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Fiscal Note

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| Drafting Number: | LLS 24-0164 | Date: | February 12, 2024 |
| Prime Sponsors: | Rep. Ortiz; Bacon | Bill Status: | House Trans., Housing & Local Govt. |
| | | Fiscal Analyst: | Josh Abram 303-866-3561 josh.abram@coleg.gov |

Bill Topic: DENVER AIRPORT ACCESSIBILITY

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|----------------------------------|---|---|--|
| Summary of Fiscal Impact: | <input checked="" type="checkbox"/> State Revenue | <input type="checkbox"/> State Transfer | <input checked="" type="checkbox"/> Local Government |
| | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> TABOR Refund | <input type="checkbox"/> Statutory Public Entity |

The bill requires that the airport authority of the City and County of Denver ensure accessibility for travelers with disabilities at Denver International Airport, and authorizes the Colorado Department of Transportation to issue fines for enforcement. The bill increases state and local expenditures beginning in FY 2025-26, and may increase state revenue beginning in FY 2026-27.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 24-1165

| | | Budget Year FY 2024-25 | Out Year FY 2025-26 |
|-----------------------------|---------------------------|---|--------------------------------------|
| Revenue | | - | - |
| Expenditures | Cash Funds | - | \$51,315 |
| | Centrally Appropriated | - | \$9,587 |
| | Total Expenditures | - | \$60,902 |
| | Total FTE | - | 0.5 FTE |
| Transfers | | - | - |
| Other Budget Impacts | | - | - |

Summary of Legislation

The bill requires that the Denver Airport Authority and Denver International Airport (DIA) ensure accessibility for travelers with disabilities. The bill establishes the following deadlines and requirements:

- By March 30, 2024, establish an advisory committee, incorporate wayfinding technology for the visually impaired, and confer with the disabled community and the community access steering committee during the construction of walkways and other facilities.
- By January 1, 2026, create and maintain an electronic dashboard to report and track basic access shortcomings and violations.
- By December 31, 2026, provide appropriate training for staff, and create a seamless check-in procedure for disabled travelers.
- By June 30, 2030, install and maintain accessible restrooms.
- By December 30, 2030, ensure an adequate number of belt loaders for mobility devices and use elevators to transport power chairs from the tarmac to the jetway.

The Division of Aeronautics in the Colorado Department of Transportation (CDOT) may penalize the authority and DIA, and issue fines for noncompliance. If a violation is uncured within 30 days, CDOT may levy a fine of up to \$3,000 for the first offense, and up to \$7,000 for each subsequent offense. A person alleging damages resulting from violations may also bring a civil action in the trial courts of the Judicial Department.

State Revenue

The bill authorizes CDOT to levy fines on the airport authority and DIA for violations, and allows persons alleging damages to bring civil action in the courts. This fiscal note assumes that the deadlines in the bill generally give the authority and airport enough lead time to meet all compliance requirements, and that actual instances of enforcement actions by CDOT, or civil actions in the Judicial Department, will be few. Given those deadlines for compliance, revenue from fines issued by CDOT or the courts could begin in FY 2026-27. Fine revenue is assumed to be deposited in the General Fund, and is subject to TABOR.

Additionally, the bill may increase revenue to the Judicial Department from an increase in filing fees from civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

In FY 2025-26, the bill increases expenditures in CDOT by about \$51,000, paid from the Colorado Aviation Cash Fund. Expenditures are displayed in Table 2 and described below.

Table 2
Expenditures Under HB 24-1165

| | FY 2024-25 | FY 2025-26 |
|--|------------|-----------------|
| Colorado Department of Transportation | | |
| Personal Services | - | \$40,925 |
| Operating Expenses | - | \$640 |
| Computer programming | | \$9,750 |
| Centrally Appropriated Costs ¹ | - | \$9,587 |
| Total Cost | - | \$60,902 |
| Total FTE | - | 0.5 FTE |

¹ Centrally appropriated costs are not included in the bill's appropriation.

Colorado Department of Transportation. In FY 2025-26 only, the bill increases expenditures in the CDOT to adopt rules for a new program to monitor and enforce compliance on DIA and the airport authority. The department requires 0.3 FTE Administrator IV to create the new program and adopt rules. Assuming this work transitions to enforcement actions beginning January 2026, CDOT requires 0.2 FTE Compliance Investigator. This enforcement staff continues in future budget years; however, assuming a high degree of compliance with the bill's requirements by DIA and the authority, expenses for investigations and enforcement actions in future years may diminish. There is also a one-time cost of at \$10,000 to implement a new web-based financial tool to issue, collect, and account fine payments. This assumes about 65 hours of work at \$150/hour.

Department of Law. The Department of Law will have increased workload beginning FY 2025-26 to assist CDOT in adopting rules, and to represent the department in any enforcement actions. Since most of the accessibility requirements have deadlines in future budget years, any additional increase in legal services supplied to CDOT will be addressed during the annual budget process.

Judicial Department. The bill will have a minimal impact on the trial courts in future budget years to consider additional civil cases of persons alleging damages from violations of accessibility requirements. Assuming a high degree of compliance, civil filings are anticipated to be low.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Local Government

The bill creates specific requirements and deadlines on the airport authority and DIA to ensure accessibility of travelers with disabilities. This fiscal note assumes the City and County of Denver and the airport authority are currently budgeting for the changes outlined in the bill. No estimate of specific costs for these efforts is available to include in the fiscal note.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

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|----------------|-----|---------------------|
| Judicial | Law | Regulatory Agencies |
| Transportation | | |

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).