

Transportation Legislation Review Committee

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November 2021

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Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to:

- the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of that development;
- the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles; and
- any state agency or political subdivision of the state that regulates motor vehicles or traffic, including those that impose penalties for violating traffic statutes and rules.

The committee must meet at least once each year to propose and review transportation, traffic, and motor vehicle legislation. It is permitted to review any phase of operations of CDOT, a public highway authority, or a regional transportation authority, and may require these entities to prepare and adopt long-range plans and complete financial or performance audits. The committee may also conduct a post-operation review of any project completed by these entities to determine whether it was completed in the most cost-effective and efficient manner.

Committee Activities

During the 2021 interim, the TLRC toured the front-range urban corridor of the state to visit infrastructure projects, tour transportation facilities, and meet with stakeholders. In addition, the committee held two meetings at the State Capitol. The following subsections discuss the TLRC's actions during the 2021 interim.

Front-range urban corridor tour. As part of the committee's front-range urban corridor tour, the committee undertook discussions and tours with the following entities:

- CDOT I-25 gap construction site near Larkspur and the I-70 construction site near the National Western Complex in north Denver;
- Mountain Metropolitan Transit;
- ENVIDA;
- Denver Regional Council of Governments; and
- Green Latinos.

Public highway authorities. Representatives from the E-470, Northwest Parkway, and Jefferson Parkway Public Highway Authorities (PHA) provided overviews of their agencies.

- *E-470.* The E-470 PHA is a 47-mile corridor that serves as a beltway for Denver's east side. The highway was completed in 2003, and rolled out all-electronic tolling in 2009. Representatives of the E-470 Highway Authority updated the committee on the authority's work over the past year. Representatives discussed the organization's efforts to reduce toll fees, including freezing the toll

rate over the last three years, and complete roadway projects. They also highlighted their efforts to serve the Denver metro area and the economic impacts of their work on the region. In addition, they discussed recent legislation that makes it difficult to toll special mobile machinery because much of the machinery is on trailers or does not have license plates.

- *Northwest Parkway.* Representatives from the Northwest Parkway PHA provided an overview of their authority, which was established in 1999 to connect E-470 to US 36 over nine miles. They provided an update on current developments adjacent to the parkway, toll rates, traffic and accidents on the parkway, and solar projects. They also shared that the parkway recently received a score of 4.96 out of 5 on their recent annual safety inspection.
- *Jefferson Parkway.* The Jefferson Parkway PHA was established in 2003 to complete the last unbuilt portion of the 470 beltway in the northwest quadrant of the Denver metropolitan area. Representatives of the authority discussed the authority's history and the next steps the authority will undertake towards completion of the parkway. In addition, representatives discussed recent soil samples and hazardous materials in the area of the parkway, and shared that the Colorado Department of Public Health and Environment has cleared the way for future work on the project because the contamination has been sufficiently mitigated.

Colorado Motor Carriers Association. A representative from the Colorado Motor Carriers Association (CMCA) presented to the committee on the trucking industry's impact on the economy and environment. The representative discussed the impact of the I-70 closure through Glenwood Canyon on the supply chain and the actions that CMCA is taking to address higher drive times, price increases, and supply shortages. The representative also discussed the shortage of drivers in Colorado and efforts that the industry is taking to relieve the shortage. Finally, they recommended that the committee consider modifications to current laws regarding the definition of fluid milk products and the passenger traction law.

Colorado Department of Transportation. CDOT representatives updated the committee on the department's efforts to address the I-70 Glenwood Canyon closure. They shared the department's assessment of the damages and coordination with the Department of Public Safety to maintain safety and access on surrounding roadways. Representatives also shared that Colorado is under a state of disaster emergency due to the closures and has required federal funding to address the roadway damage. While the goal is to open the road by November 1, 2021, the department is also looking at options along Cottonwood Pass to relieve traffic re-routed due to the closure. CDOT also noted additional projects along the I-70 mountain corridor include avalanche mitigation and generator replacement in the Eisenhower Johnson Memorial Tunnels.

In addition, the department discussed Senate Bill 21-260 implementation activities, creating new branches within the department and updating transportation plans and project lists to prepare for additional funding. The representatives stated that there are also plans for new accountability and transparency requirements. CDOT noted that local communities recently received \$80 million of Multimodal Transportation and Mitigation Option funds. CDOT also awarded \$31.2 million of Revitalizing Main Streets funds to improve safety and provide long-term benefits to main streets in local communities.

Colorado Energy Office. A representative from the Colorado Energy Office (CEO) along with CDOT

updated the committee on the Colorado Greenhouse Gas Pollution (GHG) Reduction Roadmap goals. CEO discussed the efforts to achieve goals to reduce pollution by 12.7 million tons by 2030, including achieving low and zero emission vehicle standards, establishing new electrification and charging infrastructure enterprises, and implementing clean trucking strategies. CDOT stated that the Transportation Commission is receiving public input about reducing emissions in transportation planning. Statewide hearings are occurring during the comment period and ended October 7, 2021.

Regional Transportation District. A representative from RTD provided an overview of RTD's history and primary modes of transportation offered. The representative discussed the agency's 2021 to 2026 strategic plan, including how the agency plans to track outcomes regarding financial success, customer excellence, community values, and employee ownership. In addition, the discussion included the agency's efforts to recover from the effects of the COVID-19 pandemic. Finally, the representatives reviewed the agency's plans to conduct a fare study analysis and implement suggestions identified from the analysis.

Colorado Cross Disability Coalition. Representatives from the Colorado Cross Disability Coalition provided information on several issues related to transportation for individuals with disabilities, including transportation covered by Medicaid and the lack of accessible transit options with transportation network companies. Specifically, they discussed the need for more same-day, non-emergency medical transportation options that are not a bus or an ambulance. RTD representatives shared that they are proponents of Bus Rapid Transit, electric buses, and the continuation of CDOT's Bustang line.

Colorado Association of Transit Agencies. A representative from the Colorado Association of Transit Agencies (CASTA) provided an overview of the organization and the different types of transit in Colorado. They discussed the current challenges in transit as well as the impacts of the COVID-19 pandemic on ridership. The representative also highlighted the role that transit has played during the pandemic.

Colorado Department of Health Care Policy and Financing. Representatives from the Colorado Department of Health Care Policy and Financing (HCPF) provided an overview on medical transportation in the state and highlighted a new model for providing medical transport services, non-medical transportation (NEWT). NEWT includes transportation to and from medically necessary services covered by Colorado's Medicaid program for members who have no other means of transportation. Representatives shared that they have received customer and provider feedback on this model and that they are working to make service improvements. Representatives also discussed changes made to IntelliRide non-emergency medical transport services, which only serves nine counties as of August 1, 2021.

Division of Motor Vehicles Update. A representative from the Division of Motor Vehicles (DMV) in the Colorado Department of Revenue provided an update on division activities. To deal with the COVID 19 pandemic, the division stated that it has kept offices open by installing glass partitions; creating appointment-only walk in services; upgrading online services; shifting call centers to work from home; and offering driving tests through a third party vendor. The division will continue to expand online services through the MyDMV platform and MV Express kiosks, located outside of division offices. Finally, the DMV2GO pilot continues to provide services outside of division offices in Rio Blanco County, Boulder County, and through Project Homeless Connect using a traveling van.

Representatives continued by discussing additional changes including a new marketing campaign and design for licenses, as well as expansion of locations offering license and identification documents for individuals who cannot demonstrate lawful presence in the state. The myColorado app now contains additional documents, originally rolled out as a digital ID, and the division has a new information application for special license plates to explain the process. The DMV representative also discussed some of the challenges they face with the DRIVES system, and issues related to driver licenses, including making license requirements more rigorous to improve public safety.

Colorado Department of Public Safety. Representatives from the Colorado State Patrol and Colorado Department of Public Safety presented information on catalytic converter theft and cognitive impairment for drivers over the age of 50. According to the State Patrol, the incidence of catalytic converter theft has increased by 2,636 percent in Colorado since 2019. The State Patrol stated that thieves steal catalytic converters for the cash that precious metals in the converters bring on the recycling market and victims often face an expensive repair bill or unusable vehicle. The presenters suggested changing the law to better prosecute thieves and recover the total cost of theft.

Representatives continued by noting that drivers over 50 are increasingly involved in serious bodily injury and fatality crashes. Community partners, the State Patrol, University of Colorado Anschutz Medical Center, Occupational and Rehabilitative Therapy Consultants, and CDOT will evaluate the problem and make recommendations.

Hydrogen Development for Zero Emission Vehicles. Colorado Hydrogen Network, Toyota North America, New Day Hydrogen, and AAA Colorado provided information about hydrogen fuel production and the infrastructure necessary to support hydrogen vehicles. Representatives stated that hydrogen vehicles provide another zero-emission vehicle option to assist in lowering emissions in the transportation sector.

Local Government Use of Federal American Rescue Act Funds. Local government representatives from Colorado Counties, Inc., Associated Governments of Northwest Colorado, Colorado Municipal League, and Counties and Commissioners Acting Together provided information about how local governments plan to spend Federal American Rescue Act funds. Many local governments are seeking input on how to best spend funds and meet guidelines. Funds may be spent on public health response, negative economic impacts from the Covid-19 pandemic, premium pay for essential workers, water and sewer infrastructure, broadband infrastructure, and revenue losses. December 21, 2026 is the deadline for spending funds and completing work.

Northwest Mayors and Commissioners Coalition. Representatives from the Northwest Mayors and Commissioners Coalition provided information about the coalition. The coalition, comprised of local governments in the northwest part of the Denver metro area, focuses on regional transportation options for residents in the area. Recent projects include continued movement toward rail in the northwest part of the city, as well as funding for State Highways 119 and 7 in the area.

Committee Recommendations

As a result of committee discussion and deliberation, the Transportation Legislation Review Committee recommends the following two bills and resolution for consideration in the 2022 legislative session.

Bill A – Fluid Milk Products Not a Divisible Load. This bill clarifies that a load of fluid milk product carried by a vehicle is considered non-divisible for rulemaking purposes in Colorado, to conform to provisions in federal law concerning highway vehicle weight limitations. CDOT currently has a rule that classifies “bulk fluid milk products” as a non-divisible load, which is narrower than federal law, which defines “fluid milk products” as a load that cannot be easily dismantled or divided.

Bill B – Statewide Regulation of Controlled Intersections. Under current law, local governments may allow bicycles, electric scooters and other non-motorized vehicles to make safety stops at intersections under certain circumstances. A safety stop allows slowing to a speed of 15 miles per hour or less, and then continuing through an intersection without stopping if there is no traffic in which to yield. This bill establishes uniform requirements statewide that allow bicycles, electric scooters, and other non-motorized vehicles to make safety stops at intersections.

Resolution A – Study State and Interstate Highway Vehicle Weight. The maximum weight restriction for vehicles in Colorado is currently 85,000 pounds, except on the Interstate Highway System, where federal law authorizes a maximum weight of 80,000 pounds. This resolution requests Congress to allow the State of Colorado to analyze harmonizing the maximum vehicle weight for trucks on the Interstate Highway System in Colorado with that of other state highways, and to move forward with this harmonization if the analysis concludes it is in the best interest of Colorado to do so.