report to the general assembly regarding a plan and an
6 expeditious timeline by which CDOT will deliver passenger rail service
7 from Denver to the Hayden and Craig communities; and

8 (II) To report periodically to the general assembly regarding its
9 planning and implementation progress and barriers and challenges it faces
10 for extending service along the full length of the northern rocky mountain
11 rail corridor.

12 **SECTION 2. In Colorado Revised Statutes, 29-1-203.5, amend**
13 **(1)(a) as follows:**

14 **29-1-203.5. Separate legal entity established under section**
15 **29-1-203 - legal status - authority to exercise special district powers**
16 **- additional financing powers. (1) (a) Any combination of counties,**
17 **municipalities, special districts, or other political subdivisions of this state**
18 **that are each authorized to own, operate, finance, or otherwise provide**
19 **public improvements, functions, services, or facilities may enter into a**
20 **contract under section 29-1-203 to establish a separate legal entity to**
21 **provide any such public improvements, functions, services, or facilities.**
22 **IN ADDITION, SUCH A SEPARATE LEGAL ENTITY MAY BE ESTABLISHED AS**
23 **AUTHORIZED BY SECTIONS 32-19-119 (1)(w.5), 32-22-106 (1)(s.5),**
24 **43-1-106 (8)(q.5), AND 43-4-806 (6)(p.5). Any separate legal entity**
25 **established is a political subdivision and public corporation of the state**
26 **and is separate from the parties to the contract if the contract or an**
27 **amendment to the contract states that the entity is formed in conformity**

1 with the provisions of this section and that the provisions of this section
2 apply to the entity.

3 **SECTION 3.** In Colorado Revised Statutes, 32-9-107.5, **add**
4 (1)(e) as follows:

5 **32-9-107.5. Regional fixed guideway mass transit system -**
6 **authorization - completion of northwest rail fixed guideway corridor**
7 **as first phase of front range passenger rail service - legislative**
8 **declarations.** (1)(e) THE GENERAL ASSEMBLY FURTHER DECLARES THAT:

9 (I) THE COMPLETION OF CONSTRUCTION OF A FIXED GUIDEWAY
10 MASS TRANSIT SYSTEM IN THE DISTRICT'S NORTHWEST FIXED GUIDEWAY
11 CORRIDOR BETWEEN UNION STATION IN DENVER AND LONGMONT, WHICH
12 WAS PROMISED AS PART OF THE DISTRICT'S FASTRACKS TRANSIT
13 EXPANSION PROGRAM APPROVED BY THE VOTERS OF THE DISTRICT IN 2004
14 BUT CURRENTLY OPERATES ONLY BETWEEN UNION STATION AND
15 WESTMINSTER, WILL HELP REBUILD CONFIDENCE IN THE DISTRICT, AND IT
16 IS OF CRITICAL IMPORTANCE THAT EVERY EFFORT BE MADE TO SECURE
17 SUFFICIENT FUNDING TO QUICKLY COMPLETE THAT SYSTEM;

18 (II) THERE IS AN OPPORTUNITY TO OBTAIN SIGNIFICANT FEDERAL
19 MONEY FOR THE COMPLETION OF THE FIXED GUIDEWAY MASS TRANSIT
20 SYSTEM IN THE DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR IF
21 SERVICE EXTENDS BEYOND THE BOUNDARIES OF THE DISTRICT TO FORT
22 COLLINS AND QUALIFIES AS INTERCITY RAIL AS A FIRST PHASE OF FRONT
23 RANGE PASSENGER RAIL SERVICE; AND

24 (III) ACCELERATING THE PROVISION OF FIXED GUIDEWAY SERVICE
25 ON THE NORTHWEST RAIL CORRIDOR AS THE FIRST PHASE OF FRONT RANGE
26 PASSENGER RAIL SERVICE WILL NOT IN ANY WAY SLOW PLANNING,
27 DEVELOPMENT, GRANT SEEKING, OR OTHER ACTIVITIES NEEDED FOR THE

1 EXPEDITIOUS DELIVERY OF THE REMAINING ELEMENTS OF FRONT RANGE
2 PASSENGER RAIL SERVICE. BY COMPLETING THE NORTHWEST PORTION OF
3 FRONT RANGE PASSENGER RAIL SERVICE, WHICH WAS STATUTORILY
4 REQUIRED TO BE PRIORITIZED IN THE LEGISLATION THAT CREATED THE
5 FRONT RANGE PASSENGER RAIL DISTRICT, THE GENERAL ASSEMBLY
6 INTENDS TO EXPEDITE COMPLETION OF THE ENTIRE RAIL SERVICE.

7 **SECTION 4.** In Colorado Revised Statutes, 32-9-107.7, **add** (3)
8 as follows:

9 **32-9-107.7. Regional fixed guideway mass transit systems -**
10 **construction - front range passenger rail service - authorization -**
11 **completion of northwest rail fixed guideway corridor - limited**
12 **operations outside district.** (3) THE DISTRICT MAY EXTEND
13 CONSTRUCTION AND OPERATIONS OF THE NORTHWEST RAIL FIXED
14 GUIDEWAY CORRIDOR BEYOND THE BOUNDARIES OF THE DISTRICT IF ANY
15 AND ALL CAPITAL AND OPERATING EXPENSES THAT IT UNDERTAKES
16 OUTSIDE THE DISTRICT ARE FULLY ACCOUNTED FOR AND REIMBURSED TO
17 THE DISTRICT BY A PUBLIC BODY.

18
19 **SECTION 5.** In Colorado Revised Statutes, 32-9-119, **add**
20 (1)(w.5) as follows:

21 **32-9-119. Additional powers of district.** (1) In addition to any
22 other powers granted to the district in this article, the district has the
23 following powers:

24 (w.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
25 DEVELOPED AS REQUIRED BY SECTION 32-22-103 (5), TO ENTER INTO A
26 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
27 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND

1 29-1-203.5 or pursuant to articles 121 to 137 of title 7 WITH THE
2 DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
3 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
4 AND THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED IN SECTION
5 32-22-103 (1), TO IMPLEMENT THE COMPLETION OF CONSTRUCTION AND
6 OPERATION OF THE NORTHWEST FIXED GUIDEWAY CORRIDOR, INCLUDING
7 AN EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE FIRST PHASE
8 OF FRONT RANGE PASSENGER RAIL SERVICE;

9 **SECTION 6. In Colorado Revised Statutes, 32-22-103, add (5)**
10 **as follows:**

11 **32-22-103. Front range passenger rail district - creation -**
12 **purpose - boundaries - reports. (5) (a) IN PURSUING THE COMPLETION**
13 **OF CONSTRUCTION AND OPERATION OF THE NORTHWEST FIXED GUIDEWAY**
14 **CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS**
15 **AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE, THE**
16 **DISTRICT, THE DEPARTMENT OF TRANSPORTATION, THE**
17 **HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE, CREATED IN SECTION**
18 **43-4-806 (2)(a)(I), AND THE REGIONAL TRANSPORTATION DISTRICT,**
19 **CREATED IN SECTION 32-9-105, SHALL PROVIDE A REPORT CONTAINING AN**
20 **IMPLEMENTATION PLAN FOR CONSTRUCTION AND OPERATIONS OF THE**
21 **CORRIDOR TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE,**
22 **CREATED IN SECTION 43-2-145 (1)(a), OR ITS SUCCESSOR COMMITTEE, AND**
23 **TO THE GOVERNOR NO LATER THAN SEPTEMBER 30, 2024. THE**
24 **IMPLEMENTATION PLAN MUST:**

25 **(I) IDENTIFY ALL ONGOING OR COMPLETED STUDIES AND SERVICE**
26 **DEVELOPMENT PLANS THAT COULD BE LEVERAGED TO ACCELERATE**
27 **APPROVAL AND PERMITTING AND REQUIRE THE DISTRICT AND THE**

1 DEPARTMENT OF TRANSPORTATION TO USE EXISTING CONTRACTS TO THE
2 EXTENT POSSIBLE TO CONDUCT RAIL TRAFFIC CONTROLLER MODELING AND
3 OTHER ANALYSES FOR INTERCITY PASSENGER RAIL SERVICE FROM UNION
4 STATION TO FORT COLLINS FOR AT LEAST TWO SCENARIOS, INCLUDING A
5 SCENARIO OF THREE ROUND TRIPS PER DAY AND A SCENARIO OF FIVE
6 ROUND TRIPS PER DAY;

7 (II) IDENTIFY AND EVALUATE OPTIONS FOR CREATING A NEW
8 STANDALONE ENTITY SUCH AS A COLORADO RAIL AUTHORITY, A SEPARATE
9 LEGAL ENTITY CREATED PURSUANT TO SECTIONS 29-1-203 AND
10 29-1-203.5, A SEPARATE LEGAL ENTITY CREATED PURSUANT TO ARTICLES
11 121 TO 137 OF TITLE 7, OR A STANDALONE INTERGOVERNMENTAL
12 AGREEMENT AS A BUSINESS MODEL WITH A GOAL OF CREATING SUCH A
13 SEPARATE LEGAL ENTITY OR EXECUTING SUCH AN AGREEMENT NO LATER
14 THAN DECEMBER 31, 2024; AND

15 (III) EXPLORE THE VIABILITY OF AMTRAK OR OTHER ENTITIES AS
16 POTENTIAL OPERATORS FOR INTERCITY PASSENGER RAIL SERVICE.

17 (b) IN ADDITION TO THE REPORT REQUIRED BY SUBSECTION (5)(a)
18 OF THIS SECTION, NO LATER THAN MARCH 1, 2025, THE DISTRICT, THE
19 DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
20 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
21 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
22 32-9-105, AND ANY SEPARATE LEGAL ENTITY CREATED PURSUANT TO
23 SECTIONS 29-1-203 AND 29-1-203.5 OR ARTICLES 121 TO 137 OR TITLE 7
24 SHALL PROVIDE A REPORT CONCERNING A PLAN TO BEGIN PROVIDING
25 FRONT RANGE PASSENGER RAIL SERVICE NO LATER THAN JANUARY 1,
26 2029, TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING
27 AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION

1 AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE
2 GOVERNOR. THE REPORT SHALL INCLUDE AN ASSESSMENT OF WHETHER
3 ADDITIONAL REVENUE IS NEEDED TO SUPPORT SUCH SERVICE AND, IF SO,
4 RECOMMENDED SOURCES OF SUCH FUNDING.

5 (c) IN ADDITION TO THE REPORTS REQUIRED IN SUBSECTIONS (5)(a)
6 AND (5)(b) OF THIS SECTION, IF FRONT RANGE PASSENGER SERVICE HAS
7 NOT BEGUN BY JANUARY 1, 2029, THE DISTRICT, IN COOPERATION WITH
8 THE DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
9 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
10 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
11 32-9-105, AND ANY SEPARATE LEGAL ENTITY CREATED PURSUANT TO
12 SECTIONS 29-1-203 AND 29-1-203.5 OR ARTICLES 121 TO 137 OF TITLE 7
13 SHALL PROVIDE A REPORT DETAILING THE REASONS WHY SUCH SERVICE
14 HAS NOT BEGUN AND A DETAILED PLAN FOR PROVIDING SERVICE ON
15 JANUARY 1, 2029, AND EACH SIX MONTHS THEREAFTER UNTIL SERVICE IS
16 INITIATED.

17 **SECTION 7.** In Colorado Revised Statutes, 32-22-106, **amend**
18 (1)(s); and **add** (1)(s.5) as follows:

19 **32-22-106. District - general powers and duties - funds**
20 **created.** (1) In addition to any other powers granted to the district by this
21 article 22, the district has the following powers:

22 (s) To accept gifts, grants, and donations, whether cash or in-kind
23 in nature, from private or public sources for the purposes of this article
24 22; and

25 (s.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
26 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A
27 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A

1 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
2 29-1-203.5 OR PURSUANT TO ARTICLES 121 TO 137 OF TITLE 7 WITH THE
3 DEPARTMENT OF TRANSPORTATION, THE HIGH-PERFORMANCE
4 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
5 AND THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
6 32-9-105, TO IMPLEMENT THE COMPLETION OF CONSTRUCTION AND
7 OPERATION OF THE REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST
8 FIXED GUIDEWAY CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR
9 TO FORT COLLINS AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL
10 SERVICE;

11 **SECTION 8.** In Colorado Revised Statutes, 43-1-106, **add**
12 (8)(q.5) as follows:

13 **43-1-106. Transportation commission - efficiency and**
14 **accountability committee - powers and duties - rules - definitions.**

15 (8) In addition to all other powers and duties imposed upon it by law, the
16 commission has the following powers and duties:

17 (q.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
18 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), AND ON BEHALF OF
19 THE DEPARTMENT, TO ENTER INTO A STANDALONE INTERGOVERNMENTAL
20 AGREEMENT WITH OR CREATE A SEPARATE LEGAL ENTITY PURSUANT TO
21 SECTIONS 29-1-203 AND 29-1-203.5 OR PURSUANT TO ARTICLES 121 TO
22 137 OF TITLE 7 WITH THE REGIONAL TRANSPORTATION DISTRICT, CREATED
23 IN SECTION 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT,
24 CREATED IN SECTION 32-22-103 (1), AND THE HIGH-PERFORMANCE
25 TRANSPORTATION ENTERPRISE, CREATED IN SECTION 43-4-806 (2)(a)(I),
26 TO IMPLEMENT THE COMPLETION OF CONSTRUCTION AND OPERATION OF
27 THE REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST FIXED

1 GUIDEWAY CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO
2 FORT COLLINS AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL
3 SERVICE;

4 **SECTION 9.** In Colorado Revised Statutes, 43-1-117.5, **add (5)**
5 **as follows:**

6 **43-1-117.5. Transit and rail division - created - powers and**
7 **duties - pilot project to expand transit - reports - repeal. (5) (a) THE**
8 **TRANSIT AND RAIL DIVISION SHALL PROVIDE A REPORT CONTAINING A**
9 **DEVELOPMENT PLAN FOR ROCKY MOUNTAIN RAIL SERVICE TO THE HOUSE**
10 **OF REPRESENTATIVES TRANSPORTATION, HOUSING AND LOCAL**
11 **GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION AND**
12 **ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AND THE**
13 **GOVERNOR NO LATER THAN DECEMBER 31, 2024.**

14 **(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2025.**

15 **SECTION 10.** In Colorado Revised Statutes, **add** 43-1-132 as
16 follows:

17 **43-1-132. Front range passenger rail service - annual status**
18 **reports. (1) NO LATER THAN SEPTEMBER 30, 2024, AND SEPTEMBER 30**
19 **OF EACH YEAR THEREAFTER, THE DEPARTMENT AND THE FRONT RANGE**
20 **PASSENGER RAIL DISTRICT, CREATED IN SECTION 32-22-103 (1) SHALL**
21 **JOINTLY REPORT TO THE TRANSPORTATION LEGISLATION REVIEW**
22 **COMMITTEE, CREATED IN SECTION 43-2-145 (1)(a), OR ITS SUCCESSOR**
23 **COMMITTEE, AND THE GOVERNOR REGARDING THE STATUS OF THE SERVICE**
24 **DEVELOPMENT PLAN FOR FRONT RANGE PASSENGER RAIL SERVICE**
25 **BETWEEN TRINIDAD, PUEBLO, AND FORT COLLINS. THE REPORT MUST**
26 **INCLUDE, AT A MINIMUM:**

27 **(a) A DESCRIPTION OF THE EFFORTS OF THE DEPARTMENT AND THE**

1 DISTRICT TO COORDINATE WITH AFFECTED ENTITIES, INCLUDING HOST
2 RAILROADS, THE FEDERAL RAILROAD ADMINISTRATION, OTHER POTENTIAL
3 OPERATORS AND AMTRAK, AND THE EXTENT TO WHICH AND MANNER IN
4 WHICH SUCH AFFECTED ENTITIES RESPONDED TO THOSE EFFORTS; AND

5 (b) A PLAN FOR FULL IMPLEMENTATION OF FRONT RANGE
6 PASSENGER RAIL SERVICE AS SOON AS PRACTICABLE THAT INCLUDES PLANS
7 FOR UPCOMING BALLOT MEASURES, FEDERAL GRANTS, AND OTHER
8 POSSIBLE INTERIM OPTIONS FOR FINANCING NECESSARY INFRASTRUCTURE
9 AND OPERATIONS.

10 (2) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
11 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
12 SECTION CONTINUES INDEFINITELY.

13 **SECTION 11.** In Colorado Revised Statutes, 43-4-803, **amend**
14 (11), (22), and (27); and **add** (23.5) and (26.3) as follows:

15 **43-4-803. Definitions.** As used in this part 8, unless the context
16 otherwise requires:

17 (11) "Designated bridge project" means a project that involves the
18 repair, reconstruction, replacement, or ongoing operation or maintenance,
19 or any combination thereof, of a designated bridge by the bridge
20 enterprise pursuant to an agreement between the BRIDGE enterprise and
21 the commission or department authorized by section 43-4-805 (5)(f). A
22 fair-rated bridge may be included in a designated bridge project or other
23 project involving the repair, replacement, or reconstruction of a
24 designated bridge if including the fair-rated bridge is an efficient use of
25 the bridge enterprise's resources and will result in cost savings or
26 schedule acceleration for a project that will improve safety.

27 (22) "Surface transportation infrastructure" means a highway, a

1 bridge other than a designated bridge, or any other infrastructure, facility,
2 or equipment used primarily or in large part to transport people on
3 systems that operate on or are affixed to the ground, INCLUDING
4 PASSENGER RAIL, BUS, OR OTHER PUBLIC TRANSPORTATION VEHICLES.

5 (23.5) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
6 NETWORK" MEANS ALL EXISTING OR PLANNED SURFACE TRANSPORTATION
7 INFRASTRUCTURE PROJECTS.

8 (26.3) "TRAVEL CORRIDOR" MEANS THE SURFACE
9 TRANSPORTATION INFRASTRUCTURE THAT IS IN CLOSE PROXIMITY, AS
10 DETERMINED BY THE TRANSPORTATION ENTERPRISE, TO A SURFACE
11 TRANSPORTATION INFRASTRUCTURE PROJECT FOR WHICH USER FEES WERE
12 COLLECTED.

13 (27) "User fee" means compensation to be paid to the
14 transportation enterprise or a partner of the transportation enterprise,
15 INCLUDING THE CONGESTION IMPACT FEE IMPOSED BY THE
16 TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (7.6), for
17 the privilege of EITHER using surface transportation infrastructure
18 constructed or operated by the transportation enterprise or operated by its
19 partner under the terms of a public-private partnership OR BENEFITTING
20 FROM THE REDUCED CONGESTION ON AND IMPROVED CONDITION OF OTHER
21 SURFACE TRANSPORTATION INFRASTRUCTURE IN THE STATE RESULTING
22 FROM THE AVAILABILITY OF SURFACE TRANSPORTATION INFRASTRUCTURE
23 CONSTRUCTED OR OPERATED BY THE TRANSPORTATION ENTERPRISE OR
24 OPERATED BY ITS PARTNER UNDER THE TERMS OF A PUBLIC-PRIVATE
25 PARTNERSHIP AND FROM THE OPPORTUNITY TO USE SUCH SURFACE
26 TRANSPORTATION INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE
27 TRANSPORTATION ENTERPRISE AND SUCH OTHER LESS CONGESTED AND

1 IMPROVED SURFACE TRANSPORTATION INFRASTRUCTURE.

2 **SECTION 12.** In Colorado Revised Statutes, 43-4-804, **amend**
3 (1)(b)(II) as follows:

4 **43-4-804. Highway safety projects - surcharges and fees -**
5 **crediting of money to highway users tax fund - definition.** (1) The
6 following surcharges, fees, and fines shall be collected and credited to the
7 highway users tax fund created in section 43-4-201 (1)(a) and allocated
8 to the state highway fund, counties, and municipalities as specified in
9 section 43-4-205 (6.3):

10 (b) (II) A person who collects the daily vehicle rental fee imposed
11 by ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS
12 SECTION and who pays specific ownership tax on the vehicles rented in
13 the manner specified in either section 42-3-107 (11) or (12), ~~C.R.S.~~, or
14 both, shall, no later than the twentieth day of each month, submit to the
15 department of revenue a report, using forms furnished by the department
16 of revenue, of daily vehicle rental fees collected for the preceding month
17 and shall include with the report the remittance of all such fees. A person
18 who collects the daily vehicle rental fee imposed by ~~subparagraph (I) of~~
19 ~~this paragraph (b)~~ SUBSECTION (1)(b)(I) OF THIS SECTION but does not pay
20 specific ownership tax on the vehicles in the manner specified in either
21 section 42-3-107 (11) or (12), ~~C.R.S.~~, or both, shall submit the report and
22 the remittance of fees collected in the same manner or in such other
23 manner as the executive director of the department of revenue may
24 prescribe by rules promulgated in accordance with article 4 of title 24.
25 ~~C.R.S.~~ The executive director of the department of revenue shall forward
26 all daily vehicle rental fees collected, TOGETHER WITH ALL CONGESTION
27 IMPACT FEES IMPOSED BY THE TRANSPORTATION ENTERPRISE PURSUANT

1 TO SECTION 43-4-806 (7.6) COLLECTED, to the state treasurer ~~who~~ AND
2 SHALL IDENTIFY THE AMOUNTS OF EACH FEE BEING FORWARDED. THE
3 STATE TREASURER shall credit the daily vehicle rental fees IMPOSED
4 PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS SECTION to the highway
5 users tax fund AND SHALL CREDIT THE CONGESTION IMPACT FEES IMPOSED
6 BY THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806
7 (7.6) TO THE TRANSPORTATION SPECIAL FUND AS REQUIRED BY SECTION
8 43-4-806 (7.6)(b).

9 **SECTION 13.** In Colorado Revised Statutes, 43-4-806, **amend**
10 (1)(a), (2)(a)(III)(B), (2)(c)(I), (3)(a), (3)(c), (5), (6) introductory portion,
11 (6)(p), (9)(a), and (10)(a); and **add** (1.5), (6)(p.5), (7.6), (7.7), (7.8),
12 and (10)(c) as follows:

13 **43-4-806. Colorado transportation investment office - creation**
14 **- enterprise status - board - funds - powers and duties - user fees -**
15 **limitations - reporting requirements - violations on the peak period**
16 **shoulder lanes - legislative declaration - definitions.** (1) The general
17 assembly hereby finds and declares that:

18 (a) It is necessary, appropriate, and in the best interests of the state
19 for the state to aggressively pursue innovative means of more efficiently
20 financing important surface transportation infrastructure projects that will
21 improve the safety, capacity, and accessibility of the surface
22 transportation system, PROVIDE DIVERSE, MULTIMODAL TRANSPORTATION
23 OPTIONS THAT REDUCE TRAFFIC CONGESTION AND DEGRADATION OF
24 EXISTING SURFACE TRANSPORTATION INFRASTRUCTURE AND OFFER MORE
25 TRANSPORTATION CHOICES FOR SYSTEM USERS, can feasibly be
26 commenced in a reasonable amount of time, will allow more efficient
27 movement of people, goods, and information throughout the state, and

1 will accelerate the economic recovery of the state;

2 (1.5) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
3 THAT:

4 (a) (I) THE TRANSPORTATION ENTERPRISE PROVIDES BOTH
5 SERVICES TO PERSONS WHO PAY USER FEES FOR THE PRIVILEGE OF USING
6 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS AND ADDITIONAL
7 IMPACT REMEDIATION SERVICES TO ALL PERSONS WHO USE OR INDIRECTLY
8 BENEFIT FROM THE USE OF THE SURFACE TRANSPORTATION
9 INFRASTRUCTURE PROJECT NETWORK AND OTHER SURFACE
10 TRANSPORTATION INFRASTRUCTURE IN THE STATE BY COMPLETING AND
11 OPERATING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT
12 REDUCE WEAR AND TEAR ON AND INCREASE THE RELIABILITY, SAFETY,
13 AND EXPECTED USEFUL LIFE OF STATE HIGHWAYS AND BRIDGES, REDUCE
14 TRAFFIC CONGESTION AND ATTENDANT DELAYS, PROVIDE ADDITIONAL
15 TRANSPORTATION OPTIONS, REDUCE EMISSIONS FROM AIR POLLUTANTS
16 AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCE
17 THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH EMISSIONS;
18 AND

19 (II) BY PROVIDING SERVICES AS AUTHORIZED BY THIS PART 8, THE
20 TRANSPORTATION ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN
21 THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND GENERATES
22 REVENUE BY COLLECTING FEES FROM SERVICES USERS, AND THEREFORE
23 OPERATES AS A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF
24 THE COLORADO SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY*
25 *AUTHORITY*, 896 P.2D 859 (COLO. 1995), AND THE COLORADO COURT OF
26 APPEALS IN *TABOR FOUNDATION V. COLORADO BRIDGE ENTERPRISE*,
27 2014COA 106;

1 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
2 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
3 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
4 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
5 X OF THE STATE CONSTITUTION AND THE DETERMINATION OF THE
6 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*
7 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36, THAT A CHARGE IS NOT A TAX
8 IF THE PRIMARY PURPOSE OF THE CHARGE IS TO NOT TO RAISE REVENUE
9 FOR GENERAL GOVERNMENTAL PURPOSES, IT IS THE CONCLUSION OF THE
10 GENERAL ASSEMBLY THAT THE REVENUE COLLECTED BY THE
11 TRANSPORTATION ENTERPRISE FROM USER FEES IS GENERATED BY FEES,
12 NOT TAXES, BECAUSE THE USER FEES IMPOSED BY THE TRANSPORTATION
13 ENTERPRISE:

14 (I) ARE IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
15 TRANSPORTATION ENTERPRISE TO DEFRAY THE COSTS OF COMPLETING,
16 OPERATING, AND MAINTAINING THE SURFACE TRANSPORTATION
17 INFRASTRUCTURE PROJECT NETWORK;

18 (II) THEREBY:

19 (A) FUND THE SPECIFIC BENEFIT OF THE PRIVILEGE OF ACCESSING
20 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR USER FEE
21 PAYERS;

22 (B) FUND ADDITIONAL BENEFITS OF THE REMEDIATION SERVICES
23 PROVIDED BY THE TRANSPORTATION ENTERPRISE, INCLUDING REDUCTION
24 OF TRAFFIC CONGESTION AND ATTENDANT DELAYS, PROVISION OF
25 ADDITIONAL TRANSPORTATION OPTIONS, REDUCED EMISSIONS FROM AIR
26 POLLUTANTS AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES,
27 AND REDUCED ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH

1 EMISSIONS CAUSED BY THE USE OF MOTOR VEHICLES, FOR USER FEE
2 PAYERS; AND

3 (III) WILL BE COLLECTED AT RATES THAT ARE REASONABLY
4 CALCULATED BY THE TRANSPORTATION ENTERPRISE BOARD BASED ON THE
5 COSTS OF PROVIDING THE BENEFITS PROVIDED TO USER FEE PAYERS AND
6 THE COSTS OF REMEDIATING THE IMPACTS CAUSED BY FEE PAYERS.

7 (2) (a) (III) (B) The powers, duties, and functions of the
8 ~~department~~ of transportation ENTERPRISE include the powers, duties, and
9 functions of the statewide tolling enterprise, created in the ~~commission~~
10 DEPARTMENT pursuant to section 43-4-803 (1), prior to the repeal and
11 reenactment of said section by Senate Bill 09-108, enacted in 2009, and
12 the statewide tolling enterprise is abolished.

13 (c) The business purpose of the transportation enterprise is to
14 pursue public-private partnerships and other innovative and efficient
15 means of completing surface transportation infrastructure projects. To
16 allow the transportation enterprise to accomplish this purpose and fully
17 exercise its powers and duties through the transportation enterprise board,
18 the transportation enterprise may:

19 (I) Subject to the limitations specified in section 43-4-808 (3) AND
20 SUBSECTION (7.6) OF THIS SECTION, impose user fees, INCLUDING THE
21 CONGESTION IMPACT FEE AUTHORIZED BY SUBSECTION (7.6) OF THIS
22 SECTION, for the privilege of using surface transportation infrastructure;

23 (3) (a) The statewide transportation enterprise special revenue
24 fund, referred to in this part 8 as the "transportation special fund", is
25 ~~hereby~~ created in the state treasury. All ~~revenues~~ REVENUE received by
26 the transportation enterprise, including ~~any revenues~~ ALL REVENUE from
27 BOTH user fees COLLECTED FROM USERS OF A PARTICULAR SURFACE

1 TRANSPORTATION INFRASTRUCTURE PROJECT AND CONGESTION IMPACT
2 FEES, collected pursuant to ~~subparagraph (f) of paragraph (c) of~~
3 ~~subsection (2)~~ SUBSECTIONS (2)(c)(I) AND (7.6) of this section, ~~shall~~ MUST
4 be deposited into the transportation special fund. The transportation
5 enterprise board may establish separate accounts within the transportation
6 special fund as needed in connection with any specific surface
7 transportation infrastructure project. The transportation enterprise also
8 may deposit or permit others to deposit other ~~moneys~~ MONEY into the
9 transportation special fund, but in no event may ~~revenues~~ REVENUE from
10 any tax otherwise available for general purposes be deposited into the
11 transportation special fund. The state treasurer, after consulting with the
12 transportation enterprise board, shall invest any ~~moneys~~ MONEY in the
13 transportation special fund, including any surplus or reserves, but
14 excluding any proceeds from the sale of bonds or earnings on such
15 proceeds invested pursuant TO section 43-4-807 (2), that are not needed
16 for immediate use. Such ~~moneys~~ MONEY may be invested in the types of
17 investments authorized in sections 24-36-109, 24-36-112, and 24-36-113.
18 ~~C.R.S.~~

19 (c) The transportation enterprise shall prepare a separate annual
20 accounting of the user fees collected from any surface transportation
21 infrastructure project upon which any user fee is imposed ~~except that~~ AND
22 OF CONGESTION IMPACT FEES. A partner of the enterprise may prepare the
23 annual accounting for a project upon which it imposes a user fee pursuant
24 to the terms of a public-private partnership.

25 (5) Notwithstanding any other provision of this section, user fee
26 ~~revenues shall~~ REVENUE COLLECTED FROM USERS OF A PARTICULAR
27 SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT MUST be expended

1 only for purposes authorized by subsection (3) of this section and only for
2 ~~the surface transportation infrastructure project for which they were~~
3 ~~collected, to address ongoing congestion management needs related to the~~
4 ~~project, or as a portion of the expenditures made for another surface~~
5 ~~transportation infrastructure project that is integrated with the project as~~
6 ~~part of a surface transportation system~~ WITHIN A TRAVEL CORRIDOR
7 SERVED BY THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
8 FOR WHICH THE USER FEES WERE COLLECTED; except that the
9 transportation enterprise board may ~~use~~ EXPEND user fee ~~revenues~~
10 REVENUE from each surface transportation infrastructure project in
11 proportion to the total amount of such ~~revenues~~ REVENUE generated by
12 the project to pay overhead of the transportation enterprise. USER FEE
13 REVENUE GENERATED BY THE CONGESTION IMPACT FEE IMPOSED BY THE
14 TRANSPORTATION ENTERPRISE PURSUANT TO SUBSECTION (7.6) OF THIS
15 SECTION MAY BE EXPENDED ON ANY PART OF THE SURFACE
16 TRANSPORTATION INFRASTRUCTURE PROJECT NETWORK AND FOR
17 OVERHEAD OF THE TRANSPORTATION ENTERPRISE.

18 (6) In addition to any other powers and duties specified in this
19 section, the transportation enterprise board ~~shall have~~ HAS the following
20 powers and duties:

21 (p) To transfer money, property, or other assets of the
22 transportation enterprise to the department to the extent necessary to
23 implement the financing of any surface transportation infrastructure
24 project or for any other purpose authorized in this part 8; ~~and~~

25 (p.5) IN ACCORDANCE WITH AN IMPLEMENTATION PLAN
26 DEVELOPED AS REQUIRED BY SECTION 32-9-107.7 (4), TO ENTER INTO A
27 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A

1 SEPARATE LEGAL ENTITY PURSUANT TO SECTIONS 29-1-203 AND
2 29-1-203.5 WITH THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN
3 SECTION 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED
4 IN SECTION 32-22-103 (1), AND THE DEPARTMENT, TO IMPLEMENT THE
5 COMPLETION OF CONSTRUCTION AND OPERATION OF THE REGIONAL
6 TRANSPORTATION DISTRICT'S NORTHWEST FIXED GUIDEWAY CORRIDOR,
7 INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS AS THE
8 FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE; AND

9 (7.6) (a) (I) IN ADDITION TO ANY OTHER POWERS AND DUTIES
10 SPECIFIED IN THIS SECTION, ON AND AFTER JANUARY 1, 2025, THE
11 TRANSPORTATION ENTERPRISE SHALL IMPOSE A CONGESTION IMPACT FEE
12 ON ALL SHORT-TERM VEHICLE RENTALS AT A MAXIMUM RATE, AS
13 DETERMINED BY THE TRANSPORTATION ENTERPRISE BOARD, THAT IS
14 REASONABLY CALCULATED TO GENERATE ONLY THE AMOUNT OF REVENUE
15 NEEDED TO PAY THE OVERALL COSTS OF PROVIDING THE SERVICES TO FEE
16 PAYERS THAT WILL BE FUNDED WITH THAT REVENUE AND THAT IS, EXCEPT
17 AS OTHERWISE PROVIDED IN SUBSECTION (7.6)(c) OF THIS SECTION, NO
18 MORE THAN THREE DOLLARS PER DAY FOR ANY VEHICLE POWERED BY AN
19 INTERNAL COMBUSTION ENGINE, INCLUDING A PLUG-IN HYBRID ELECTRIC
20 MOTOR VEHICLE, AND NO MORE THAN TWO DOLLARS PER DAY FOR ANY
21 BATTERY ELECTRIC MOTOR VEHICLE; EXCEPT THAT A SUBSEQUENT
22 RENEWAL OF A SHORT-TERM VEHICLE RENTAL IS EXEMPT FROM THE FEE TO
23 THE EXTENT THAT THE RENEWAL EXTENDS THE TOTAL RENTAL PERIOD
24 BEYOND THIRTY DAYS. A CAR SHARING PROGRAM SHALL COLLECT THE
25 CONGESTION IMPACT FEE FOR ANY SHORT-TERM VEHICLE RENTAL OF
26 TWENTY-FOUR HOURS OR LONGER THAT IS ENABLED BY THE CAR SHARING
27 PROGRAM.

1 (II) AS USED IN THIS SUBSECTION (7.6), UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

3 (A) "BATTERY ELECTRIC MOTOR VEHICLE" HAS THE SAME
4 MEANING AS SET FORTH IN SECTION 43-4-1202 (1).

5 (B) "CAR SHARING PROGRAM" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 6-1-1202 (4).

7 (C) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" HAS THE SAME
8 MEANING AS SET FORTH IN SECTION 43-4-1202 (14).

9 (D) "SHORT-TERM VEHICLE RENTAL" MEANS THE RENTAL OF ANY
10 MOTOR VEHICLE, AS DEFINED IN SECTION 42-1-102 (58), WITH A GROSS
11 VEHICLE WEIGHT RATING OF TWENTY-SIX THOUSAND POUNDS OR LESS
12 THAT IS RENTED WITHIN COLORADO FOR A PERIOD OF NOT MORE THAN
13 THIRTY DAYS.

14 (b) THE CONGESTION IMPACT FEE MUST BE COLLECTED, SUBMITTED
15 TO THE DEPARTMENT OF REVENUE, ADMINISTERED BY THE DEPARTMENT
16 OF REVENUE, AND FORWARDED BY THE DEPARTMENT OF REVENUE TO THE
17 STATE TREASURER IN THE SAME MANNER IN WHICH THE DAILY VEHICLE
18 RENTAL FEE IMPOSED PURSUANT TO SECTION 43-4-804 (1)(b)(I)(A) IS
19 COLLECTED, SUBMITTED, ADMINISTERED, AND FORWARDED PURSUANT TO
20 SECTION 43-4-804 (1)(b)(II). THE DEPARTMENT OF REVENUE, WHEN
21 FORWARDING THE CONGESTION IMPACT FEE TO THE STATE TREASURER
22 WITH THE DAILY VEHICLE RENTAL FEE IMPOSED PURSUANT TO SECTION
23 43-4-804 (1)(b)(I)(A), SHALL IDENTIFY THE AMOUNTS OF EACH FEE BEING
24 FORWARDED, AND THE STATE TREASURER SHALL CREDIT ALL CONGESTION
25 IMPACT FEES TO THE TRANSPORTATION SPECIAL FUND. ANY VEHICLE
26 RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT THAT IS
27 EXEMPT, PURSUANT TO SECTION 43-4-804 (1)(b)(III), FROM THE DAILY

1 VEHICLE RENTAL FEE IMPOSED PURSUANT TO SECTION 43-4-804
2 (1)(b)(I)(A) IS ALSO EXEMPT FROM THE CONGESTION IMPACT FEE.

3 (c) (I) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
4 STATE FISCAL YEAR 2026-27 AND FOR SHORT-TERM VEHICLE RENTAL
5 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
6 DAILY LIMITS ON THE AMOUNT OF THE CONGESTION IMPACT FEE SET FORTH
7 IN SUBSECTION (7.6)(a)(I) OF THIS SECTION ARE ANNUALLY ADJUSTED FOR
8 INFLATION, AND THE TRANSPORTATION ENTERPRISE SHALL IMPOSE THE
9 CONGESTION IMPACT FEE IN A MAXIMUM AMOUNT THAT IS THE MAXIMUM
10 AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION.
11 THE TRANSPORTATION ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF
12 REVENUE OF THE AMOUNT OF THE CONGESTION IMPACT FEE TO BE
13 COLLECTED FOR SHORT-TERM VEHICLE RENTALS DURING EACH STATE
14 FISCAL YEAR NO LATER THAN APRIL 1 OF THE CALENDAR YEAR IN WHICH
15 THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF REVENUE
16 SHALL PUBLISH THE AMOUNT NO LATER THAN MAY 1 OF THE CALENDAR
17 YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

18 (II) AS USED IN THIS SUBSECTION (7.6)(c), "INFLATION" MEANS
19 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
20 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
21 INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
22 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
23 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
24 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE CONGESTION
25 IMPACT FEE IS TO BE MADE BEGINS.

26 (d) NOTWITHSTANDING SUBSECTION (7.6)(c) OF THIS SECTION, NO
27 LATER THAN MARCH 1, 2030, AND EVERY FIFTH MARCH 1 THEREAFTER,

1 THE TRANSPORTATION ENTERPRISE SHALL COMPLETE AN ANALYSIS OF THE
2 RATE AT WHICH IT IMPOSES THE CONGESTION IMPACT FEE, THE AMOUNT OF
3 REVENUE GENERATED BY THE FEE, AND THE USE OF FEE REVENUE IN
4 ORDER TO ENSURE THAT IT IS CONTINUING TO IMPOSE THE FEE AT RATES
5 THAT ARE REASONABLY CALCULATED TO GENERATE ONLY THE AMOUNT
6 OF REVENUE NEEDED TO PAY THE OVERALL COSTS OF PROVIDING THE
7 SERVICES TO FEE PAYERS THAT WILL BE FUNDED WITH THAT REVENUE. IF
8 THE TRANSPORTATION ENTERPRISE DETERMINES THAT IT IS IMPOSING OR
9 WITH ITS NEXT INFLATION ADJUSTMENT WILL BE IMPOSING THE FEE AT A
10 RATE THAT GENERATES OR WILL GENERATE MORE THAN THE NEEDED
11 AMOUNT OF REVENUE, IT SHALL LOWER THE RATE AT WHICH IT IS IMPOSING
12 THE FEE OR FOREGO OR REDUCE THE INFLATION ADJUSTMENT TO THE
13 EXTENT NECESSARY TO ENSURE THAT IT IS CONTINUING TO IMPOSE THE FEE
14 AT RATES THAT ARE REASONABLY CALCULATED TO GENERATE ONLY THE
15 AMOUNT OF REVENUE NEEDED TO PAY THE OVERALL COSTS OF PROVIDING
16 THE SERVICES TO FEE PAYERS THAT WILL BE FUNDED WITH THAT REVENUE.

17 (7.7) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED
18 IN THIS SECTION:

19 (a) NO LATER THAN MARCH 1, 2025, THE TRANSPORTATION
20 ENTERPRISE SHALL DEVELOP A NEW MULTIMODAL STRATEGIC CAPITAL
21 PLAN, WHICH THE TRANSPORTATION ENTERPRISE BOARD MAY, AT ITS SOLE
22 DISCRETION, THEREAFTER UPDATE AS IT DEEMS NECESSARY. THE PLAN
23 MUST:

24 (I) ALIGN WITH THE TEN-YEAR PLAN FOR EACH MODE OF
25 TRANSPORTATION APPROVED BY THE COMMISSION IN ACCORDANCE WITH
26 SECTION 43-1-106 (15)(d), THE STATEWIDE GREENHOUSE GAS POLLUTION
27 REDUCTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g), AND OTHER

1 STATE GREENHOUSE GAS REDUCTION PRIORITIES;

2 (II) COMPLY WITH THE GREENHOUSE GAS TRANSPORTATION
3 PLANNING STANDARD ADOPTED BY THE COMMISSION, ANY AMENDED OR
4 SUCCESSOR STANDARD ADOPTED BY THE COMMISSION, AND ANY OTHER
5 POLLUTION REDUCTION PLANNING STANDARDS REQUIRED FOR SURFACE
6 TRANSPORTATION INFRASTRUCTURE PROJECTS BY A FEDERAL OR STATE
7 LAW, REGULATION, OR RULE; AND

8 (III) PRIORITIZE BENEFITS TO USER FEE PAYERS AND THE
9 REDUCTION OF ADVERSE IMPACTS ON HIGHWAYS.

10 (b) NO LATER THAN MARCH 1, 2025, THE TRANSPORTATION
11 ENTERPRISE SHALL COMPLETE AN INITIAL ASSESSMENT OF OPPORTUNITIES
12 AVAILABLE THROUGH 2030 TO LEVERAGE FEDERAL MONEY MADE
13 AVAILABLE TO THE STATE. AFTER COMPLETING THE INITIAL ASSESSMENT,
14 THE TRANSPORTATION ENTERPRISE SHALL ASSESS SUCH OPPORTUNITIES ON
15 AN ONGOING BASIS.

16 (7.8) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED
17 IN THIS SECTION, THE TRANSPORTATION ENTERPRISE MAY ENTER INTO A
18 STANDALONE INTERGOVERNMENTAL AGREEMENT WITH OR CREATE A
19 SEPARATE LEGAL ENTITY PURSUANT TO 29-1-203 AND 29-1-203.5 WITH
20 THE REGIONAL TRANSPORTATION DISTRICT, CREATED IN SECTION
21 32-9-105, THE FRONT RANGE PASSENGER RAIL DISTRICT, CREATED IN
22 SECTION 32-22-103(1), AND THE DEPARTMENT OF TRANSPORTATION TO
23 IMPLEMENT THE COMPLETION OF CONSTRUCTION AND OPERATION OF THE
24 REGIONAL TRANSPORTATION DISTRICT'S NORTHWEST FIXED GUIDEWAY
25 CORRIDOR, INCLUDING AN EXTENSION OF THE CORRIDOR TO FORT COLLINS
26 AS THE FIRST PHASE OF FRONT RANGE PASSENGER RAIL SERVICE.

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1 (9) (a) The transportation enterprise ~~shall not~~ IS NOT INTENDED TO
2 supplant or duplicate the services provided by any public mass transit
3 operator, as defined in section 43-1-102 (5), railroad, public highway
4 authority created pursuant to part 5 of this article, or regional
5 transportation authority created pursuant to part 6 of this article except as
6 described in detail in an intergovernmental agreement or other contractual
7 agreement entered into by the transportation enterprise and the operator,
8 railroad, or authority. The creation of and undertaking of surface
9 transportation infrastructure projects by the transportation enterprise
10 pursuant to this part 8 is not intended to discourage any combination of
11 local governments from forming a public highway authority or a regional
12 transportation authority.

13 (10) (a) Notwithstanding section 24-1-136 (11)(a)(I), no later than
14 February 15, 2010, ~~and~~ no later than February 15 of each year thereafter
15 THROUGH 2024, AND NO LATER THAN MARCH 1 OF EACH YEAR
16 THEREAFTER, the transportation enterprise shall present a report to the
17 committees of the house of representatives and the senate that have
18 jurisdiction over transportation. The report must include a summary of the
19 transportation enterprise's activities for the previous year, a summary of
20 the status of any current surface transportation infrastructure projects, a
21 statement of the enterprise's revenues and expenses, and any
22 recommendations for statutory changes that the enterprise deems
23 necessary or desirable. The committees shall review the report and may
24 recommend legislation. The report shall be public and shall be available
25 on the website of the department on or before January 15 of the year in
26 which the report is presented.

27 (c) BEGINNING WITH THE REPORT DUE NO LATER THAN MARCH 1,

1 2025, THE REPORT SHALL ALSO DETAIL THE TRANSPORTATION
2 ENTERPRISE'S WORK TO REDUCE TRAFFIC CONGESTION AND GREENHOUSE
3 GAS EMISSIONS AND SUPPORT THE EXPANSION OF PUBLIC TRANSIT.

4 **SECTION 14.** In Colorado Revised Statutes, **amend 43-4-812** as
5 follows:

6 **43-4-812. Use of user fees for transit - legislative declaration.**

7 (1) Notwithstanding any other provision of law, the transportation
8 enterprise, a public highway authority created and existing pursuant to
9 part 5 of this article, a regional transportation authority created and
10 existing pursuant to part 6 of this article, or any other entity that, as of
11 March 2, 2009, is imposing a user fee or toll for the privilege of traveling
12 on any highway segment or highway lanes may use ~~revenues~~ REVENUE
13 generated by the user fee or toll for RAIL- AND transit-related projects that
14 relate to the maintenance or supervision of the highway segment or
15 highway lanes on which the user fee or toll is imposed OR OTHER
16 HIGHWAYS WITHIN THE TRAVEL CORRIDOR THAT IS SERVED BY THE
17 HIGHWAY SEGMENT OR HIGHWAY LANES.

18 (2) The general assembly ~~hereby~~ finds and declares that the
19 funding of RAIL- AND transit-related projects authorized by subsection (1)
20 of this section constitutes maintenance and supervision of state highways
21 because it will help to reduce traffic on state highways and thereby reduce
22 wear and tear on state highways and bridges and increase their reliability,
23 safety, and expected useful life.

24 **SECTION 15.** **Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.