



MEMORANDUM

TO: Transportation Commissioners, Executive Director, Senior Management Team, Branch Managers, and Office Directors
FROM: Andy Karsian, Office of Policy & Government Relations
DATE: May 20, 2016
SUBJECT: 2016 Regular Session of the General Assembly: Final Report

Summary

On May 11, 2016, the General Assembly adjourned bringing the final session of the 70th General Assembly to a close. Legislators introduced 686 bills and CDOT took positions on and/or monitored 48 bills this session that impacted the department or transportation public policy.

Table 1 summarizes CDOT supported or opposed bills, as well as other key legislation affecting CDOT operations and personnel. This memorandum summarizes all bills with CDOT impacts that were debated during the session, with specific emphasis on the following policy areas:

- [CDOT legislative agenda bills and budget](#) (pages 2-3);
- [transportation finance](#) (page 4);
- [traffic and motor vehicle law](#) (page 4-5);
- [Off Highway Vehicles](#) (page 5);
- [Transportation Commission and STAC](#) (page 5);
- [transportation planning](#) (page 5);
- [aviation](#) (page 6);
- [transit and rail](#) (page 6);
- [state administration](#) (page 6-7);
- [headquarters](#) (page 7);
- [Memorials](#) (page 7).

If you have questions regarding this memorandum or legislation, please contact Andy Karsian at (303) 757-9703 or andy.karsian@state.co.us.



Table 1.

**Key Legislation Impacting CDOT
2016 Regular Session**

Bill Number	Short Title	Final Legislative Action	CDOT Position/Action
<i>Supported Bills</i>			
HB 16-1008*	Roadway Shoulder Access for Buses	Enacted	Support
HB 16-1031	Modify Transportation Commission Boundaries	Enacted	Support
HB 16-1039	Winter Driving I-70 Tread Depth and Tire Chains	Postponed Indefinitely	Support
HB 16-1186	MAP 21 Rail Fixed Guideway Safety Fund Grant Match	Enacted	Support
HB 16-1273*	Authorize Parking Enforcement at CDOT Park-n-Rides	Postponed Indefinitely	Support
HB 16-1298*	Vehicle Height, Length and Weight	Enacted	Support
HB 16-1405	Long Bill Appropriation	Enacted	Support
HB 16-1416	State Infrastructure General Fund Transfers	Enacted	Support
HB 16-1420	Hospital Provider Fee Enterprise	Postponed Indefinitely	Support
HB 16-1450	Allocate Additional Available State Revenues	Postponed Indefinitely	Support
<i>Opposed Bills</i>			
HB 16- 1134	Service Disabled Veteran Owned Business Procurement	Postponed Indefinitely	Oppose
HB 16- 1143	Red Light Camera Prohibition	Postponed Indefinitely	Oppose
HB 16- 1205	Motorcycle Land Splitting	Postponed Indefinitely	Oppose
SB 16- 011	Repeal FASTER Fees for Transit	Postponed Indefinitely	Oppose
SB 16- 123	Free Access to HOV Lanes	Postponed Indefinitely	Oppose
<i>Neutral with Concerns/ Sought Amendments</i>			
HB 16-1020	No Drones Near Airports or Jails	Postponed Indefinitely	Amended
HB 16-1029	KEI Vehicle Registration	Postponed Indefinitely	Amended
HB 16-1106	County Authority to Designate Pioneer Trails	Enacted	Amended
HB 16-1172	Efficiency and Accountability Committee in CDOT	Enacted	--
HB 16-1106	County Authority to Designate Pioneer Trail	Enacted	Amended
HB 16-1303	Regional Transportation Authority Annexed Vacant Land Sales Tax	Postponed Indefinitely	--
HB 16-1315	Allow Seaplanes in State Parks Like Motorboats	Postponed Indefinitely	--
HB 16-1325	Caucus and Election Dates on Variable Message Signs	Postponed Indefinitely	Amended
SB 16- 008	Municipal State Highway Off-Highway Vehicles	Enacted	Amended
SB 16- 210	Fix Colorado Roads Act	Postponed Indefinitely	--

*CDOT legislative agenda bill.



CDOT Legislative Agenda Bills

This year, CDOT’s legislative agenda included three bills, one budget decision item, and four capital requests. Five of those eight requests were approved by the General Assembly and became law. Three capital construction requests were not funded. Table 2 summarizes the full legislative agenda and outcomes from the session.

**Table 2.
CDOT Legislative Agenda
2016 Session**

Summary	Request Amount	Final Action
<i>Bill Requests</i>		
Roadway Shoulder Access for Buses (HB1008)	---	Signed Into Law
Vehicle Height, Length and Weight (HB1298)	---	Signed Into Law
Authorize CDOT Parking Enforcement (HB1273)	---	Died in Senate
<i>Budget Decision Item Requests</i>		
Ensure Senate Bill 09-228 Transfers	\$358M	Approved
Additional Marijuana Revenue for Public Safety Awareness	\$500,000	Approved
<i>Capital Development Committee Requests</i>		
Referendum C Annual Transfer to CDOT	\$500,000	\$500,000
I-25 Fiber Optics Infrastructure	\$6.0M	---
Mountain Pass Safety Improvements	\$2.5M	---
I-70 Fall River Road Pedestrian Bridge	\$899,828	---

House Bill 16-1008 (Roadway Shoulder Access for Buses). HB-1008 specifies that buses are allowed to pass slow traffic when roadway shoulders are designed and managed as passing lanes on the highway, such as US36. Other vehicles may not pass on the shoulder and any shoulders designed for buses must have adequate signage and safety measures in place prior to buses running on the roadway shoulder.

House Bill 16-1298 (Vehicle Height, Length and Weight). At the beginning of the legislative session, the federal government passed the FAST Act, a transportation bill which updated language concerning the height, length and weight of specific vehicles, primarily freight vehicles. HB1298 codified the federal changes in state statute as well as allowed CDOT to designate on a website map bridges that are not 14’ 6” tall.

House Bill 16-1273 (Authorize CDOT Parking Enforcement). There is no authority for CDOT to enforce 24 hour parking rules at department Park-n-Rides. With the BUSTANG ridership increasing and other transit providers using Department parking spaces, the need for enforcement on short term 24 hour parking is necessary. Unfortunately, this year the legislature disagreed that the Department should have this authority and the bill died.



Transportation Finance

House Bill 16-1067 (Regional Transportation Authority Mill Levy). This bill would have extended the authority for RTAs to impose a mill levy to 2019. The bill died in the Senate Transportation Committee.

House Bill 16-1138 (Continuation of SB 228 Transfers). This bill allowed for SB228 transfers to continue after the statutory five year timeline if during any of those year the transfers were reduced. The bill died in the House Transportation Committee.

House Bill 16-1186 (MAP-21 Rail Fixed Guideway Safety Fund Grant Match). This bill allocated matching funds for federal dollars spent on rail fixed guideway safety systems. The bill was sent to the Governor.

House Bill 16-1303 (Regional Transportation Authority Annexed Vacant Land Sales Tax). This bill sought to prohibit a regional transportation authority (RTA) from collecting sales taxes on an annexed piece of vacant land if the entity/local government annexing the property is not part of the RTA. The bill died in House Judiciary committee.

House Bill 16-1415 (Driver and Motor Vehicle Services). This bill allocated \$3.2M off the top HUTF funding to the Department of Revenue for increased costs to the Division of Motor Vehicles. While the original bill proposed an ongoing transfer, the final approved version only allows a one year transfer. The bill was sent to the Governor.

Long Bill and Budget Decisions (House Bill 16-1405 and House Bill 16-1416). During the budget debates legislators offered many amendments to HB1405 that impacted transportation funding. CDOT successfully protected the Department budget from additional cuts, as well as, the Department's ability to build new headquarter buildings around the state. Additionally, in HB1416, CDOT secured, in a very tight budget year, an allocation of SB228 funds, \$198M for FY15/16 and \$158 for FY16/17. Beginning in FY17-18 the SB228 formula will revert back to the original 228 statutory formula.

House Bill 16-1420 (Hospital Provider Fee). This bill sought to classify the hospital provider fee revenue in Colorado's general fund as an enterprise. This would have removed these funds from the TABOR spending limit freeing up space to allow for hundreds of millions of dollars to be spent on existing programs. The bill would have eased budget pressures and allowed for full transfers of SB228 funding for future years. The bill died in Senate Finance committee.

House Bill 16-1450 (Allocate Additional State Revenue). This bill would have allocated the new revenue from the Hospital Provider Fee, if HB 1420 passed. The bill provided an additional \$50M to the HUTF in FY16, and dedicated an additional 20% of the savings from the hospital provider fee legislation in FY 20 to be spent on specific road projects listed in the bill. The bill died in the Senate Finance Committee.

Senate Bill 16-011 (Terminate Use of FASTER Fee Revenue for Transit). This bill diverted the FASTER transit revenue to the FASTER road safety funding stream. The bill died in the House Transportation Committee.

Senate Bill 16-030 (Motor Vehicle Weight Violation Surcharges). This bill charges a flat 16% surcharge on overweight vehicle penalties instead of the previous tiered surcharge rate. The bill was sent to the Governor.

Senate Bill 16-194 (Regional Transportation Projects). This bill sought to help smaller infrastructure projects get off the ground by diverting a state sales tax increment towards financing the project. Local governments would have worked together with CDOT to determine the scope of the project and the Transportation Commission would have approved the projects after a public hearing. The bill died in the House Finance Committee.

Senate Bill 16-210 (Fix Colorado Roads Act). This bill asked voters to allow CDOT to bond for \$3.2M of infrastructure projects around the state and would have partially funded the bonding with general fund revenue. With the funding source added to the bill, it was considered an improved version of the bill from the prior session



and CDOT was neutral on the bill this year. That did not help the end result and the bill died in the House State Affairs Committee.

Traffic and Motor Vehicle Law

House Bill 16-1029 (Register and Title Kei Vehicles). This bill would have allowed Kei vehicles (small trucks from Japan) to be registered and titled for Colorado roadways. The bill died in House Transportation committee.

House Bill 16-1039 (Requirement for Tire Treads and Traction Devices on I-70). This bill would have required tires to have a 1/8 inch tire tread or a CDOT approved traction control device when driving in winter weather along the I-70 corridor between Morrison and Dotsero. The bill died in Senate Transportation Committee.

House Bill 16-1143 (Red Light Cameras). This bill banned governmental entities from using red light cameras for traffic safety enforcement. CDOT amended language into the bill that allowed for tolling cameras to continue in the state. The bill died in House State Affairs committee.

House Bill 16-1205 (Motorcycle Lane Splitting). This bill would have allowed motorcycles to split lanes when traffic was below 15 mph. The bill died in House Transportation Committee.

House Bill 16-1325 (Caucus and Election Dates on Variable Message Signs). This bill would have required CDOT to post voting information for caucus, primary, and Election Day times/dates on our variable message signs. The bill died in the House Transportation Committee.

Senate Bill 16-018 (Motor Vehicle Impede Traffic). The bill made it an offense to impede five or more cars on 'normal or reasonable forward movement'. The bill died in Senate Transportation Committee.

Senate Bill 16-123 (Free Access to HOV Lanes). This bill would have limited the use of switchable transponders in HOV lanes and delayed the implementation of HOV3+ for a year. CDOT pledged to implement various parts of the bill administratively including motorcycles riding free in HOV lanes, and no charge for transponders if only used for HOV purposes. After CDOT's commitment to address the issue administratively, the bill died in the House Transportation Committee.

Off Highway Vehicles

Senate Bill 16-008 (Off Highway Vehicle State Highway Crossings in Municipalities). This bill sets up a consultation between the regional CDOT staff and the municipality and protects CDOT's final say on the safety of a planned OHV crossing of a state highway located within a municipality's boundaries. The bill was sent to the Governor.

Transportation Commission and STAC

House Bill 16-1018 (Transportation Advisory Committee Procedures). This bill clarified that the Statewide Transportation Advisory Committee provides advice to the Department and the Transportation Committee. The bill was sent to the Governor.

House Bill 16-1031 (Modify Transportation Commission Membership). This bill set up a study for CDOT and the legislative affairs office to review existing Transportation Commission boundaries and make recommendations to the Transportation Legislative Review Committee before the next legislative session. The bill was sent to the Governor.

HB16-1169 (UTE Membership on STAC). This bill clarified that the Southern Ute tribe and the Mountain Ute tribe are separate members of the STAC. The bill was sent to the Governor.



HB16-1304 (Transportation Priorities Community Conversations). This bill put forward an idea of holding public meetings in the different transportation commissioner districts to discuss community project priorities and how to fund them. The bill died in the Senate State Affairs committee.

Transportation Planning

House Bill 16-1061 (Military Installation Transportation Planning). This bill requires coordination with and full consideration of military installations when forming the statewide transportation plan. The bill formalizes existing processes in the planning regions that have military installations. The bill was sent to the Governor.

Aviation

House Bill 16-1020 (No Use of Drones near Airports or Jails). This bill tried to define parameters on how to regulate drones near areas where they could cause harm. The bill died in the House Judiciary Committee.

House Bill 16-1315 (Allow Seaplanes in State Parks like Motorboats). This bill sought to permit seaplane use of state waters. Concerns over invasive species and regulation killed the bill which died in the House Transportation Committee.

Transit and Rail

House Bill 16-1136 (Multiple Crew Members Required for Freight Trains). This bill required at least two crew members to be aboard a freight engine or light engine and created state penalties. The bill died in the Senate State Affairs committee largely because of federal requirements already in place.

State Administration

House Bill 16-1002 (Employee Leave Attending Child's Academic Activities). A 2009 bill allowing parents to take leave from work to attend their children's educational activities expired in September, 2015. This bill reenacted the 2009 bill and included leave for preschool activities and school counseling. The bill died in the Senate State Affairs committee.

House Bill 16-1134 (Service Disabled Veteran Small Business in Procurement). This bill would have required state departments to procure 3% of the state's services or goods using service disabled veteran small businesses. The bill was amended to just include a study from the Secretary of State's office, however, the bill died in the House Business Affairs Committee.

House Bill 16-1147 (Reduce C-SEAP Wait Times for Services). This bill dedicated funding to reducing the wait time for receiving services under the Colorado State Employee Assistance Program. The bill died in the House State Affairs Committee.

House Bill 16-1172 (CDOT Efficiency and Accountability Committee). CDOT disbanded this committee a few years ago, however, as the committee is named in statute, an audit finding said CDOT must reinstate the committee. The bill adds new members, such as legislators, local governments and good governance organizations, to the committee. The bill was sent to the Governor.

House Bill 16-1281 (Payroll System to Pay State Employees Twice a Month). In July 2017, the Executive Branch would move to a statewide system that will modernize payroll. The bill proposed all state employees be paid twice a month beginning in FY17. The bill died in the Senate Finance Committee.

House Bill 16-1451 (Procurement Code Working Group). Creates a working group to examine the Colorado Procurement Code and make recommendations on updating it. CDOT will be part of the working group. The bill was sent to the Governor.



Senate Bill 16-037 (Public Access to Digitally Stored Data under CORA). This bill sought to expand the types of information available under the Colorado Open Records Act and allowed access to online storage locations, and/or sensitive databases. The bill died in the Senate State Affairs committee.

Senate Bill 16-056 (Enhanced Whistle Blower Protections). The bill expanded whistle blower protections to allow for some additional confidential information and information not covered by CORA. The bill was sent to the Governor.

Senate Bill 16-076 (Repeal Employment Verification Standards). Repeals the statutory language requiring Colorado's Employment Verification form to be completed by employers. The bill died in the Senate Business Affairs committee.

Senate Bill 16-122 (More Oversight of the Department of Transportation). This bill institutes some findings from the recent FASTER audit, as well as provides for a performance based risk audit of the Department in the future. Some additional requirements that are part of the bill include closing out projects within one year of substantial completion, reporting winning contract bids on CDOT's website; reporting to the legislature any policy amendments to the statewide transportation plan and percentages and total amounts expended on construction during the last fiscal year.

Headquarters

Senate Bill 16-109 (State Patrol Facility in Pueblo). This bill directs the Capital Development Committee to hear State Patrol's plan for relocating in Pueblo. CDOT and State Patrol will collocate in the new Region 2 headquarters. The bill was sent to the Governor.

Memorials

House Bill 16-1060 (Colorado State Patrol Roadside Memorials). This bill allows for permanent memorial signs for State Patrol officers who died along state and federal highways. The signs would be permanent with approximately 30 signs statewide, with 7 posted along I-25 and I-70. The bill was sent to the Governor.

