



Legislative  
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**HB 20-1151**

# FINAL FISCAL NOTE

**Drafting Number:** LLS 20-0779  
**Prime Sponsors:** Rep. Gray  
Sen. Winter

**Date:** July 9, 2020  
**Bill Status:** Deemed Lost  
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**Bill Topic:** **EXPAND AUTHORITY FOR REGIONAL TRANSPORTATION IMPROVEMENTS**

**Summary of Fiscal Impact:**

|   |  |
|---|--|
| <input type="checkbox"/> State Revenue                | <input type="checkbox"/> TABOR Refund                                |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government                 |
| <input type="checkbox"/> State Transfer               | <input checked="" type="checkbox"/> Regional Transportation District |

The bill would have allowed transportation planning organizations to exercise the powers of regional transportation authority by adopting a resolution. The bill prohibited the Department of Transportation from taking into account additional funding received by transportation planning organization acting as a regional transportation authority when allocating state transportation funding. The bill would have increased state workload on an ongoing basis and may increase local government revenue.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

## Summary of Legislation

Current law allows municipalities and counties to join together to create regional transportation authorities (RTAs) to finance, construct, operate, or maintain a regional transportation system. This bill allows transportation planning organizations (TPO) to act as RTAs by adopting a resolution. If a TPO decides to adopt a resolution to exercise the powers of an RTA, the resolution must include:

- the regional transportation systems that the TPO plans to provide, such as transit; and
- the boundaries of the proposed RTA, which, without their consent, may not include municipalities or unincorporated areas of counties that are not members of the TPO.

TPOs are subject to the all the requirements and limitations of RTAs and several other laws, including notice requirements, public hearings, intergovernmental agreements, and voting requirements. However, when context indicates that a requirement or limitation cannot reasonably be applied to a TPO, the requirement or limitation does not apply to a TPO acting as an RTA.

In addition, the Department of Transportation (CDOT) and the Transportation Commission may not take into account any additional funding received by TPO acting as a RTA when allocating state transportation funding. CDOT must provide evidence that any state transportation funding to a TPO has not been reduced when submitting its annual proposed budget allocation plan.

## Background

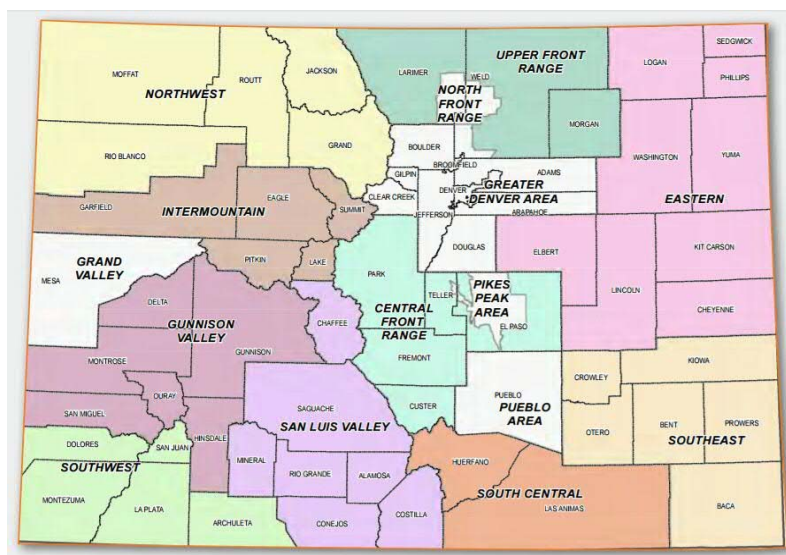
**Regional transportation authorities.** RTAs must be approved by the registered electors within the boundaries of the proposed authority. Once approved, RTAs can finance, construct, operate, or maintain regional transportation systems. If an authority's proposed transportation system affects, alters, or negatively affects the road systems controlled by CDOT, the Regional Transportation District (RTD), or any bordering entities, the impacted entity may enter into an intergovernmental agreement with the authority to address the identified services before submitting a proposal to registered electors. Regional transportation authority boards may also create local improvement districts within their boundaries to facilitate the financing, construction, operation, or maintenance of regional transportation system improvements.

State law authorizes regional transportation authorities to establish, collect, and increase or decrease tolls, rates, and charges to finance a transportation system. Authorities may levy sales taxes, impose an annual motor vehicle registration fee, levy a visitor benefit tax, impose a property tax, establish regional transportation activity enterprises, and issue bonds. Authority taxation questions and multi-year debt questions must be submitted to the registered electors residing within the authority's boundaries for approval.

Five regional transportation authorities currently exist in the state: Gunnison Valley Rural Transportation Authority; Pikes Peak Rural Transportation Authority; Roaring Fork Regional Transportation Authority; San Miguel Authority for Regional Transportation; and South Platte Valley Regional Transportation Authority.

**Transportation planning organizations.** There are ten Transportation Planning Regions and five Metropolitan Planning Organizations in Colorado that are considered TPOs. These planning regions identify transportation priorities within their region, which are incorporated into the statewide transportation plan. Figure 1 below provides a map of these regions.

**Figure 1**  
**Colorado's Transportation Planning Organizations**



Source: Colorado Department of Transportation

**Statewide transportation funding.** The decision-making authority for the majority of state transportation revenue rests with the Transportation Commission, which is responsible for allocating funds from the State Highway Fund (SHF). The Transportation Commission is responsible for formulating the general policy related to the management, construction, and maintenance of the state highway system. The commission promulgates and adopts CDOT's budgets and programs. It has the authority to set and change short-term and long-term budget priorities, allowing it to shift funding among projects and regions within the state.

## State Expenditures

The bill increases workload for CDOT and the Department of Local Affairs (DOLA) beginning in FY 2020-21.

**Department of Transportation.** The bill increases workload for CDOT to review any authorizing resolutions in order to ascertain if a new authority's proposed transportation system affects, alters, or negatively affects the road systems controlled by CDOT. The bill also increases workload to provide evidence that any additional funding raised by a TPO is not factored into CDOT's budget allocation decisions. Funding from the SHF is allocated by the Transportation Commission, which will adjust any funds that result from a increase in CDOT workload.

**Department of Local Affairs.** The bill minimally increases workload for DOLA beginning in FY 2020-21. The Division of Local Government in DOLA issues certificates to duly formed RTAs. The division also provides information and advice to RTAs regarding various laws affecting local governments. Any increase can be accomplished within existing appropriations.

## Local Government

To the extent that TPOs pass resolutions to become RTAs and the registered electors of the TPOs approve taxation and multi-year debt questions, local government revenue may increase.

## Statutory Public Entity

**Regional Transportation District.** The bill increases workload for RTD to review any authorizing resolutions in order to ascertain if a new authority's proposed transportation system affects, alters, or negatively affects the transit systems controlled by RTD.

## Effective Date

The bill was deemed lost on June 16, 2020.

## State and Local Government Contacts

|                |                                  |
|----------------|----------------------------------|
| Counties       | Local Affairs                    |
| Municipalities | Regional Transportation District |
| Transportation |                                  |