

Chapter 2 SETTING

2.1 Locations and Topographical Description Pertinent to Colorado's Highways

Colorado's climate and natural features offered road builders challenges few states could duplicate. Extending nearly 400 miles from east to west and nearly 300 miles from north to south, Colorado is the nation's eighth-largest state. Dividing this nearly perfect rectangle is the continent's largest mountain range. The state numbers 1,500 peaks rising 10,000 feet or more in elevation. Colorado has a mean altitude of 6,800 feet – higher than any other state. Colorado's broad high plains, occasional sand hills and isolated mesas do not receive as much recognition internationally as the Rockies, but each of these topographical features defines that section of the state's unique character (Workers of the Writers' Program, 1987: 4).

2.2 General History of Mining, Settlement and Political Organization

For much of the past 2,000 years of known history, many indigenous peoples migrated over the region's prairies, mountains, and mesas. Many archaeologists and historians believe the Ute Indians inhabiting the southern Rockies in approximately 1500 A.D. represents Colorado's first continual settlement.

From the mid-15th to the early 19th century, the Spanish and French Empires both laid claim to the region, but rumors of gold and silver did little to encourage permanent settlement. By 1706 the eastern plains of modern Colorado were claimed by Spain and named the Province of San Luis. Resulting from the Louisiana Purchase of 1803, the United States acquired from France a vast area including what is now most of eastern Colorado. Under orders of President Thomas Jefferson, Lieutenant Zebulon M. Pike and a small party of U.S. soldiers explored the southwestern boundary of the Louisiana Purchase in 1806-07 (Athearn, 1976: 1-2).

In Pike's wake, fur trappers, or mountain men, followed to establish commerce on the far edge of the America's territorial possessions. A number of New Mexico-bound fur

traders crossed southeastern Colorado in the early 1800s and, a few years later, trappers like Jim Bridger made their way into the mountains in search of beaver pelts. Trading posts — better known as forts — soon sprang at the base of the foothills. Located on the lower Arkansas River near modern La Junta, the most famous of these posts, Bent's Fort, served as the hub of frontier civilization during the 1830s and 1840s (Workers of the Writers' Program, 1987: 35).

While the development of the state highway system linked varied landforms and people, the most well traveled route in the state remains centered in a 30-mile-wide band from north at the Wyoming state line south to the New Mexico border. With the exception of Grand Junction, most of Colorado's main cities and towns hug the eastern side, better known as the Front Range, of the Rocky Mountains. The first Euro-Americans established this settlement pattern more than 150 years ago as they depended on the streams headed out of the Rockies toward the plains to survive. These stream's valleys also provided a route for the region's other important commercial endeavor. The flat valleys leading into the Rockies offered the easiest routes for speculators following after the next big gold, silver or other mineral strike (Workers of the Writers' Program, 1987: 6).

The region's relative isolation gradually vanished once stories made their way back east of gold discoveries along the Front Range of the Rocky Mountains during the early 1850s. By the end of the decade, a miner from Georgia, Green Russell, discovered small placer gold deposits near the confluence of the South Platte River and Cherry Creek. Rumors and subsequent gold strikes did more than ignite Colorado's first major population migration, it led to the establishment of the region's first social and political organization. On November 6, 1858, a score of prospectors met and organized the gold fields scattered around Russell's find as Arapahoe County, Kansas Territory. The miners elected delegates to sit in both the territorial legislature and the U.S. Congress in Washington, DC. To expedite the resolution of personal clashes or mining claims, the gold seekers established the first Peoples' and Miners' Courts. In 1859, prospectors and

settlers organized Jefferson Territory without sanction of Congress to govern the often-unruly gold camps. Increasing numbers of migrants convinced the U.S. Congress to establish Colorado Territory along the boundaries of the present state in 1861. That spring, President Abraham Lincoln appointed William Gilpin as first territorial governor. By July, Colorado Territory organized its first Supreme Court and selected delegates to send to Congress. As the territorial population numbered 25,371, in September 1861, the first Territorial Assembly met and divided Colorado into 17 counties. (Workers of the Writers' Program, 1987: 42, 467-9).

The state's political structure duplicates the federal system of executive, legislative and judicial branches. The state constitution reflects the spirit of the Miners and Peoples' Courts of the early 1860s where the rights of the individual held forth. Along with water and irrigation rights, Colorado's early legislators debated issues of transportation and how to connect the isolated state with the rest of the nation. In 1865, Territorial Assembly passed an act regulating toll roads and two years later voted small amounts for road improvements. It would take the next advance in transportation – and another four decades – before the state legislature directed any serious attention toward highway construction (Workers of the Writers' Program, 1987: 47).

2.3 The Colorado Highway Commission and Succeeding Agencies

Making themselves known over the rattle of an increasing number of engines, the influential voices of Colorado's first car owners lobbied the state's General Assembly to establish a state authority over highway construction and development in 1909. First known as the Colorado Highway Commission, at various times over the next 90 years the General Assembly changed the commission's name and direction in response to increasing traffic and the ever-growing role of the federal government in highway construction.

On May 5, 1909, the General Assembly created the Colorado Highway Commission (L. 09, Ch. 57). Appointed by Governor John F. Shafroth, the three-man commission of C.P. Allen of Denver, William M. Wiley of Holly, and Thomas H. Tulley of Durango,

selected James E. Maloney as the commission's first secretary and engineer. Operating with an initial budget of \$50,000, the commission's first goal was to conduct a general survey of the state's roads and apportion state aid to the counties. The new law stated that no county would receive state aid unless it agreed to raise and expend an amount equal to twice the amount apportioned by the State Highway Commission (Hafen, 1931: 14). Meeting for the first time on January 17, 1910, the new Colorado Highway Commission gathered 23 times in Room 27 of the State Capital in Denver during their first 12 months to map and plan the state's highway system (Merchant, 1955: 76).

The commission did the best they could with their initial \$50,000, but road construction in Colorado would end before it ever got started without more money. Automobile clubs and other enthusiasts put a \$10,000,000 bond issue on the ballot for constructing and improving highways in 1913. Most Coloradoans had yet to own an automobile and rejected the initiative as a state subsidy of the rich. In spite of the loss at the ballot box, the state legislature reorganized the State Highway Department in 1913 (L. 13, Ch.88) and establishing a number of precedents crucial to the Highway Department's future. Financially, the legislature established a continuing appropriation for state roads and turned all the accumulated money in the State's Internal Improvement Fund to the state's highways. The money from the Internal Improvement Fund increased the Highway Department's annual budget to \$766,311. The 1913 Act also directed the governor to appoint a State Highway Commissioner. The commissioner would oversee operations assisted by a highway advisory board regarding road development and maintenance. Finally, the 1913 measure enacted the first laws regarding the registration and licensing of motor vehicles. The first license fee varied from \$2.50 to \$10, depending on the horsepower of the car. The state and the 62 Colorado counties then in existence divided the collected licensing revenue (Hafen, 1931: 14).

Between 1914 and 1922, the General Assembly initiated measures providing additional revenue for highway construction. In 1914, voters approved a half-mill state tax for highway construction. The State Highway Commission distributed 50 percent of the tax money to counties and retained 50 percent for state highway expenditures. Five years

later, the General Assembly levied an additional half-mill and Colorado became one of four states to introduce a gasoline tax to build better roads. The initial 1919 measure provided for a one-cent-per-gallon tax before it rose to four cents a gallon by the end of the 1920s. In 1920, and again in 1922, voters approved multi-million-dollar bond issues to take advantage of the Federal Highway Act of 1916. Only one in 10 Coloradans owned a car in 1920, but attitudes toward public funding of highways changed drastically in less than a decade (Maloney and Reedy, 1929).

While establishing state taxes for construction helped with small projects, most involved with highways realized that the federal government was going to determine and fund most of Colorado's future construction programs. In 1917, reacting to the Federal Public Roads Act of the previous year, the Colorado General Assembly created the State Highway Department (L. 17, Ch. 78). In repealing the previous act, the 1917 legislation that established the State Highway Commission consisting of an executive director, a five-member Highway Commission, and staff appointed by the governor. The General Assembly also created a specific State Highway Fund and gave the commission authority to approve highway construction projects (Colorado State Archives, c. 1975: 1).

The General Assembly again reshaped and expanded the internal bureaucracy of the commission in 1921. The new law created a State Highway Department, placing the State Highway Engineer as the head executive officer. The law divided the state into seven districts with a member of the advisory board appointed from each district for a term of three years (Maloney and Reedy, 1929: 6-7).

In the mid-1920s, the Highway Department derived revenues from five sources: federal aid, an Internal Improvement Tax, a motor-vehicle tax, a gasoline tax, and a one-half-mill levy (Weiser, April 1924: 7). By the decade's close, the state was spending nearly \$2.5 million annually on highways. After the federal government added matching funds to the state appropriations, highway funds were roughly equal to a fourth of the state's total expenditures (Noel, 1987: 43).

Public works progress and a voter-approved bond kept construction going during the Depression years. In 1935, Colorado voters approved a \$25,000,000 anticipation warrant issued for road construction. The bond helped match federal highway funds and was eventually paid off by the mid-1950s (Colorado Department of Highways, 1954: 12).

A post-war rush of people and cars to Colorado produced the next transformation of the state highway authority. In 1952 the General Assembly created the Department of Highways (L. 52, Ch. 57) replacing the State Highway Department. Colorado's governor appointed the chief engineer to serve as the chief administrative officer of the department and an eight-member State Highway Commission replaced the Highway Advisory Board. The governor appointed commission members from eight different regions to serve staggered four-year terms (Colorado Department of Highways, 1954: 14).

The department remained in place during the Interstate years of the 1950s and 1960s. By 1968 the General Assembly passed legislation creating a reconstituted State Department of Highways (L. 68, Ch. 53). The 1968 Act entrusted the Governor to appoint an executive director to head the department and transferred the State Highway Commission to the State Department of Highways. The law placed a number of highway responsibilities under two separate authorities: the Division of Highways and the Division of the Colorado State Patrol. Former Department of Highways personnel and the chief engineer transferred from the department to the newly created Division of Highways. In 1971, an amendment to the Colorado constitution (L. 71, Ch. 29) authorized the governor to appoint the Division of Highway's executive director and chief engineer (Colorado State Archives, c. 1975: 4). Over the next two decades, the only substantial change to this system resulted from the transfer of the Colorado State Patrol from the Highway Department to the newly created Department of Public Safety in 1983 (Colorado Department of Transportation, 2000(a): 42).

Since the middle 1970s, the legislature occasionally considered bills to establish a state Department of Transportation that would oversee highways, public transportation and

aeronautics. After many deaths on the floor of the legislature, the Department of Highways most recent incarnation came as the Colorado Department of Transportation in 1991. The Department of Transportation is managed under the direction of the Transportation Commission, headed by an executive director. The Transportation Commission is composed of 11 commissioners representing specific districts. After confirmation by the State Senate, the governor appoints each commissioner to a four-year term. Among its many duties, the commission formulates general policy regarding construction and maintenance of state highways and transportation systems, advising and making recommendations to the governor and the General Assembly relative to transportation policy and adopting transportation budgets and programs (Colorado Department of Transportation, 2000(a): 40).

By the century's close, CDOT received funding from four main revenue sources: the State Highway Users Tax Fund (HUTF), Senate Bill 97-001, the Federal Highway Users Trust Fund and miscellaneous funds such as interest, fees, and gaming funds. The primary source of revenue for the state transportation system is the HUTF. This fund consists primarily of revenue from motor fuel taxes (75 percent), motor vehicle registration fees, and driver's license fees. Passed in 1987, revenue from HUTF grew an average of 2.8 percent per year during the 1990s due to an increased number of registered motor vehicles. Since 1996, all General Fund revenue allocated to transportation by the legislature went directly to CDOT; this is not the case with the HUTF. Prior to distribution to CDOT, the legislature appropriates funds to other state agencies related to the HUTF, including the Department of Revenue and the Colorado State Patrol. These appropriations to other agencies are referred to as "off-the-top" deductions. The remaining funds are then allocated among the cities and counties and to CDOT. In fiscal year 2000, the state's total HUTF was \$715 million, of which \$398 million was available to CDOT. Since 1987, the percentage of state revenue directed toward transportation increased from 48.5 percent to 69 percent in 1999. Conversely, in 1987, 48.3 percent of CDOT revenue came from Washington. Resulting from legislative measures directing more General Fund revenue toward transportation, federal aid to Colorado's highways

dropped to 31 percent by the end of the 1990s (Colorado Department of Transportation, 2000(a): 31).

Another important source of funding resulted from the State Legislature passing Senate Bill 97-001 in FY 1997. This legislation went into effect in July 1997 (and originally scheduled to end in 2002), allocating 10 percent of the proceeds from sales-and-use taxes to the State Highway Funds. The 10 percent is the estimated amount of sales-and-use taxes generated by the sales of motor vehicles and related items such as tires and batteries. In FY 2000, CDOT received \$609.8 million in state funds for transportation (Colorado Department of Transportation, 2000(a): 31-2).

Colorado still receives a substantial amount of funding from the federal government, and will continue to do so in the near future. In 1998, the U.S. Congress passed TEA-21, the Transportation Equity Act for the 21st century. CDOT expected to see a significant increase in funding from this legislation. In FY 2000, Colorado received \$311.3 million in federal highway funds. Additionally, CDOT received \$6.6 million in additional federal transit funds. Combined with monies from the state, CDOT's budget in FY 2000 totaled \$960.3 million (Colorado Department of Transportation, 2000(a): 32-3).