A BILL FOR AN ACT

CONCERNING THE IMPROVEMENT OF THE TRANSPORTATION SYSTEM
OF THE STATE, AND, IN CONNECTION THERewith, PROVIDING
ADDITIONAL SOURCES OF FUNDING FOR TRANSPORTATION AND
MODIFYING THE TRANSPORTATION PLANNING PROCESS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

On and after a specified date, imposes a road safety surcharge, a daily vehicle rental fee, a supplemental oversize, overweight, and longer vehicle combination surcharge, and a supplemental unregistered vehicle fine, and increases the amount of the fee for late motor vehicle
registration. Requires the revenues generated by the new or increased surcharges, fees, and fines to be credited to the highway users tax fund and allocated to the department of transportation (CDOT), counties, and municipalities in accordance with an existing distribution formula. Requires CDOT, counties, and municipalities to expend their allocated revenues for road safety projects, and specifically requires CDOT to spend a specified portion of its allocated revenues for transit-related projects that enhance the safety of state highways for transit users. Increases the amount of the fine for late registration of motor vehicles by new residents of the state.

Creates the statewide bridge enterprise (bridge enterprise) as a government-owned business within CDOT with the business purpose of completing designated bridge projects that involve the financing, repair, reconstruction, and replacement of bridges designated as structurally deficient, functionally obsolete, or rated as poor by CDOT. Specifies the governance of and general powers and duties of the bridge enterprise. On and after a specified date, authorizes the bridge enterprise to fund the completion of designated bridge projects by imposing a bridge safety surcharge and using revenues generated by the surcharge to directly pay for the projects or to repay revenue bonds it issues or loans from the state it contracts for to finance the projects. Authorizes the state, subject to specified approval requirements, to loan moneys to the bridge enterprise, to finance any loan made by entering into lease-purchase agreements involving state buildings or other state capital facilities, and to have any loan repaid by the bridge enterprise from bridge safety surcharge revenues.

Creates the high-performance transportation enterprise (transportation enterprise) as a government-owned business within CDOT with the business purpose of pursuing public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects other than designated bridge projects. Abolishes the statewide tolling enterprise, specifies that the transportation enterprise is the legal successor to the powers, duties, and functions of the tolling enterprise, and further specifies the general powers and duties of the transportation enterprise.

Specifically authorizes the transportation enterprise to enter into public-private partnerships and, subject to specified limitations, to impose user fees, directly or through a partner, for the privilege of using any surface transportation infrastructure that the transportation enterprise or its partner constructs or operates. Authorizes the transportation enterprise to issue revenue bonds to finance surface transportation infrastructure projects. Subject to specified requirements regarding both collaboration with affected local governments, transportation planning entities, and transportation services providers and federal and affected local government approval, authorizes the transportation enterprise to impose
user fees on highways or highway lanes that have previously served vehicular traffic on a user-fee free basis. Specifies that both the transportation enterprise and the bridge enterprise are exempt from specified state procurement laws but are subject to open records and open meetings laws and any labor standards that apply to CDOT.

Creates a temporary mileage-based revenue commission (MBR commission), and specifies the governance and general powers and duties of the commission. Requires the MBR commission to design, develop, and implement pilot programs to evaluate alternative mileage-based revenue systems, taking into consideration, at a minimum, technical, legal, financial, environmental, and social policy issues. Requires CDOT to provide financial and staff support to the MBR commission. Requires affected local government consent for implementation of any pilot program and prohibits the MBR commission from forcing any individual to participate in a pilot program. Specifies reporting requirements and pilot program implementation timelines for the MBR commission.

Requires the transportation commission to create a standing efficiency and accountability committee, and requires the committee to seek ways to maximize the efficiency of CDOT to allow increased investment in the transportation system over the short, medium, and long term. Specifies the membership of the committee and reporting requirements related to its activities and the implementation of its recommendations.

Requires specified information regarding specified policy goals to be included in any regional transportation plan.

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Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 8 of article 4 of title 43, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

PART 8

FUNDING ADVANCEMENT FOR SURFACE TRANSPORTATION AND ECONOMIC RECOVERY

43-4-801. Short title. This part 8 shall be known and may be cited as the "FUNDING ADVANCEMENTS FOR SURFACE TRANSPORTATION AND ECONOMIC RECOVERY ACT OF 2009".

43-4-802. Legislative declaration. (1) The general assembly
HEREBY FINDS AND DECLARES THAT:

(a) THE CONTINUED PROSPERITY OF THE STATE AND ITS CITIZENS REQUIRES A SAFE, WELL-MAINTAINED, INTEGRATED, MULTIMODAL, AND SUSTAINABLE SURFACE TRANSPORTATION SYSTEM THAT IS ACCESSIBLE IN ALL PARTS OF THE STATE AND THAT ALLOWS EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND INFORMATION;

(b) THE PRIMARY FUNDING SOURCES DEDICATED FOR SURFACE TRANSPORTATION, STATE AND FEDERAL MOTOR FUEL TAXES, ARE FLAT RATE PER GALLON TAXES THAT HAVE LOST AND WILL CONTINUE TO LOSE MUCH OF THEIR PURCHASING POWER BECAUSE THEY ARE NOT INDEXED TO INFLATION, HAVE NOT BEEN INCREASED IN NEARLY TWO DECADES, AND GENERATE LESS REVENUE PER VEHICLE MILE TRAVELED AS MOTOR VEHICLES BECOME MORE FUEL EFFICIENT;

(c) DUE TO THE DECLINE IN THE PURCHASING POWER OF THE REVENUES GENERATED BY THE STATE AND FEDERAL MOTOR FUEL TAXES, THE STATE AND LOCAL GOVERNMENTS HAVE BEEN UNABLE TO MAINTAIN, REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER, WHICH HAS ALREADY CAUSED MANY BRIDGES IN THE STATE TO BECOME STRUCTURALLY DEFICIENT OR FUNCTIONALLY OBSOLETE AND WORSENED THE CONDITION OF ROAD SURFACES, DELAYED CAPACITY EXPANSION PROJECTS, AND INCREASED TRAFFIC CONGESTION AND GREENHOUSE GAS EMISSIONS; AND

(d) BECAUSE THIS DECLINE IN PURCHASING POWER IS ONGOING AND BECOMES MORE SEVERE WITH EACH PASSING YEAR, THE STATE AND LOCAL GOVERNMENTS WILL CONTINUE TO BE UNABLE TO MAINTAIN, REPAIR, RECONSTRUCT, OPERATE, AND IMPROVE SURFACE
TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER, AND THE SAFETY, EFFICIENCY, AND ENVIRONMENTAL IMPACT OF THE STATE’S SURFACE TRANSPORTATION SYSTEM WILL WORSEN MORE QUICKLY IN THE FUTURE IF SUFFICIENT AND SUSTAINABLE FUNDING SOURCES FOR SURFACE TRANSPORTATION CANNOT BE FOUND.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) THE NATIONAL AND STATE ECONOMIC RECESSION AND ATTENDANT RISE IN UNEMPLOYMENT REPRESENT ADDITIONAL SHORT- TO MEDIUM-TERM CHALLENGES FOR THE STATE AND ALL COLORADANS;

(b) THERE IS AN URGENT PRESENT NEED TO REPAIR AND REPLACE STRUCTURALLY DEFICIENT AND FUNCTIONALLY OBSOLETE BRIDGES AND IMPROVE HIGHWAY SAFETY IN THE STATE;

(c) INCREASING FUNDING FOR DESIGNATED BRIDGE PROJECTS AND ROAD SAFETY PROJECTS IN THE SHORT- AND MEDIUM-TERM THROUGH THE IMPOSITION OF BRIDGE AND ROAD SAFETY SURCHARGES AND OTHER NEW FEES WILL NOT ONLY PROVIDE FUNDING TO COMPLETE THE PROJECTS BUT WILL ALSO ACCELERATE THE STATE’S ECONOMIC RECOVERY BY INCREASING BRIDGE AND ROAD CONSTRUCTION, REPAIR, RECONSTRUCTION, AND MAINTENANCE ACTIVITY, AS WELL AS RELATED ECONOMIC ACTIVITY, AND BY EMPLOYING SIGNIFICANT NUMBERS OF COLORADANS;

(d) THE CREATION OF A STATEWIDE BRIDGE ENTERPRISE AUTHORIZED TO COMPLETE DESIGNATED BRIDGE PROJECTS, TO IMPOSE A BRIDGE SAFETY SURCHARGE AND ISSUE REVENUE BONDS, AND, IF REQUIRED APPROVALS ARE OBTAINED, TO CONTRACT WITH THE STATE TO RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED
BY THIS PART 8 AND TO USE THE REVENUES GENERATED BY THE BRIDGE SAFETY SURCHARGE TO REPAY ANY SUCH LOAN OR LOANS, WILL IMPROVE THE SAFETY AND EFFICIENCY OF THE STATE TRANSPORTATION SYSTEM BY ALLOWING THE STATE TO ACCELERATE THE REPAIR, RECONSTRUCTION, AND REPLACEMENT OF STRUCTURALLY DEFICIENT, FUNCTIONALLY OBSOLETE, OR RATED AS POOR BRIDGES;

(e) THE CREATION OF A HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE WITH THE AUTHORITY AND MISSION TO SEEK OUT OPPORTUNITIES FOR INNOVATIVE AND EFFICIENT MEANS OF FINANCING OTHER IMPORTANT SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS WILL ENSURE THAT SUCH PROJECTS ARE ALSO PROPERLY PRIORITIZED AND ACCELERATED; AND

(f) GRANTING THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE BOTH RESPONSIBILITY FOR THE COMPLETION, RESPECTIVELY, OF DESIGNATED BRIDGE PROJECTS AND OTHER IMPORTANT SURFACE TRANSPORTATION PROJECTS AND THE FLEXIBILITY TO EXECUTE THEIR RESPECTIVE MISSIONS IN A VARIETY OF INNOVATIVE WAYS WILL ENSURE THAT AVAILABLE RESOURCES FOR SUCH PROJECTS ARE EFFICIENTLY AND EFFECTIVELY LEVERAGED SO THAT BOTH THE PROJECTS AND THE STATE’S ECONOMIC RECOVERY CAN BE COMPLETED AS QUICKLY AS POSSIBLE.

(3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) WHILE IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE TO FUND DESIGNATED BRIDGE PROJECTS AND HIGHWAY SAFETY PROJECTS AND STIMULATE ECONOMIC RECOVERY IN THE SHORT- AND MEDIUM-TERM, THE STATE MUST ALSO DEVELOP A LONG-TERM STRATEGY TO PROVIDE SUSTAINABLE LONG-TERM REVENUE STREAMS DEDICATED FOR THE CONSTRUCTION OF IMPORTANT SURFACE
TRANSPORTATION INFRASTRUCTURE PROJECTS AND THE CONTINUING MAINTENANCE, REPAIR, AND RECONSTRUCTION OF THE STATEWIDE SURFACE TRANSPORTATION SYSTEM THAT WILL:

(I) ALLOW BOTH THE STATE AND LOCAL GOVERNMENTS TO MAINTAIN, REPAIR, RECONSTRUCT, AND IMPROVE THEIR TRANSPORTATION INFRASTRUCTURE IN A STRATEGIC, TIMELY, AND EFFICIENT MANNER; AND

(II) PROVIDE THE STATE AND LOCAL GOVERNMENTS WITH THE RESOURCES AND FLEXIBILITY TO EXPLORE AND INVEST IN MODERN MULTIMODAL AND DEMAND-SIDE TRANSPORTATION SOLUTIONS THAT WILL HELP REDUCE TRAFFIC CONGESTION AND GREENHOUSE GAS EMISSIONS;

(b) THE ESTABLISHMENT OF THE MILEAGE-BASED REVENUE COMMISSION TO DESIGN, DEVELOP, AND IMPLEMENT MILEAGE-BASED REVENUE PILOT PROGRAMS REPRESENTS AN IMPORTANT STEP IN DEVELOPING THE MODERN, INNOVATIVE, AND SUSTAINABLE FUNDING SOLUTIONS NEEDED TO FUND THE STATEWIDE SURFACE TRANSPORTATION SYSTEM REQUIRED FOR THE CONTINUED ECONOMIC PROSPERITY OF THE STATE; AND

(c) THE SPECIFICATION OF ADDITIONAL POLICIES TO BE CONSIDERED AT ALL STAGES OF THE STATEWIDE TRANSPORTATION PLANNING PROCESS AND THE ESTABLISHMENT OF AN EFFICIENCY AND ACCOUNTABILITY COMMITTEE WITHIN THE DEPARTMENT OF TRANSPORTATION WILL HELP TO ENSURE THAT TRANSPORTATION PLANNING IS THOROUGH, INTEGRATED, AND STRATEGIC AND THAT ALL FUNDING DEDICATED FOR SURFACE TRANSPORTATION IS EXPENDED EFFECTIVELY.

43-4-803. Definitions. As used in this Part 8, unless the context otherwise requires:
(1) "AUTHORIZED AGENT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (5), C.R.S.

(2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, COMMERCIAL PAPER, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF EITHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE AUTHORIZED BY THIS PART 8, INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE UNITED STATES.

(3) "BOND OBLIGATIONS" MEANS THE DEBT SERVICE ON, AND RELATED COSTS AND OBLIGATIONS IN CONNECTION WITH, BONDS, INCLUDING, WITHOUT LIMITATION:

(a) PAYMENTS WITH RESPECT TO PRINCIPAL, INTEREST, PREPAYMENT PREMIUMS, RESERVE FUNDS, SURPLUS FUNDS SINKING FUNDS, AND COSTS OF ISSUANCE;

(b) PAYMENTS RELATED TO ANY CREDIT ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION FOR BONDS;

(c) FEES AND EXPENSES OF ANY TRUSTEE, BOND REGISTRAR, PAYING AGENT, AUTHENTICATING AGENT, REBATE ANALYST OR CONSULTANT, CALCULATION AGENT, REMARKETING AGENT, OR CREDIT ENHANCEMENT, LIQUIDITY SUPPORT, OR INTEREST RATE PROTECTION PROVIDER;

(d) COVERAGE REQUIREMENTS; AND

(e) OTHER COSTS, FEES, AND EXPENSES RELATED TO THE FOREGOING AND ANY OTHER AMOUNTS REQUIRED TO BE PAID PURSUANT TO THE PROVISIONS OF ANY DOCUMENTS AUTHORIZING THE ISSUANCE OF THE BONDS.

(4) "BRIDGE ENTERPRISE" MEANS THE STATEWIDE BRIDGE
ENTERPRISE CREATED IN SECTION 43-4-805 (2).

(5) "Bridge enterprise board" means the board of directors of the bridge enterprise.

(6) "Bridge enterprise director" means the director of the bridge enterprise appointed pursuant to section 43-4-805 (2) (a) (I).

(7) "Bridge special fund" means the statewide bridge enterprise special revenue fund created in section 43-4-805 (3) (a).

(8) "Commission" means the transportation commission created in section 43-1-106 (1).

(9) "Department" means the department of transportation created in section 24-1-128.7, C.R.S.

(10) "Designated bridge" means a bridge, including any roadways, sidewalks, or other infrastructure connected or adjacent to or required for the optimal functioning of the bridge, that:

(a) Is part of the state highway system, as described in section 43-2-101; and

(b) Has been identified by the department as structurally deficient, functionally obsolete, or has been rated by the department as poor.

(11) "Designated bridge project" means a project that involves the repair, reconstruction, replacement, or ongoing operation or maintenance, or any combination thereof, of a designated bridge by the bridge enterprise pursuant to an agreement between the enterprise and the commission or
DEPARTMENT AUTHORIZED BY SECTION 43-4-805 (5)(f).

(12) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(13) (a) "GRANT" MEANS ANY DIRECT CASH SUBSIDY OR OTHER DIRECT CONTRIBUTION OF MONEY FROM THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE TO THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE THAT IS NOT REQUIRED TO BE REPAID.

(b) "GRANT" DOES NOT INCLUDE ANY OF THE FOLLOWING OR ANY INTEREST OR INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE FOLLOWING:

(I) ANY INDIRECT BENEFIT CONFERRED UPON THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE;

(II) ANY FEDERAL FUNDS RECEIVED BY THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE, REGARDLESS OF WHETHER THE FEDERAL FUNDS PASS THROUGH THE STATE OR ANY LOCAL GOVERNMENT IN THE STATE PRIOR TO RECEIPT BY THE ENTERPRISE;

(III) ANY REVENUES OF THE BRIDGE ENTERPRISE FROM THE BRIDGE SAFETY SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO SECTION 43-4-805 (5)(g) OR REVENUES OF THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE FROM ANY OTHER AUTHORIZED RATE, FEE, ASSESSMENT, OR OTHER CHARGE IMPOSED BY EITHER ENTERPRISE FOR THE PROVISION OF GOODS OR SERVICES BY THE ENTERPRISE;

(IV) ANY MONEYS PAID OR ADVANCED TO THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE BY THE STATE, A LOCAL GOVERNMENT OR GROUP OF LOCAL GOVERNMENTS, AN AUTHORITY, OR ANY OTHER GOVERNMENT-OWNED BUSINESS OR GOVERNMENTAL ENTITY
IN EXCHANGE FOR AN AGREEMENT BY EITHER ENTERPRISE TO COMPLETE
A DESIGNATED BRIDGE PROJECT OR A SURFACE TRANSPORTATION
INFRASTRUCTURE PROJECT; OR

(V) ANY MONEYS LOANED BY THE COMMISSION TO THE BRIDGE
ENTERPRISE PURSUANT TO SECTION 43-4-805 (4) OR 43-4-805 (5) (r) OR
THE TRANSPORTATION ENTERPRISE PURSUANT TO SECTION 43-4-806 (4).

(14) "HIGHWAY" MEANS A ROAD AND RELATED IMPROVEMENTS
AND SERVICES. A HIGHWAY MAY CONSIST OF IMPROVEMENTS AND
SERVICES, INCLUDING, BUT NOT LIMITED TO, PAVING, GRADING,
LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS,
SHOULders, FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES,
DRAINAGE FACILITIES, TRANSIT LANES AND SERVICES, PARK-AND-RIDE
FACILITIES, OTHER MULTIMODAL IMPROVEMENTS AND SERVICES, TOLL
COLLECTION FACILITIES, SERVICE AREAS, ADMINISTRATIVE OR
MAINTENANCE FACILITIES, GAS, ELECTRIC, WATER, SEWER, AND OTHER
UTILITIES LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY OF THE
HIGHWAY, AND OTHER REAL OR PERSONAL PROPERTY, INCLUDING
EASEMENTS, RIGHTS-OF-WAY, OPEN SPACE, AND OTHER INTERESTS
THEREIN, RELATING TO THE FINANCING, CONSTRUCTION, OPERATION, OR
MAINTENANCE OF THE HIGHWAY.

(15) "ISSUING ENTERPRISE" MEANS, WITH RESPECT TO THE
ISSUANCE OF BONDS AS AUTHORIZED BY THIS PART 8, EITHER THE BRIDGE
ENTERPRISE OR THE TRANSPORTATION ENTERPRISE.

(16) "LOCAL GOVERNMENT" MEANS A MUNICIPAlITY, COUNTY, OR
CITY AND COUNTY.

(17) "MBR" MEANS MILEAGE-BASED REVENUE.
(18) "MBR COMMISSION" MEANS THE MILEAGE-BASED REVENUE COMMISSION CREATED IN SECTION 43-4-810 (2) (a).


(20) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT, INCLUDING, BUT NOT LIMITED TO, AN OPERATING CONCESSION AGREEMENT BETWEEN THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

   (a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT IN EXCHANGE FOR A PUBLIC BENEFIT CONCERNING THE PROJECT OTHER THAN ONLY A MONEY PAYMENT;

   (b) SHARING OF RESOURCES AND THE MEANS OF PROVIDING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS; OR

   (c) COOPERATION IN RESEARCHING, DEVELOPING, AND IMPLEMENTING SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS.

(21) "PUBLIC TRANSPORTATION VEHICLE" MEANS A MOTOR VEHICLE THAT IS PART OF VEHICULAR SERVICE THAT TRANSPORTS THE GENERAL PUBLIC AND THAT IS PROVIDED BY A PUBLIC TRANSPORTATION DISTRICT OR BY A LOCAL GOVERNMENT.

(22) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL PLANNING COMMISSION FORMED UNDER THE PROVISIONS OF SECTION 30-28-105, C.R.S., THAT PREPARES AND SUBMITS A TRANSPORTATION PLAN PURSUANT TO SECTION 43-1-1103.

(23) "ROAD SAFETY PROJECT" MEANS A CONSTRUCTION, RECONSTRUCTION, OR MAINTENANCE PROJECT THAT THE COMMISSION
DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A STATE HIGHWAY,
A COUNTY DETERMINES IS NEEDED TO ENHANCE THE SAFETY OF A COUNTY
ROAD, OR A MUNICIPALITY DETERMINES IS NEEDED TO ENHANCE THE
SAFETY OF A CITY STREET.

(24) "SURFACE TRANSPORTATION INFRASTRUCTURE" MEANS A
HIGHWAY, A BRIDGE OTHER THAN A DESIGNATED BRIDGE, OR ANY OTHER
INFRASTRUCTURE, FACILITY, OR EQUIPMENT USED PRIMARILY OR IN LARGE
PART TO TRANSPORT PEOPLE ON SYSTEMS THAT OPERATE ON OR ARE
AFFIXED TO THE GROUND.

(25) "SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT"
MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION,
MAINTENANCE, OR OPERATION OF A DEFINED AMOUNT OF SURFACE
TRANSPORTATION INFRASTRUCTURE BY:

(a) THE TRANSPORTATION ENTERPRISE; OR
(b) A PARTNER OF THE TRANSPORTATION ENTERPRISE UNDER THE
TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

(26) "TRANSPORTATION ENTERPRISE" MEANS THE
HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE CREATED IN SECTION
43-4-806 (2) (a).

(27) "TRANSPORTATION ENTERPRISE BOARD" MEANS THE BOARD
OF DIRECTORS OF THE TRANSPORTATION ENTERPRISE.

(28) "TRANSPORTATION ENTERPRISE DIRECTOR" MEANS THE
DIRECTOR OF THE TRANSPORTATION ENTERPRISE APPOINTED PURSUANT TO
SECTION 43-4-806 (2) (b).

(29) "USER FEE" MEANS COMPENSATION TO BE PAID TO THE
TRANSPORTATION ENTERPRISE OR A PARTNER OF THE TRANSPORTATION
ENTERPRISE FOR THE PRIVILEGE OF USING SURFACE TRANSPORTATION INFRASTRUCTURE CONSTRUCTED OR OPERATED BY THE TRANSPORTATION ENTERPRISE OR OPERATED BY ITS PARTNER UNDER THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

(30) "VEHICLE" MEANS A MOTOR VEHICLE AS DEFINED IN SECTION 42-1-102 (58), C.R.S.; EXCEPT THAT, FOR PURPOSES OF THE IMPOSITION OF ANY SURCHARGE, FEE, OR FINE IMPOSED PURSUANT THIS PART 8 IN CONNECTION WITH A VEHICLE REQUIRED TO BE REGISTERED PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF TITLE 42, C.R.S., "VEHICLE" ALSO INCLUDES ANY VEHICLE WITHOUT MOTIVE POWER THAT IS REQUIRED TO BE REGISTERED.

43-4-804. Highway safety projects - surcharges and fees - crediting of moneys to highway users tax fund. (1) ON AND AFTER JULY 1, 2009, THE FOLLOWING SURCHARGES, FEES, AND FINES SHALL BE COLLECTED AND CREDITED TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a) AND ALLOCATED TO THE STATE HIGHWAY FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.3):

(a) (I) A ROAD SAFETY SURCHARGE, WHICH, EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), SHALL BE IMPOSED UPON THE REGISTRATION OF ANY VEHICLE FOR WHICH A REGISTRATION FEE MUST BE PAID PURSUANT TO THE PROVISIONS OF PART 3 OF ARTICLE 3 OF TITLE 42, C.R.S. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH (a) AND SUBSECTION (2) OF THIS SECTION, THE AMOUNT OF THE SURCHARGE SHALL BE:

(A) SIXTEEN DOLLARS FOR ANY VEHICLE THAT IS A MOTORCYCLE, MOTORSCOOTER, OR MOTORBICYCLE, AS RESPECTIVELY DEFINED IN
SECTION 42-1-102 (55) AND (59), C.R.S., OR THAT WEIGHS TWO
THOUSAND POUNDS OR LESS;

(B) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS
MORE THAN TWO THOUSAND POUNDS BUT NOT MORE THAN FIVE
THOUSAND POUNDS;

(C) TWENTY-EIGHT DOLLARS FOR ANY VEHICLE THAT WEIGHS
MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND
POUNDS;

(D) THIRTY-SEVEN DOLLARS FOR ANY VEHICLE THAT IS A
PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT
NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND

(E) THIRTY-NINE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS.

(II) THE ROAD SAFETY SURCHARGE SHALL BE IMPOSED WHEN A
VEHICLE IS REGISTERED AS REQUIRED BY ARTICLE 3 OF TITLE 42, C.R.S.
EACH AUTHORIZED AGENT SHALL REMIT TO THE DEPARTMENT OF REVENUE
NO LESS FREQUENTLY THAN ONCE A MONTH, BUT OTHERWISE AT THE TIME
AND IN THE MANNER REQUIRED BY THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE, ALL ROAD SAFETY SURCHARGES COLLECTED
BY THE AUTHORIZED AGENT. THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE SHALL FORWARD ALL ROAD SAFETY
SURCHARGES REMITTED BY AUTHORIZED AGENTS PLUS ANY ROAD SAFETY
SURCHARGES COLLECTED DIRECTLY BY THE DEPARTMENT OF REVENUE TO
THE STATE TREASURER, WHO SHALL CREDIT THE SURCHARGES TO THE
HIGHWAY USERS TAX FUND.

(III) THE ROAD SAFETY SURCHARGE SHALL NOT BE IMPOSED ON
ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED
Pursuant to paragraph (b) of this subsection (1).

(IV) The amount of the road safety surcharge imposed on any vehicle that is an item of class A personal property, as defined in section 42-3-106 (2) (a), C.R.S., shall be the product of the amount of the surcharge imposed based on the weight of the vehicle pursuant to subparagraph (I) of this paragraph (a) and the percentage of the item's total apportioned registration apportioned to Colorado.

(V) The amount of the road safety surcharge imposed pursuant to this paragraph (a) shall be one-half of the amount specified in subparagraph (I) of this paragraph (a) for any vehicle that is a truck or truck tractor that is owned by a farmer or rancher and is used commercially only:

(A) To transport to market or place of storage raw agricultural products actually produced or livestock actually raised by the farmer or rancher in farming or ranching operations; or

(B) To transport commodities or livestock purchased by the farmer or rancher for personal use in the farmer's or rancher's farming or ranching operations.

(VI) Each vehicle registration fee invoice shall list the road safety surcharge separately from all other vehicle registration fees or surcharges imposed.

(b)(I) Except as otherwise provided in subparagraph (III) of this paragraph (b), a daily vehicle rental fee, which shall be imposed on the rental of any vehicle rented in the state at the rate of two dollars per day. Any person who owns vehicles that
ARE BASED IN COLORADO FOR RENTAL PURPOSES OR WHO OWNS VEHICLES 
THAT ARE BASED IN A STATE OTHER THAN COLORADO FOR RENTAL 
pURPOSES BUT RENTS SUCH VEHICLES FROM A BUSINESS LOCATION IN 
COLORADO AND WHOSE PRIMARY BUSINESS IS THE RENTAL OF SUCH 
VEHICLES FOR PERIODS OF LESS THAN FORTY-FIVE DAYS, INCLUDING 
RENEWALS, TO ANOTHER PERSON SHALL COLLECT THE DAILY VEHICLE 
RENTAL FEE FROM THE RENTER OF EACH VEHICLE RENTED. THE RENTAL 
INVOICE SHALL LIST THE DAILY VEHICLE RENTAL FEE SEPARATELY AS A 
COLORADO ROAD SAFETY PROGRAM FEE.

(II) A PERSON WHO COLLECTS THE DAILY VEHICLE RENTAL FEE 
IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AND WHO PAYS 
SPECIFIC OWNERSHIP TAX ON THE VEHICLES RENTED IN THE MANNER 
SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR BOTH, 
SHALL, NO LATER THAN THE TWENTIETH DAY OF EACH MONTH, SUBMIT TO 
THE DEPARTMENT OF REVENUE A REPORT, USING FORMS FURNISHED BY THE 
DEPARTMENT OF REVENUE, OF DAILY VEHICLE RENTAL FEES COLLECTED 
FOR THE PRECEDING MONTH AND SHALL INCLUDE WITH THE REPORT THE 
REMITTANCE OF ALL SUCH FEES. A PERSON WHO COLLECTS THE DAILY 
VEHICLE RENTAL FEE IMPOSED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH 
(b) BUT DOES NOT PAY SPECIFIC OWNERSHIP TAX ON THE VEHICLES IN THE 
MANNER SPECIFIED IN EITHER SECTION 42-3-107 (11) OR (12), C.R.S., OR 
BOTH, SHALL SUBMIT THE REPORT AND THE REMITTANCE OF FEES 
COLLECTED IN THE SAME MANNER OR IN SUCH OTHER MANNER AS THE 
EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE 
BY RULES PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, 
C.R.S. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE 
SHALL FORWARD ALL DAILY VEHICLE RENTAL FEES COLLECTED TO THE
STATE TREASURER, WHO SHALL CREDIT THE DAILY VEHICLE RENTAL FEES TO THE HIGHWAY USERS TAX FUND.

(III) BECAUSE VEHICLE SHARING IS AN ALTERNATIVE TO PERSONAL VEHICLE OWNERSHIP THAT REDUCES THE NUMBER OF VEHICLE MILES TRAVELED ON THE HIGHWAYS OF THE STATE BY ENCOURAGING THE USE OF TRANSIT AND REDUCING THE NUMBER OF TRIPS MADE IN PRIVATELY OWNED VEHICLES AND THEREBY BENEFITS THE STATE BY REDUCING TRAFFIC CONGESTION, GREENHOUSE GAS EMISSIONS, AND THE AMOUNT OF WEAR AND TEAR ON THE HIGHWAYS, THE DAILY VEHICLE RENTAL FEE IMPOSED PURSUANT TO THIS PARAGRAPH (b) SHALL NOT BE IMPOSED ON ANY VEHICLE RENTED PURSUANT TO A VEHICLE SHARING ARRANGEMENT IF:

(A) UNDER THE TERMS OF THE ARRANGEMENTS, AN ORGANIZATION PROVIDES PASSENGER VEHICLES FOR THE USE OF MEMBERS OF THE ORGANIZATION WHO HAVE PAID A MEMBERSHIP FEE TO THE ORGANIZATION AND CHARGES AN ADDITIONAL FEE FOR EACH USE OF A PASSENGER VEHICLE;

(B) A MEMBER OF THE ORGANIZATION IS NOT REQUIRED TO ENTER INTO A SEPARATE WRITTEN AGREEMENT WITH THE ORGANIZATION EACH TIME THE MEMBER RESERVES AND USES A PASSENGER VEHICLE;

(C) THE AVERAGE PAID USAGE PERIOD FOR ALL PASSENGER VEHICLES PROVIDED BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR WAS TWELVE HOURS OR LESS; AND

(D) AT LEAST ONE-HALF OF ALL PASSENGER VEHICLE RENTALS MADE BY THE ORGANIZATION DURING THE PRIOR CALENDAR YEAR IN EACH MUNICIPALITY OR COUNTY IN WHICH THE ORGANIZATION DOES BUSINESS WERE MADE TO MEMBERS OF THE ORGANIZATION WHO MAINTAIN A RESIDENCE WITHIN THE CITY OR COUNTY.
(c) (I) A SUPPLEMENTAL OVERSIZE, OVERWEIGHT, AND LONGER VEHICLE COMBINATION SURCHARGE IN AN AMOUNT EQUAL TO THE AMOUNT OF THE FEE CHARGED BY THE DEPARTMENT FOR A LONGER VEHICLE COMBINATION PERMIT ISSUED PURSUANT TO SECTION 42-4-505 (1), C.R.S., OR CHARGED BY THE DEPARTMENT, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, OR THE COLORADO STATE PATROL FOR AN OVERSIZE OR OVERWEIGHT VEHICLE PERMIT ISSUED PURSUANT TO SECTION 42-4-510 (11), C.R.S.; EXCEPT THAT THE SURCHARGE SHALL NOT BE IMPOSED ON A VEHICLE IF THE PERMIT FEE WAS IMPOSED PURSUANT TO SECTION 42-4-510 (11) (a) (VI), C.R.S.


(d) (I) A SUPPLEMENTAL UNREGISTERED VEHICLE FINE IMPOSED IN ADDITION TO THE FINE IMPOSED PURSUANT TO SECTION 42-6-139 (3), C.R.S., UPON CONVICTION OF A MISDEMEANOR FOR KNOWINGLY FAILING TO REGISTER A VEHICLE WITHIN THIRTY DAYS OF BECOMING A RESIDENT OF THIS STATE AS REQUIRED BY SECTION 42-3-103 (4) (a), C.R.S.

(II) THE SUPPLEMENTAL UNREGISTERED VEHICLE FINE SHALL BE COLLECTED AT THE SAME TIME AS THE FINE IMPOSED PURSUANT TO
SECTION 42-6-139 (3), C.R.S. The amount of the supplemental unregistered vehicle fine shall be twenty-five dollars for each month or portion of a month that the vehicle remained unregistered following the thirty-day period during which initial registration was required; except that the amount of the supplemental unregistered vehicle fine shall not exceed one hundred dollars. All supplemental unregistered vehicle fines shall be forwarded to the state treasurer, who shall credit the fines to the highway users tax fund.

(e) Late registration fees required to be credited to the highway users tax fund pursuant to section 42-3-112 (2), C.R.S.

(2) The executive director of the department of revenue shall adjust the amount of the road safety surcharge imposed pursuant to paragraph (a) of subsection (1) of this section on January 1, 2011, and on each January 1 thereafter to reflect changes in the United States bureau of labor statistics consumer price index for the Denver-Boulder-Greeley Consolidated Metropolitan Statistical Area for all urban consumers and all goods, or its successor index, for the fiscal year ending during the prior calendar year; except that, if the revenue estimate prepared by the staff of the legislative council in December 2010, or in December of any succeeding fiscal year, indicates that the amount of state revenues subject to the limitation on state fiscal year spending for the fiscal year will exceed the excess state revenues cap, as defined in section 24-77-103.6 (6) (b), C.R.S., for the fiscal year and the state will be required to refund all or a portion of the excess state revenues, the maximum amount
OF THE SURCHARGE THAT MAY BE IMPOSED SHALL NOT BE ADJUSTED
UPWARD ON JANUARY 1 OF THE FISCAL YEAR.

43-4-805. Statewide bridge enterprise - creation - board - funds
- powers and duties - reporting requirements - legislative declaration.
(1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:
   (a) THE COMPLETION OF DESIGNATED BRIDGE PROJECTS IS
       ESSENTIAL TO ADDRESS INCREASING TRAFFIC CONGESTION AND DELAYS,
       HAZARDS, INJURIES, AND FATALITIES;
   (b) DUE TO THE LIMITED AVAILABILITY OF STATE AND FEDERAL
       FUNDING AND THE NEED TO ACCOMPLISH THE FINANCING, REPAIR,
       RECONSTRUCTION, AND REPLACEMENT OF DESIGNATED BRIDGES AS
       PROMPTLY AND EFFICIENTLY AS POSSIBLE, IT IS NECESSARY TO CREATE A
       STATEWIDE BRIDGE ENTERPRISE AND TO AUTHORIZE THE ENTERPRISE TO:
       (I) ENTER INTO AGREEMENTS WITH THE COMMISSION OR THE
           DEPARTMENT TO FINANCE, REPAIR, RECONSTRUCT, AND REPLACE
           DESIGNATED BRIDGES IN THE STATE; AND
       (II) IMPOSE A BRIDGE SAFETY SURCHARGE AT RATES REASONABLY
           CALCULATED TO DEFRAY THE COSTS OF COMPLETING DESIGNATED BRIDGE
           PROJECTS AND DISTRIBUTE THE BURDEN OF DEFRAYING THE COSTS IN AN
           EQUITABLE MANNER AMONG PERSONS USING DESIGNATED BRIDGES,
           RECEIVE AND EXPEND REVENUES GENERATED BY THE SURCHARGE AND
           OTHER MONEYS, ISSUE REVENUE BONDS AND OTHER OBLIGATIONS,
           CONTRACT WITH THE STATE, IF REQUIRED APPROVALS ARE OBTAINED, TO
           RECEIVE ONE OR MORE LOANS OF MONEYS RECEIVED BY THE STATE UNDER
           THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED
           BY THIS PART 8, EXPEND REVENUES GENERATED BY THE SURCHARGE TO
           REPAY ANY SUCH LOAN OR LOANS RECEIVED, AND EXERCISE OTHER
POWERS NECESSARY AND APPROPRIATE TO CARRY OUT ITS PURPOSES; AND

(c) The creation of a statewide bridge enterprise is in the public interest and will promote the health, safety, and welfare of all Coloradans and visitors to the state by providing bridges that incorporate the benefits of advanced engineering design, experience, and safety.

(2) (a) (I) The statewide bridge enterprise is hereby created. The bridge enterprise shall be and shall operate as a government-owned business within the department. The commission shall serve as the bridge enterprise board and shall, with the consent of the executive director, appoint a bridge enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The bridge enterprise director shall oversee the discharge of all responsibilities of the bridge enterprise and shall serve at the pleasure of the bridge enterprise board.

(II) The bridge enterprise and the bridge enterprise director shall exercise their powers and perform their duties as if the same were transferred to the department by a Type 1 transfer, as defined in section 24-1-105, C.R.S.

(b) The business purpose of the bridge enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and, as agreed upon by the enterprise and the commission, or the department to the extent authorized by the commission, to maintain the bridges it finances, repairs, reconstructs, and replaces. To allow the bridge enterprise to accomplish this purpose and fully exercise its powers and duties
THROUGH THE BRIDGE ENTERPRISE BOARD, THE BRIDGE ENTERPRISE MAY:

(I) IMPOSE A BRIDGE SAFETY SURCHARGE AS AUTHORIZED IN
PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION;

(II) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES AND
OTHER AVAILABLE MONEYS OF THE BRIDGE ENTERPRISE PLEDGED FOR
THEIR PAYMENT AS AUTHORIZED IN SECTION 43-4-807; AND

(III) CONTRACT WITH ANY OTHER GOVERNMENTAL OR
NONGOVERNMENTAL SOURCE OF FUNDING FOR LOANS OR GRANTS,
INCLUDING, BUT NOT LIMITED TO, ONE OR MORE LOANS FROM THE STATE
OF MONEYS RECEIVED BY THE STATE PURSUANT TO THE TERMS OF ONE OR
MORE LEASE-PURCHASE AGREEMENTS AUTHORIZED PURSUANT TO
PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, TO BE USED TO
SUPPORT BRIDGE ENTERPRISE FUNCTIONS.

(c) THE BRIDGE ENTERPRISE SHALL CONSTITUTE AN ENTERPRISE
FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS
FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO
LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS PARAGRAPH
(c), THE BRIDGE ENTERPRISE SHALL NOT BE SUBJECT TO ANY PROVISIONS
OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. CONSISTENT
WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN NICHOLL
V. E-470 PUBLIC HIGHWAY AUTHORITY, 896 P.2d 859 (COLO. 1995), THAT
THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH "ENTERPRISE" STATUS
UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
GENERAL ASSEMBLY FINDS AND DECLARES THAT A BRIDGE SAFETY
SURCHARGE IMPOSED BY THE BRIDGE ENTERPRISE PURSUANT TO
PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION IS NOT A TAX BUT IS INSTEAD A FEE IMPOSED BY THE BRIDGE ENTERPRISE TO DEFRAY THE COST OF COMPLETING DESIGNATED BRIDGE PROJECTS THAT THE ENTERPRISE PROVIDES AS A SPECIFIC SERVICE TO THE PERSONS UPON WHOM THE FEE IS IMPOSED.

(3) (a) THE STATEWIDE BRIDGE ENTERPRISE SPECIAL REVENUE FUND, REFERRED TO IN THIS PART 8 AS THE "BRIDGE SPECIAL FUND", IS HEREBY CREATED IN THE STATE TREASURY. ALL REVENUES RECEIVED BY THE BRIDGE ENTERPRISE, INCLUDING, BUT NOT LIMITED TO, ANY REVENUES FROM A BRIDGE SAFETY SURCHARGE COLLECTED PURSUANT TO PARAGRAPH (g) OF SUBSECTION (5) OF THIS SECTION AND ANY MONEYS LOANED TO THE ENTERPRISE BY THE STATE PURSUANT TO PARAGRAPH (r) OF SUBSECTION (5) OF THIS SECTION, SHALL BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. THE BRIDGE ENTERPRISE BOARD MAY ESTABLISH SEPARATE ACCOUNTS WITHIN THE BRIDGE SPECIAL FUND AS NEEDED IN CONNECTION WITH ANY SPECIFIC DESIGNATED BRIDGE PROJECT. THE BRIDGE ENTERPRISE ALSO MAY DEPOSIT OR PERMIT OTHERS TO DEPOSIT OTHER MONEYS INTO THE BRIDGE SPECIAL FUND, BUT IN NO EVENT MAY REVENUES FROM ANY TAX OTHERWISE AVAILABLE FOR GENERAL PURPOSES BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. THE STATE TREASURER, AFTER CONSULTING WITH THE BRIDGE ENTERPRISE BOARD, SHALL INVEST ANY MONEYS IN THE BRIDGE SPECIAL FUND, INCLUDING ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT TO SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.
(b) All interest and income derived from the deposit and investment of moneys in the Bridge Special Fund shall be credited to the Bridge Special Fund and, if applicable, to the appropriate designated bridge project account. Moneys in the Bridge Special Fund shall be continuously appropriated to the Bridge Enterprise for the purposes set forth in this Part 8. All moneys deposited in the Bridge Special Fund shall remain in the Bridge Special Fund for the purposes set forth in this Part 8, and no part of the Bridge Special Fund shall be used for any other purpose.

(c) The Bridge Enterprise may expend moneys in the Bridge Special Fund to pay bond or loan obligations, to fund the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges, and for the acquisition of land to the extent required in connection with any designated bridge project. The Bridge Enterprise may also expend moneys in the Bridge Special Fund to pay its operating costs and expenses. The Bridge Enterprise Board shall have exclusive authority to budget and approve the expenditure of moneys in the Bridge Special Fund.

(4) The Commission may transfer moneys from the State Highway Fund created in Section 43-1-219 to the Bridge Enterprise for the purpose of defraying expenses incurred by the Enterprise prior to the receipt of bond proceeds or revenues by the Enterprise. The Bridge Enterprise may accept and expend any moneys so transferred, and, notwithstanding any State fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such
A TRANSFER SHALL CONSTITUTE A LOAN FROM THE COMMISSION TO THE
BRIDGE ENTERPRISE AND SHALL NOT BE CONSIDERED A GRANT FOR
PURPOSES OF SECTION 20 (2) (d) OF ARTICLE X OF THE STATE
CONSTITUTION. WHEN THE BRIDGE ENTERPRISE RECEIVES SUFFICIENT
BOND PROCEEDS OR REVENUES, THE ENTERPRISE SHALL REIMBURSE THE
STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY LOAN FROM THE
STATE HIGHWAY FUND MADE BY THE COMMISSION PLUS INTEREST AT A
RATE SET BY THE COMMISSION. ANY MONEYS LOANED FROM THE STATE
HIGHWAY FUND TO THE BRIDGE ENTERPRISE PURSUANT TO THIS SECTION
SHALL BE DEPOSITED INTO A FUND TO BE KNOWN AS THE STATEWIDE
BRIDGE ENTERPRISE OPERATING FUND, WHICH FUND IS HEREBY CREATED,
AND SHALL NOT BE DEPOSITED INTO THE BRIDGE SPECIAL FUND. MONEYS
FROM THE BRIDGE SPECIAL FUND MAY, HOWEVER, BE USED TO REIMBURSE
THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY LOAN FROM THE
STATE HIGHWAY FUND OR ANY INTEREST THEREON.

(5) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
THIS SECTION, THE BRIDGE ENTERPRISE BOARD HAS THE FOLLOWING
POWERS AND DUTIES:

(a) TO SUPERVISE AND ADVISE THE BRIDGE ENTERPRISE DIRECTOR;

(b) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
THE CONDUCT OF ITS BUSINESS;

(c) TO ISSUE REVENUE BONDS, PAYABLE SOLELY FROM THE BRIDGE
SPECIAL FUND, FOR THE PURPOSE OF PAYING THE COST OF FINANCING,
REPAIRING, RECONSTRUCTING, REPLACING, AND MAINTAINING DESIGNATED
BRIDGES;

(d) TO ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
PERSONAL PROPERTY AS NECESSARY IN THE EXERCISE OF ITS POWERS AND
PERFORMANCE OF ITS DUTIES;

(e) To acquire, by purchase, gift, or grant, or, subject to the requirements of Articles 1 to 7 of Title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;

(f) To enter into agreements with the Commission, or the department to the extent authorized by the Commission, under which the Bridge Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges as specified in the agreements;

(g) (I) As necessary for the achievement of its business purpose, to impose a bridge safety surcharge, which, except as otherwise provided in subparagraph (III) of this paragraph (g), shall be imposed, on and after July 1, 2009, or on and after such later date as may be determined by the Bridge Enterprise, upon the registration of any vehicle for which a registration fee must be paid pursuant to the provisions of Part 3 of Article 3 of Title 42, C.R.S. Except as otherwise provided in subparagraphs (IV), (V), (VI), and (VII) of this paragraph (g), the amount of the surcharge shall not exceed:

(A) Thirteen dollars for any vehicle that is a motorcycle, motor scooter, or motor bicycle, as respectively defined in section 42-1-102 (55) and (59), C.R.S., or that weighs two thousand pounds or less;

(B) Eighteen dollars for any vehicle that weighs more than two thousand pounds but not more than five thousand pounds.
POUNDS;
(C) TWENTY-THREE DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN FIVE THOUSAND POUNDS BUT NOT MORE THAN TEN THOUSAND POUNDS;
(D) TWENTY-NINE DOLLARS FOR ANY VEHICLE THAT IS A PASSENGER BUS OR THAT WEIGHS MORE THAN TEN THOUSAND POUNDS BUT NOT MORE THAN SIXTEEN THOUSAND POUNDS; AND
(E) THIRTY-TWO DOLLARS FOR ANY VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS.


(III) THE BRIDGE SAFETY SURCHARGE SHALL NOT BE IMPOSED ON ANY RENTAL VEHICLE ON WHICH A DAILY VEHICLE RENTAL FEE IS IMPOSED PURSUANT TO SECTION 43-4-804 (1) (b).

(IV) THE AMOUNT OF THE BRIDGE SAFETY SURCHARGE IMPOSED ON ANY VEHICLE THAT IS AN ITEM OF CLASS A PERSONAL PROPERTY, AS DEFINED IN SECTION 42-3-106 (2) (a), C.R.S., SHALL BE THE PRODUCT OF
THE AMOUNT OF THE SURCHARGE IMPOSED BASED ON THE WEIGHT OF THE
VEHICLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (g) AND THE
PERCENTAGE OF THE ITEM’S TOTAL APPORTIONED REGISTRATION
APPORTIONED TO COLORADO.

(V) The maximum amount of the bridge safety surcharge
that the bridge enterprise may impose pursuant to subparagraph
(I) of this paragraph (g) shall increase on January 1, 2011, and on
each January 1 thereafter to reflect increases in the United
States Bureau of Labor Statistics Consumer Price Index for the
Denver-Boulder-Greeley Consolidated Metropolitan Statistical
Area for all urban consumers and all goods, or its successor
index, for the fiscal year ending during the prior calendar year.

(VI) The maximum amount of the bridge safety surcharge
that the bridge enterprise may impose pursuant to subparagraph
(I) of this paragraph (g) for any annual vehicle registration
period commencing during the 2009-10 fiscal year shall be
one-half of the maximum amount of the surcharge specified in
said subparagraph (I).

(VII) The amount of any bridge safety surcharge imposed
pursuant to this paragraph (g) shall be one-half of the amount
of the surcharge imposed pursuant to subparagraph (I) of this
paragraph (g) for any vehicle that is a truck or truck tractor
that is owned by a farmer or rancher and is used commercially
only:

(A) To transport to market or place of storage raw
agricultural products actually produced or livestock actually
raised by the farmer or rancher in farming or ranching
OPERATIONS; OR

(B) TO TRANSPORT COMMODITIES OR LIVESTOCK PURCHASED BY

THE FARMER OR RANCHER FOR PERSONAL USE IN THE FARMER'S OR

RANCHER'S FARMING OR RANCHING OPERATIONS.

(VIII) EACH VEHICLE REGISTRATION FEE INVOICE SHALL LIST THE

BRIDGE SAFETY SURCHARGE SEPARATELY FROM ALL OTHER VEHICLE

REGISTRATION FEES OR SURCHARGES IMPOSED.

(h) TO MAKE AND ENTER INTO CONTRACTS OR AGREEMENTS WITH

A PRIVATE ENTITY, TO FACILITATE A PUBLIC-PRIVATE INITIATIVE PURSUANT

TO SECTIONS 43-1-1203 AND 43-1-1204, INCLUDING, BUT NOT LIMITED TO:

(I) AN AGREEMENT PURSUANT TO WHICH THE BRIDGE ENTERPRISE

OR THE ENTERPRISE ON BEHALF OF THE DEPARTMENT OPERATES,

MAINTAINS, OR PROVIDES SERVICES OR PROPERTY IN CONNECTION WITH A

DESIGNATED BRIDGE PROJECT; AND

(II) AN AGREEMENT PURSUANT TO WHICH A PRIVATE ENTITY

DESIGNS, DEVELOPS, CONSTRUCTS, RECONSTRUCTS, REPAIRS, OPERATES,

OR MAINTAINS ALL OR ANY PORTION OF A DESIGNATED BRIDGE PROJECT ON

BEHALF OF THE BRIDGE ENTERPRISE;

(i) TO MAKE AND TO ENTER INTO ALL OTHER CONTRACTS OR

AGreements, INCLUDING, BUT NOT LIMITED TO, DESIGN-BUILD

CONTRACTS, AS DEFINED IN SECTION 43-1-1402 (3), AND

INTERGOVERNMENTAL AGREEMENTS PURSUANT TO SECTION 29-1-203,

C.R.S., THAT ARE NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS

POWERS AND PERFORMANCE OF ITS DUTIES;

(j) TO EMPLOY OR CONTRACT FOR THE SERVICES OF CONSULTING

ENGINEERS OR OTHER EXPERTS AS ARE NECESSARY IN ITS JUDGMENT TO

CARRY OUT ITS POWERS AND DUTIES;
(k) To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any designated bridge project within the state;

(l) In connection with any designated bridge project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge within the state;

(m) To set and adopt, on an annual basis, a budget for the bridge enterprise;

(n) To purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, or encumber real or personal property or any interest therein, including easements and rights-of-way, without restriction or limitation;

(o) To enter into interest rate exchange agreements for bonds that have been issued in accordance with article 59.3 of title 11, C.R.S.;

(p) Pursuant to section 24-1-107.5, C.R.S., to establish, create, and approve nonprofit entities and bonds issued by or on behalf of such nonprofit entities for the purpose of completing a designated bridge project, to accept the assets of any such nonprofit entity, to obtain an option to acquire the assets of any such nonprofit entity by paying its bonds, to appoint or approve the appointment of members of the governing board of any such nonprofit entity, and to remove the members of the governing board of any such nonprofit entity for cause;

(q) To transfer money, property, or other assets of the bridge enterprise to the department to the extent necessary to implement the financing of any designated bridge project or for
AND ANY OTHER PURPOSE AUTHORIZED IN THIS PART 8;

(r) (I) To contract with the state to borrow moneys received by the state from under the terms of one or more lease-purchase agreements entered into by the state pursuant to subparagraph (III) of this paragraph (r), to expend any moneys borrowed from the state for the purpose of completing designated bridge projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public highways of this state for purposes of section 18 of article X of the state constitution, and to use revenues generated by any bridge safety surcharge imposed pursuant to paragraph (g) of this subsection (5) to repay the moneys borrowed.

(II) If the bridge enterprise board seeks to enter into a contract to borrow moneys from the state as authorized by subparagraph (I) of this paragraph (r), the board shall provide the governor with a list of designated bridge projects to be financed with the borrowed moneys and a statement of both the total amount of the loan requested and the estimated amount of the loan that will be used to fund each project on the list. If the governor determines, in the governor’s sole discretion, that lending moneys to the bridge enterprise as requested by the enterprise is in the best interest of the state, the governor, after consultation with the executive director of the department of personnel, shall prepare and provide to the state treasurer a list of state buildings or other state capital facilities that the state, acting by and through the state treasurer, may sell and
LEASE BACK PURSUANT TO THE TERMS OF ONE OR MORE LEASE-PURCHASE AGREEMENTS THAT THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (r).

(III) (A) If the State Treasurer, in the State Treasurer's sole discretion, determines that lending State moneys to the Bridge Enterprise as requested by the Enterprise is in the best interest of the State, the State Treasurer, acting by and through the State Treasurer, may enter into a loan contract with the Bridge Enterprise and may raise the money needed to make a loan pursuant to the terms of the loan contract by entering into one or more lease-purchase agreements involving one or more of the State buildings or other State capital facilities on the list provided to the State Treasurer by the Governor pursuant to subparagraph (II) of this paragraph (r). The loan contract shall require the Enterprise to pledge all or a portion of the revenues of any bridge surcharge imposed pursuant to paragraph (g) of this subsection (5) for the repayment of the loan and may also require the Enterprise to pledge any other legally available revenues of the Enterprise.

(B) The State may enter into one or more lease-purchase agreements authorized by sub-subparagraph (A) of this subparagraph (III) with any for-profit or nonprofit corporation, trust, or commercial bank acting as a trustor, as the lessor, including but not limited to the nonprofit corporation created pursuant to section 24-82-703, C.R.S.

(C) Any lease-purchase agreement authorized pursuant to
SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL PROVIDE THAT ALL OF THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT SHALL BE SUBJECT TO THE ACTION OF THE GENERAL ASSEMBLY IN ANNUALLY MAKING MONEYS AVAILABLE FOR ALL PAYMENTS THEREUNDER.

(D) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL ALSO PROVIDE THAT THE OBLIGATIONS OF THE STATE UNDER THE AGREEMENT SHALL NOT BE DEEMED OR CONSTRUED AS CREATING AN INDEBTEDNESS OF THE STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE CONSTITUTION OR THE LAWS OF THIS STATE CONCERNING OR LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE, AND SHALL NOT CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF SECTION 20 (4) (a) OF ARTICLE X OF THE STATE CONSTITUTION. IF THE STATE DOES NOT RENEW A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), THE SOLE SECURITY AVAILABLE TO THE LESSOR SHALL BE THE PROPERTY THAT IS THE SUBJECT OF THE NONRENEWED LEASE-PURCHASE AGREEMENT.

(IV) (A) ANY LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) MAY CONTAIN SUCH TERMS, PROVISIONS, AND CONDITIONS AS THE STATE TREASURER, ACTING ON BEHALF OF THE STATE, MAY DEEM APPROPRIATE, INCLUDING ALL OPTIONAL TERMS; EXCEPT THAT EACH LEASE-PURCHASE AGREEMENT SHALL SPECIFICALLY AUTHORIZE THE STATE TO RECEIVE FEE TITLE TO ALL REAL AND PERSONAL PROPERTY THAT IS THE SUBJECT OF THE LEASE-PURCHASE AGREEMENT ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE AGREEMENT. ANY TITLE TO SUCH
PROPERTY RECEIVED BY THE STATE ON OR PRIOR TO THE EXPIRATION OF THE TERMS OF THE LEASE-PURCHASE AGREEMENT SHALL BE HELD FOR THE BENEFIT AND USE OF THE STATE.


(C) INTEREST PAID UNDER A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING INTEREST REPRESENTED BY THE INSTRUMENTS, SHALL BE EXEMPT FROM STATE INCOME TAX.

(V) THE STATE, ACTING BY AND THROUGH THE STATE TREASURER, MAY ENTER INTO ANCILLARY AGREEMENTS AND INSTRUMENTS DEEMED
NECESSARY OR APPROPRIATE IN CONNECTION WITH A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), INCLUDING BUT NOT LIMITED TO DEEDS, GROUND LEASES, SUB-LEASES, EASEMENTS, OR OTHER INSTRUMENTS RELATING TO THE REAL PROPERTY ON WHICH THE FACILITIES ARE LOCATED OR AN AGREEMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (VII) OF THIS SECTION.

(VI) THE PROVISIONS OF SECTION 24-30-202 (5) (b), C.R.S., SHALL NOT APPLY TO A LEASE-PURCHASE AGREEMENT AUTHORIZED PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) OR ANY ANCILLARY AGREEMENT OR INSTRUMENT ENTERED INTO PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (r). ANY PROVISION OF THE FISCAL RULES PROMULGATED PURSUANT TO SECTION 24-30-202 (1) AND (13), C.R.S., THAT THE STATE CONTROLLER DEEMS TO BE INCOMPATIBLE OR INAPPLICABLE WITH RESPECT TO SUCH A LEASE-PURCHASE AGREEMENT OR ANCILLARY AGREEMENT OR INSTRUMENT MAY BE WAIVED BY THE CONTROLLER OR HIS OR HER DESIGNEE.

(VII) (A) PRIOR TO EXECUTING A LEASE-PURCHASE AGREEMENT PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r), IN ORDER TO PROTECT AGAINST FUTURE INTEREST RATE INCREASES, THE STATE, ACTING BY AND THROUGH THE STATE TREASURER AND AT THE DISCRETION OF THE STATE TREASURER, MAY ENTER INTO AN INTEREST RATE EXCHANGE AGREEMENT PURSUANT TO ARTICLE 59.3 OF TITLE 11, C.R.S. A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (r) SHALL BE A PROPOSED PUBLIC SECURITY FOR THE PURPOSES OF ARTICLE 59.3 OF TITLE 11, C.R.S.
(B) Any agreement entered into pursuant to this subparagraph (VII) shall also provide that the obligations of the State shall not be deemed or construed as creating an indebtedness of the State within the meaning of any provision of the State constitution or the laws of this State concerning or limiting the creation of indebtedness by the State and shall not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of the State within the meaning of section 20 (4) (a) of Article X of the State constitution.

(C) Any moneys received by the State under an agreement entered into pursuant to this subparagraph (VII) shall be used to make payments on lease-purchase agreements entered into pursuant to sub-subparagraph (A) of subparagraph (III) of this paragraph (r); and

(s) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted in this section.

(6) No later than February 15, 2010, and no later than February 15 of each year thereafter, the Bridge Enterprise shall present a report to the committees of the House of Representatives and the Senate that have jurisdiction over transportation. The report shall include a summary of the Bridge Enterprise's activities for the previous year, a summary of the status of any current designated bridge projects, a statement of the enterprise's revenues and expenses, an estimate of the number of jobs created or preserved as a result of the enterprise's activities, and any recommendations for statutory
CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.

43-4-806. High-performance transportation enterprise - creation - board - funds - powers and duties - limitations - reporting requirements - legislative declaration. (1) (a) The General Assembly hereby finds and declares that:

(I) It is necessary, appropriate, and in the best interests of the state for the state to aggressively pursue innovative means of more efficiently financing important surface transportation infrastructure projects that will improve the safety, capacity, and accessibility of the surface transportation system, can feasibly be commenced in a reasonable amount of time, will allow more efficient movement of people, goods, and information throughout the state, and will accelerate the economic recovery of the state;

(II) Such innovative means of financing projects include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

(III) It is the intent of the General Assembly that the high-performance transportation enterprise created in this section actively seek out opportunities for public-private partnerships for the purpose of completing surface transportation infrastructure projects included in the
STATEWIDE TRANSPORTATION PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5), AND THAT THIS SECTION BE BROADLY CONSTRUED TO ALLOW THE TRANSPORTATION ENTERPRISE SUFFICIENT FLEXIBILITY, CONSISTENT WITH THE REQUIREMENTS OF THE STATE CONSTITUTION, TO PURSUE ANY AVAILABLE MEANS OF FINANCING SUCH SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS THAT WILL ALLOW THE EFFICIENT COMPLETION OF THE PROJECTS.

(b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE IS NOT INTENDED TO SUPPLANT OR DUPLICATE THE SERVICES PROVIDED BY ANY PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN SECTION 43-1-102 (5), RAILROAD, PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF THIS ARTICLE, OR REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF THIS ARTICLE OR TO DISCOURAGE ANY COMBINATION OF LOCAL GOVERNMENTS FROM FORMING A PUBLIC HIGHWAY AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY; AND

(II) THE UNDERTAKING OR COMPLETION OF A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT BY THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE IS INTENDED TO SUPPLEMENT AND NOT SUPPLANT OTHER STATE, REGIONAL, AND LOCAL EFFORTS TO PLAN, DESIGN, ENGINEER, ACQUIRE, INSTALL, CONSTRUCT, REPAIR, RECONSTRUCT, MAINTAIN, OR OPERATE SURFACE TRANSPORTATION INFRASTRUCTURE AND IS NOT INTENDED TO BE A BASIS FOR ANY REDUCTION IN THE AMOUNT OF TRANSPORTATION FUNDING ALLOCATED TO ANY TRANSPORTATION PLANNING REGION OF THE STATE.

(2) (a) (I) THE HIGH-PERFORMANCE TRANSPORTATION ENTERPRISE IS HEREBY CREATED. THE TRANSPORTATION ENTERPRISE SHALL OPERATE
AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL
be a division of the department. The board of the transportation
enterprise shall consist of the following seven members:

(A) FOUR MEMBERS APPOINTED BY THE GOVERNOR, EACH OF WHOM
shall have professional expertise in transportation planning or
development, local government, design-build contracting,
public or private finance, engineering, environmental issues, or
any other area that the governor believes will benefit the
board in the execution of its powers and performance of its
duties; and

(B) THREE MEMBERS OF THE COMMISSION APPOINTED BY
resolution of the commission.

(II) INITIAL APPOINTMENTS TO THE TRANSPORTATION ENTERPRISE
board shall be made no later than July 1, 2009. Members of the
board shall serve at the pleasure of the appointing authority
and without compensation. Vacancies in the membership of the
transportation enterprise board shall be filled in the same
manner as regular appointments.

(III) (A) THE TRANSPORTATION ENTERPRISE AND THE
transportation enterprise director shall exercise their powers
and perform their duties as if the same were transferred to the
department by a TYPE 1 TRANSFER, AS DEFINED IN SECTION 24-1-105,
C.R.S.

(B) THE STATEWIDE TOLLING ENTERPRISE, CREATED BY THE
COMMISSION PURSUANT TO SECTION 43-4-803 (1), PRIOR TO THE REPEAL
AND REENACTMENT OF SAID SECTION BY SENATE BILL 09-____, ENACTED
IN 2009, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY
A **Type 3** Transfer, as defined in Section 24-1-105, C.R.S., to the Transportation Enterprise, and the Statewide Tolling Enterprise is abolished.

(b) The Transportation Enterprise Board shall, with the consent of the Executive Director, appoint a Director of the Enterprise who shall possess such qualifications as may be established by the board and the State Personnel Board. The Director shall oversee the discharge of all responsibilities of the Transportation Enterprise and shall serve at the pleasure of the Board.

(c) The business purpose of the Transportation Enterprise is to pursue public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects. To allow the Transportation Enterprise to accomplish this purpose and fully exercise its powers and duties through the Transportation Enterprise Board, the Transportation Enterprise may:

(I) Subject to the limitations specified in Section 43-4-808(3), impose user fees for the privilege of using surface transportation infrastructure;

(II) Issue or reissue revenue bonds payable from the revenues and other available moneys of the Transportation Enterprise pledged for their payment as authorized in Section 43-4-807;

(III) Contract with any other governmental or nongovernmental source of funding for loans or grants to be used to support Transportation Enterprise functions; and
(IV) Seek out and enter into public-private partnerships.

(d) The transportation enterprise shall constitute an enterprise for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this paragraph (d), the transportation enterprise shall not be subject to any provisions of section 20 of article X of the state constitution.

(3) (a) The statewide transportation enterprise special revenue fund, referred to in this part 8 as the "transportation special fund", is hereby created in the state treasury. All revenues received by the transportation enterprise, including any revenues from user fees collected pursuant to subparagraph (I) of paragraph (c) of subsection (2) of this section, shall be deposited into the transportation special fund. The transportation enterprise board may establish separate accounts within the transportation special fund as needed in connection with any specific surface transportation infrastructure project. The transportation enterprise also may deposit or permit others to deposit other moneys into the transportation special fund, but in no event may revenues from any tax otherwise available for general purposes be deposited into the transportation special fund. The state treasurer, after consulting with the transportation enterprise board, shall invest any moneys in the transportation special fund, including
ANY SURPLUS OR RESERVES, BUT EXCLUDING ANY PROCEEDS FROM THE
SALE OF BONDS OR EARNINGS ON SUCH PROCEEDS INVESTED PURSUANT
SECTION 43-4-807 (2), THAT ARE NOT NEEDED FOR IMMEDIATE USE. SUCH
MONEYS MAY BE INVESTED IN THE TYPES OF INVESTMENTS AUTHORIZED IN
SECTIONS 24-36-109, 24-36-112, AND 24-36-113, C.R.S.

(b) ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
INVESTMENT OF MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
 CREDITED TO THE TRANSPORTATION SPECIAL FUND AND, IF APPLICABLE, TO
THE APPROPRIATE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT
ACCOUNT. MONEYS IN THE TRANSPORTATION SPECIAL FUND SHALL BE
CONTINUOUSLY APPROPRIATED TO THE TRANSPORTATION ENTERPRISE FOR
THE PURPOSES SET FORTH IN THIS PART 8. ALL MONEYS DEPOSITED IN THE
TRANSPORTATION SPECIAL FUND SHALL REMAIN IN THE FUND FOR THE
PURPOSES SET FORTH IN THIS PART 8, AND NO PART OF THE FUND SHALL BE
USED FOR ANY OTHER PURPOSE.

(c) THE TRANSPORTATION ENTERPRISE SHALL PREPARE A SEPARATE
ANNUAL ACCOUNTING OF THE USER FEES COLLECTED FROM ANY SURFACE
TRANSPORTATION INFRASTRUCTURE PROJECT UPON WHICH ANY USER FEE
IS IMPOSED; EXCEPT THAT A PARTNER OF THE ENTERPRISE MAY PREPARE
THE ANNUAL ACCOUNTING FOR A PROJECT UPON WHICH IT IMPOSES A USER
FEE PURSUANT TO THE TERMS OF A PUBLIC-PRIVATE PARTNERSHIP.

(d) THE TRANSPORTATION ENTERPRISE MAY EXPEND MONEYS IN
THE TRANSPORTATION SPECIAL FUND TO PAY BOND OBLIGATIONS, TO FUND
SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS, AND FOR THE
ACQUISITION OF LAND TO THE EXTENT REQUIRED IN CONNECTION WITH ANY
SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT. THE
TRANSPORTATION ENTERPRISE MAY ALSO EXPEND MONEYS IN THE
TRANSPORTATION SPECIAL FUND to pay its operating costs and
expenses. The transportation enterprise board shall have
exclusive authority to budget and approve the expenditure of
moneys in the transportation special fund.

(4) The commission may transfer moneys from the state
highway fund created in section 43-1-219 to the transportation
enterprise for the purpose of defraying expenses incurred by the
transportation enterprise prior to the receipt of bond proceeds
or revenues by the enterprise. The transportation enterprise
may accept and expend any moneys so transferred, and,
notwithstanding any state fiscal rule or generally accepted
accounting principle that could otherwise be interpreted to
require a contrary conclusion, such a transfer shall constitute
a loan from the commission to the bridge enterprise and shall
not be considered a grant for purposes of section 20 (2) (d) of
article X of the state constitution. When the transportation
enterprise receives sufficient bond proceeds or revenues, the
enterprise shall reimburse the state highway fund for the full
amount of any loan made by the commission plus interest at a
rate set by the commission. Any moneys loaned to the
transportation enterprise pursuant to this section shall be
deposited into a fund to be known as the statewide
transportation enterprise operating fund, which fund is hereby
created, and shall not be deposited into the transportation
special fund. Moneys from the transportation special fund may,
however, be used to reimburse the state highway fund for the
amount of any loan or any interest thereon.
(5) Notwithstanding any other provision of this section, user fee revenues shall be expended only for purposes authorized by subsection (3) of this section and only for the surface transportation infrastructure project for which they were collected, to address ongoing congestion management needs related to the project, or as a portion of the expenditures made for another surface transportation infrastructure project that is integrated with the project as part of a surface transportation system; except that the transportation enterprise board may use user fee revenues to pay a proportional share of the costs and expenses of operating the enterprise.

(6) In addition to any other powers and duties specified in this section, the transportation enterprise board shall have the following powers and duties:

(a) To supervise and advise the transportation enterprise director;

(b) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(c) To issue revenue bonds, payable solely from the transportation special fund, for the purpose of completing surface transportation infrastructure projects;

(d) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;

(e) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings,
MONEYS, OR GROUNDS NECESSARY OR CONVENIENT FOR ITS AUTHORIZED PURPOSES;

(f) To enter into agreements with the commission, or the department to the extent authorized by the commission, under which the transportation enterprise agrees to complete surface transportation infrastructure projects as specified in the agreements;

(g) To make and enter into contracts or agreements with any private or public entity to facilitate a public-private partnership, including, but not limited to:

(I) An agreement pursuant to which the transportation enterprise or the enterprise on behalf of the department operates, maintains, or provides services or property in connection with a surface transportation infrastructure project; or

(II) An agreement pursuant to which a private entity completes all or any portion of a surface transportation infrastructure project on behalf of the transportation enterprise;

(h) To make and to enter into all other contracts or agreements, including, but not limited to, design-build contracts, as defined in section 43-1-1402 (3), and intergovernmental agreements pursuant to section 29-1-203, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties;

(i) To employ or contract for the services of consulting engineers or other experts as are necessary in its judgment to
CARRY OUT ITS POWERS AND DUTIES;

(j) To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any surface transportation infrastructure project within the state;

(k) In connection with any surface transportation infrastructure project, to acquire, finance, repair, reconstruct, replace, operate, or maintain any surface transportation infrastructure within the state;

(l) To set and adopt, on an annual basis, a budget for the transportation enterprise;

(m) To purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, or encumber real or personal property or any interest therein, including easements and rights-of-way, without restriction or limitation;

(n) To enter into interest rate exchange agreements for bonds that have been issued in accordance with article 59.3 of title 11, C.R.S.;

(o) Pursuant to section 24-1-107.5, C.R.S., to establish, create, and approve nonprofit entities and bonds issued by or on behalf of such nonprofit entities for the purpose of completing a surface transportation infrastructure project, to accept the assets of any such nonprofit entity, to obtain an option to acquire the assets of any such nonprofit entity by paying its bonds, to appoint or approve the appointment of members of the governing board of any such nonprofit entity, and to remove the members of the governing board of any such nonprofit entity for cause;
(p) To transfer money, property, or other assets of the
transportation enterprise to the department to the extent
necessary to implement the financing of any surface
transportation infrastructure project or for any other purpose
authorized in this part 8; and

(q) To have and exercise all rights and powers necessary
or incidental to or implied from the specific powers and duties
granted in this section.

(7) (a) In addition to the powers and duties specified in
subsection (6) of this section, the transportation enterprise
board has the duty to evaluate any toll highway in the state
that is owned and offered for sale or for lease and an operating
concession by an entity other than the state in order to
determine whether it is in the best interests of the state for the
transportation enterprise to purchase or lease the toll highway
or a partial interest in the toll highway that is being offered for
sale, lease, or concession or enter into a public-private
partnership in connection with the toll highway. In evaluating
a toll highway, the transportation enterprise board shall
consider the financial costs and benefits to the state and users
of the toll highway of purchasing or leasing the toll highway or
a partial interest in the toll highway or entering into a
public-private partnership in connection with the toll highway;
the effect of such a purchase, lease, or public-private
partnership on statewide, regional, or local transportation
plans previously adopted and on future transportation
planning; and any other factors deemed significant by the board.
IN CONSIDERING THE EFFECT ON REGIONAL OR LOCAL TRANSPORTATION PLANS, THE TRANSPORTATION ENTERPRISE BOARD SHALL CONSULT WITH THE APPROPRIATE REGIONAL OR LOCAL TRANSPORTATION PLANNING AGENCY. SUBJECT TO CRITERIA, PROCEDURES, PROCESSES, AND RULES ESTABLISHED BY THE ENTITY OTHER THAN THE STATE OFFERING THE TOLL HIGHWAY FOR SALE OR FOR LEASE AND AN OPERATING CONCESSION INCLUDING, WITHOUT LIMITATION, PROVISIONS FOR REJECTING ALL BIDS OR PROPOSALS AND SHORT-LISTING BIDDERS AND PROPOSERS, AND WITHOUT ANY SPECIAL CONSIDERATION FOR EITHER PUBLIC OR PRIVATE SECTOR INTERESTS THAT MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY, THE TRANSPORTATION ENTERPRISE BOARD MAY BID ON OR PROPOSE TO PURCHASE OR LEASE A TOLL HIGHWAY OR A PARTIAL INTEREST IN A TOLL HIGHWAY SO OFFERED WITHOUT CHANGE OR DELAY OF SUCH CRITERIA, PROCEDURES, PROCESSES, AND RULES OR MAY ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH A TOLL HIGHWAY AND MAY FINANCE ALL OR A PORTION OF THE PURCHASE OR LEASE OF A TOLL HIGHWAY OR A PUBLIC-PRIVATE PARTNERSHIP ENTERED INTO IN CONNECTION WITH A TOLL HIGHWAY BY ISSUING BONDS AS AUTHORIZED BY SECTION 43-4-807 IF THE BOARD DETERMINES THAT THE PURCHASE, LEASE, OR PUBLIC-PRIVATE PARTNERSHIP IS IN THE BEST INTERESTS OF THE STATE. FUNDING TO PERFORM A TOLL HIGHWAY EVALUATION SHALL BE PROVIDED BY THE DEPARTMENT AND MANAGED BY THE TRANSPORTATION ENTERPRISE BOARD. AN ENTITY OTHER THAN THE STATE SHALL CONSIDER AND REPRESENT THE INTERESTS OF ITS CONSTITUENCY AT ALL TIMES DURING AND AFTER THE EVALUATION PROCESS CONDUCTED BY THE TRANSPORTATION ENTERPRISE BOARD PURSUANT TO THIS SUBSECTION (7).

(b) FOR PURPOSES OF THIS SUBSECTION (7), "ENTITY OTHER THAN
THE STATE" MEANS A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT
TO SECTION 43-4-504, A REGIONAL TRANSPORTATION AUTHORITY CREATED
PURSUANT TO SECTION 43-4-603, A TOLL ROAD OR TOLL HIGHWAY
COMPANY FORMED PURSUANT TO SECTION 7-45-101, C.R.S., OR ANY
OTHER NATURAL PERSON OR ENTITY OTHER THAN THE STATE OR A
DEPARTMENT OR AGENCY OF THE STATE THAT MAY OWN A TOLL HIGHWAY.

(c) THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO REQUIRE
THE TRANSPORTATION ENTERPRISE BOARD TO PURCHASE OR LEASE ANY
TOLL HIGHWAY OR PARTIAL INTEREST IN A TOLL HIGHWAY OR TO ENTER
INTO ANY PUBLIC-PRIVATE PARTNERSHIP IN CONNECTION WITH ANY TOLL
HIGHWAY.

(8) (a) WHEN THE TRANSPORTATION ENTERPRISE BOARD DECIDES
TO STUDY THE FEASIBILITY OR DESIRABILITY OF COMPLETING A SURFACE
TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDS SUBSTANTIAL
TRANSPORTATION CAPACITY OR SIGNIFICANTLY ALTERS TRAVEL PATTERNS,
THE BOARD SHALL INVITE EVERY METROPOLITAN PLANNING ORGANIZATION
OR OTHER TRANSPORTATION PLANNING REGION WITH PLANNING
RESPONSIBILITY FOR ANY AREA IN WHICH THE PROJECT WILL BE LOCATED
AND EVERY AFFECTED PUBLIC MASS TRANSIT OPERATOR, AS DEFINED IN
SECTION 43-1-102 (5), PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT
TO PART 5 OF THIS ARTICLE, AND REGIONAL TRANSPORTATION AUTHORITY
CREATED PURSUANT TO PART 6 OF THIS ARTICLE TO COLLABORATE WITH
THE BOARD IN ITS STUDY AND REVIEW AND COMMENT REGARDING THE
PROJECT. THE TRANSPORTATION ENTERPRISE BOARD AND A
METROPOLITAN PLANNING ORGANIZATION, TRANSPORTATION PLANNING
REGION, PUBLIC MASS TRANSIT OPERATOR, PUBLIC HIGHWAY AUTHORITY,
OR REGIONAL TRANSPORTATION AUTHORITY MAY ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT TO DEFINE THE DEGREE OF COLLABORATION AND ANY SHARING OF COSTS AND REVENUES. THE TRANSPORTATION ENTERPRISE BOARD, IN COLLABORATION WITH THOSE METROPOLITAN PLANNING ORGANIZATIONS, TRANSPORTATION PLANNING REGIONS, PUBLIC MASS TRANSIT OPERATORS, AND AUTHORITIES THAT ARE ENTITLED TO AND WISH TO COLLABORATE WITH THE BOARD, MAY DEVELOP A PLAN FOR THE COMPLETION OF THE SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT THAT ADDRESSES THE FEASIBILITY OF THE PROJECT, THE TECHNOLOGY TO BE UTILIZED, PROJECT FINANCING, AND ANY OTHER FEDERALLY REQUIRED INFORMATION.

(b) UPON THE REQUEST OF A LOCAL GOVERNMENT WITH JURISDICTION OVER AN AREA IN WHICH THE TRANSPORTATION ENTERPRISE BOARD IS STUDYING THE FEASIBILITY OR DESIRABILITY OF A SURFACE TRANSPORTATION INFRASTRUCTURE PROJECT, THE BOARD SHALL CONSULT WITH REPRESENTATIVES FROM THE LOCAL GOVERNMENT AND SHALL CONSIDER MITIGATION OF DEMONSTRABLE NEGATIVE IMPACTS ON THE LOCAL GOVERNMENT THAT WOULD RESULT FROM THE COMPLETION OF THE PROJECT. NOTHING IN THIS SUBSECTION (8) IS INTENDED OR SHALL BE CONSTRUED TO AFFECT OR DIMINISH THE AUTHORITY OF ANY LOCAL GOVERNMENT GRANTED BY ANY OTHER LAW OF THIS STATE.


43-4-807. Bonds - investments - bonds eligible for investment and exempt from taxation. (1) (a) BOTH THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF THEIR CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE BRIDGE ENTERPRISE BOARD OR THE TRANSPORTATION ENTERPRISE BOARD AND SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE MONEYS IN THE BRIDGE SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND AS THE CASE MAY BE.

(b) BONDS MAY BE EXECUTED AND DELIVERED BY THE ISSUING ENTERPRISE AT SUCH TIMES; MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES; MAY BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM; MAY BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH; MAY BEAR SUCH CONVERSION PRIVILEGES; MAY BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY-FIVE YEARS FROM THE DATE THEREOF; MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE; MAY BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE ISSUING ENTERPRISE
OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY OTHER LAW OF THE STATE; MAY BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE ISSUING ENTERPRISE; MAY BE EVIDENCED IN SUCH MANNER; MAY BE EXECUTED BY SUCH OFFICERS OF THE ISSUING ENTERPRISE, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE ISSUING ENTERPRISE OR OF AN AGENT AUTHENTICATING THE SAME; MAY BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE ISSUING ENTERPRISE; AND MAY CONTAIN SUCH PROVISIONS NOT INCONSISTENT WITH THIS PART 8, ALL AS PROVIDED IN THE RESOLUTION OF THE ISSUING ENTERPRISE UNDER WHICH THE BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE ISSUING ENTERPRISE AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS.

(c) BONDS OF THE ISSUING ENTERPRISE MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED BY THE BOARD OF THE ISSUING ENTERPRISE, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE ISSUING ENTERPRISE. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE ISSUING ENTERPRISE PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S.
ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(d) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE BRIDGE SPECIAL FUND OR THE TRANSPORTATION SPECIAL FUND, AS THE CASE MAY BE; MAY, RESPECTIVELY, PLEDGE ALL OR A PORTION OF THE RIGHTS OF THE BRIDGE ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, A BRIDGE SAFETY SURCHARGE AUTHORIZED BY SECTION 43-4-805 (5)

(g) OR ALL OR A PORTION OF THE RIGHTS OF THE TRANSPORTATION ENTERPRISE TO IMPOSE, AND RECEIVE THE REVENUES GENERATED BY, ANY USER FEE OR OTHER CHARGE AUTHORIZED BY SECTION 43-4-806; MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE ISSUING ENTERPRISE DEEMS APPROPRIATE; MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS; AND MAY CONTAIN PROVISIONS THAT THE ISSUING ENTERPRISE DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(e) ANY PLEDGE OF THE BRIDGE SPECIAL FUND, THE TRANSPORTATION SPECIAL FUND, OR OTHER PROPERTY MADE BY AN ISSUING ENTERPRISE OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH AN ISSUING ENTERPRISE CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE PLEDGED SPECIAL FUND OR OTHER PLEDGED PROPERTY SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND
THE LIEN OF THE PLEDGE SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY REGARDLESS OF WHETHER THE CLAIMING PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(f) NEITHER THE MEMBERS OF THE BOARD OF AN ISSUING ENTERPRISE, EMPLOYEES OF THE ISSUING ENTERPRISE, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE THEREOF.

(g) AN ISSUING ENTERPRISE MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS THEREOF.

(2) AN ISSUING ENTERPRISE MAY INVEST OR DEPOSIT ANY PROCEEDS AND ANY INTEREST FROM THE SALE OF BONDS IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S. IN ADDITION, AN ISSUING ENTERPRISE MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS SUCH PROCEEDS AND ANY INTEREST TO INVEST OR DEPOSIT SUCH PROCEEDS AND ANY INTEREST IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE BOARD OF THE ISSUING ENTERPRISE DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE INVESTMENT WILL ASSIST THE ISSUING ENTERPRISE IN THE COMPLETION OF A DESIGNATED BRIDGE PROJECT OR OTHER AUTHORIZED SURFACE TRANSPORTATION
INFRASTRUCTURE PROJECT.

(3) All banks, trust companies, savings and loan associations, insurance companies, executors, administrators, guardians, trustees, and other fiduciaries may legally invest any moneys within their control in any bonds issued under this part 8. Public entities, as defined in section 24-75-601 (1), C.R.S., may invest public moneys in such bonds only if the bonds satisfy the investment requirements established in part 6 of article 75 of title 24, C.R.S.

(4) The income or other revenues of the bridge enterprise and the transportation enterprise, all properties at any time owned by either enterprise, bonds issued by either enterprise, and the transfer of and the income from any bonds issued by either enterprise shall be exempt from all taxation and assessments in the state. In the resolution or indenture authorizing the bonds, the issuing enterprise may waive the exemption from federal income taxation for interest on the bonds. Bonds issued by an issuing enterprise shall be exempt from the provisions of article 51 of title 11, C.R.S.

43-4-808. Toll highways - special provisions - limitations.

(1) The transportation enterprise or any partner of the enterprise operating surface transportation infrastructure that is a toll highway under the terms of a public-private partnership shall, in operating the toll highway:

(a) Ensure unrestricted access by all vehicles to the toll highway and shall not require that a particular class of vehicles travel upon the toll highway; except that the
ENTERPRISE OR ITS PARTNER MAY DESIGNATE ONE OR MORE HIGHWAY Lanes for high-occupancy vehicle use only and may restrict access to vehicles carrying hazardous materials or other vehicles to the extent necessary to protect the health and safety of the public; and

(b) Allow any public transportation vehicle to travel on the toll highway without paying a user fee.

(2) (a) The traffic laws of this state, and those of any municipality through which a toll highway passes, and the transportation enterprise's regulations regarding toll collection and enforcement shall pertain to and govern the use of the toll highway. State and local law enforcement authorities are authorized to enter into traffic and toll enforcement agreements with the transportation enterprise. Any moneys received by a state law enforcement authority pursuant to a toll enforcement agreement shall be subject to annual appropriations by the general assembly to the law enforcement authority for the purpose of performing its duties pursuant to the agreement.

(b) The transportation enterprise may adopt, by resolution of the transportation enterprise board, rules pertaining to the enforcement of toll collection and providing a civil penalty for toll evasion. The civil penalty established by the transportation enterprise for any toll evasion shall be not less than ten dollars nor more than two hundred fifty dollars in addition to any costs imposed by a court. The transportation enterprise may use state of the art technology, including, but
NOT LIMITED TO, AUTOMATIC VEHICLE IDENTIFICATION PHOTOGRAPHY, TO
AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS.
The use of state of the art technology to aid in enforcement of
toll violations shall be governed solely by this section.

(c) (I) Any person who evades a toll established by the
transportation enterprise shall be subject to the civil penalty
established by the enterprise for toll evasion. Any peace officer
as described in section 16-2.5-101, C.R.S., shall have the
authority to issue civil penalty assessments, or municipal
summons and complaints if authorized pursuant to a municipal
ordinance, for toll evasion.

(II) At any time that a person is cited for toll evasion, the
person operating the motor vehicle involved shall be given
either a notice in the form of a civil penalty assessment notice or
a municipal summons and complaint.

(III) If a civil penalty assessment notice is issued, the
notice shall be tendered by a peace officer as described in
section 16-2.5-101, C.R.S., and shall contain the name and address
of the person operating the motor vehicle involved, the license
number of the motor vehicle, the person's driver's license
number, the nature of the violation, the amount of the penalty
prescribed for the violation, the date of the notice, a place for
the person to execute a signed acknowledgment of the person's
receipt of the civil penalty assessment notice, a place for the
person to execute a signed acknowledgment of liability for the
cited violation, and such other information as may be required
by law to constitute the notice as a complaint to appear for
ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS SECTION IF THE
PRESCRIBED TOLL, FEE, OR CIVIL PENALTY ARE NOT PAID WITHIN TWENTY
DAYS. EVERY CITED PERSON SHALL EXECUTE THE SIGNED
ACKNOWLEDGMENT OF THE PERSON'S RECEIPT OF THE CIVIL PENALTY
ASSESSMENT NOTICE.

(IV) THE ACKNOWLEDGMENT OF LIABILITY SHALL BE EXECUTED AT
THE TIME THE PERSON CITED PAYS THE PRESCRIBED PENALTY. THE PERSON
CITED SHALL PAY THE TOLL, FEE, OR CIVIL PENALTY AUTHORIZED BY THE
TRANSPORTATION ENTERPRISE AT THE OFFICE OF THE ENTERPRISE EITHER
IN PERSON OR BY POSTMARKING THE PAYMENT WITHIN TWENTY DAYS OF
THE NOTICE. IF THE PERSON CITED DOES NOT PAY THE PRESCRIBED TOLL,
FEE, OR CIVIL PENALTY WITHIN TWENTY DAYS OF THE NOTICE, THE CIVIL
PENALTY ASSESSMENT NOTICE SHALL CONSTITUTE A COMPLAINT TO
APPEAR FOR ADJUDICATION OF A TOLL EVASION PURSUANT TO THIS
SECTION, AND THE PERSON CITED SHALL, WITHIN THE TIME SPECIFIED IN
THE CIVIL PENALTY ASSESSMENT NOTICE, FILE AN ANSWER TO THIS
COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE.

(V) IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE
ADJUDICATION OF THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT
OF THE SUMMONS AND COMPLAINT SHALL BE DETERMINED PURSUANT TO
THE TERMS OF THE MUNICIPAL ORDINANCE AUTHORIZING ISSUANCE OF THE
SUMMONS AND COMPLAINT. IN NO CASE SHALL THE PENALTY UPON
CONVICTION FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL
EVASION EXCEED THE LIMIT ESTABLISHED IN PARAGRAPH (b) OF THIS
SUBSECTION (2).

(d)(I) THE RESPECTIVE COURTS OF THE MUNICIPALITIES, COUNTIES,
AND CITIES AND COUNTIES SHALL HAVE JURISDICTION TO TRY ALL CASES
ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE
USE OF A TOLL HIGHWAY AND ARISING UNDER THE TOLL EVASION CIVIL
PENALTY RULES ENACTED BY THE TRANSPORTATION ENTERPRISE. VENUE
FOR ANY SUCH CASE SHALL BE IN THE MUNICIPALITY, COUNTY, OR CITY
AND COUNTY WHERE THE ALLEGED VIOLATION OF A MUNICIPAL
ORDINANCE, STATE LAW, OR RULE OF THE TRANSPORTATION ENTERPRISE
OCCURRED.

(II) AT THE REQUEST OF THE JUDICIAL DEPARTMENT, THE
TRANSPORTATION ENTERPRISE SHALL CONSIDER ESTABLISHING AN
ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND MAY, BY RESOLUTION,
ADOPT RULES CREATING SUCH A PROCESS. THE RULES PERTAINING TO THE
ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE
TO THE PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN
OPPORTUNITY TO APPEAR AT AN OPEN HEARING CONDUCTED BY AN
IMPARTIAL HEARING OFFICER AND A RIGHT TO APPEAL THE FINAL
ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE COUNTY
COURT FOR THE COUNTY IN WHICH THE VIOLATION OCCURRED.

(III) IF THE TRANSPORTATION ENTERPRISE ESTABLISHES AN
ADMINISTRATIVE TOLL ENFORCEMENT PROCESS, NO COURT OF A
MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE JURISDICTION
TO HEAR TOLL EVASION CASES ARISING ON A TOLL HIGHWAY OPERATED BY
THE ENTERPRISE.

(IV) A TOLL EVASION CASE MAY BE ADJUDICATED BY AN
IMPARTIAL HEARING OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED
PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE
TRANSPORTATION ENTERPRISE. THE HEARING OFFICER MAY BE AN
ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE OR AN
INDEPENDENT CONTRACTOR OF THE TRANSPORTATION ENTERPRISE. THE
CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO THE
HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN
ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE STATE. THE
TRANSPORTATION ENTERPRISE MAY ENTER INTO CONTRACTS PURSUANT TO
SECTION 29-1-203, C.R.S., FOR JOINT ADJUDICATION OF TOLL EVASION
CASES PURSUANT TO THIS SECTION.

(V) THE TRANSPORTATION ENTERPRISE MAY FILE A CERTIFIED COPY
OF AN ORDER IMPOSING A TOLL, FEE, AND CIVIL PENALTY THAT IS ENTERED
BY THE HEARING OFFICER IN AN ADJUDICATION OF A TOLL EVASION WITH
THE CLERK OF THE COUNTY COURT IN THE COUNTY IN WHICH THE
VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE
CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT
AND ENTER IT IN THE JUDGMENT DOCKET. THE ORDER SHALL
THENCEFORWARD HAVE THE EFFECT OF A JUDGMENT OF THE COUNTY COURT,
AND EXECUTION MAY ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER
CASES.

(VI) AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY
THE TRANSPORTATION ENTERPRISE IS SUBJECT TO JUDICIAL REVIEW. THE
ADMINISTRATIVE ADJUDICATION MAY BE APPEALED AS TO MATTERS OF
LAW AND FACT TO THE COUNTY COURT FOR THE COUNTY IN WHICH THE
VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD
OF THE ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

(VII) NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY
THIS SECTION, THE TRANSPORTATION ENTERPRISE SHALL HAVE EVERY
LEGAL REMEDY AVAILABLE TO ENFORCE UNPAID TOLLS AND FEES AS DEBTS
OWED TO THE ENTERPRISE.
(e) The aggregate amount of penalties, exclusive of court costs, collected as a result of civil penalties imposed pursuant to rules adopted as authorized in paragraph (b) of this subsection (2) shall be remitted to the transportation enterprise and shall be applied by the enterprise to defray the costs and expenses of enforcing the laws of the state and the regulations of the enterprise. If a municipal summons or complaint is issued, the aggregate penalty shall be apportioned pursuant to the terms of any enforcement agreement.

(f)(1) In addition to the penalty assessment procedure provided for in paragraph (c) of this subsection (2), where an instance of toll evasion is evidenced by automatic vehicle identification photography or other technology not involving a peace officer, a civil penalty assessment notice may be issued and sent by first-class mail, or by any mail delivery service offered by an entity other than the United States Postal Service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, by the transportation enterprise to the registered owner of the motor vehicle involved. The notice shall contain the name and address of the registered owner of the vehicle involved, the license number of the vehicle involved, the date of the notice, the date, time, and location of the violation, the amount of the penalty prescribed for the violation, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to constitute the notice as a complaint to appear for adjudication of a toll
EVASION CIVIL PENALTY ASSESSMENT. EXCEPT AS OTHERWISE PROVIDED
IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (f), THE REGISTERED
OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE PRESUMED
LIABLE FOR THE TOLL, FEE, OR CIVIL PENALTY IMPOSED BY THE
TRANSPORTATION ENTERPRISE.

(II) IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS
SECTION, THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE
BUSINESS OF LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR
PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY; EXCEPT THAT, AT
THE DISCRETION OF SUCH OWNER:

(A) THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION
VIOLATION CIVIL PENALTY FROM THE PERSON OR COMPANY WHO LEASED
OR RENTED THE VEHICLE AT THE TIME OF THE TOLL EVASION THROUGH A
CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE
TRANSPORTATION ENTERPRISE; OR

(B) THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL
EVASION VIOLATION CIVIL PENALTY IF THE OWNER OF THE LEASED OR
RENTED MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE
TIME OF THE TOLL EVASION VIOLATION, THE VEHICLE WAS LEASED OR
RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE
OWNER OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER
RECEIPT OF THE NOTIFICATION OF THE TOLL EVASION VIOLATION, FURNISH
TO THE TRANSPORTATION ENTERPRISE AN AFFIDAVIT CONTAINING THE
NAME, ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR
COMPANY WHO LEASED OR RENTED THE VEHICLE. AS A CONDITION TO
AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL
PENALTY, ANY PERSON OR COMPANY WHO LEASES OR RENTS MOTOR
VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR
RENTAL AGREEMENT STATING THAT, PURSUANT TO THE REQUIREMENTS OF
THIS SECTION, THE PERSON RENTING OR LEASING THE VEHICLE IS LIABLE
FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL PENALTY INCURRED ON
OR AFTER THE DATE THE PERSON RENTING OR LEASING THE VEHICLE TAKES
POSSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE
PERSON RENTING OR LEASING THE VEHICLE THAT THE PERSON'S NAME,
ADDRESS, AND STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO
THE TRANSPORTATION ENTERPRISE WHEN A TOLL EVASION VIOLATION CIVIL
PENALTY IS INCURRED DURING THE TERM OF THE LEASE OR RENTAL
AGREEMENT.

(III) THE REGISTERED OWNER OF A VEHICLE INVOLVED IN A TOLL
EVASION VIOLATION MAY REBUT THE PRESUMPTION OF LIABILITY FOR THE
VIOLATION BY PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT:

(A) THE OWNER SOLD OR OTHERWISE TRANSFERRED OWNERSHIP OF
THE VEHICLE TO ANOTHER PERSON BEFORE THE DATE OF THE VIOLATION AS
EVIDENCED BY A BILL OF SALE OR SIMILAR DOCUMENT; OR

(B) THE OWNER DID NOT HAVE CUSTODY AND CONTROL OF THE
VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT AS EVIDENCED BY
A REPORT TO A LAW ENFORCEMENT AGENCY.

(IV) IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY
DAYS OF THE NOTICE, IN ORDER TO ENSURE THAT ADEQUATE NOTICE HAS
BEEN GIVEN, THE TRANSPORTATION ENTERPRISE SHALL SEND A SECOND
PENALTY ASSESSMENT NOTICE BY CERTIFIED MAIL, RETURN RECEIPT
REQUESTED, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY
OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT
TO OR SUPERIOR TO CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITH

(g) A COURT WITH JURISDICTION IN A TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d) OF THIS SUBSECTION (2) OR THE TRANSPORTATION ENTERPRISE, IF IT HAS JURISDICTION IN A TOLL EVASION CASE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d) OF THIS SUBSECTION (2), MAY REPORT TO THE DEPARTMENT OF REVENUE ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE TOLL, FEE, OR CIVIL PENALTY FOR ANY TOLL EVASION. UPON RECEIPT OF
A CERTIFIED REPORT FROM A COURT OR THE TRANSPORTATION ENTERPRISE
STATING THAT THE OWNER OF A REGISTERED VEHICLE HAS FAILED TO PAY
A TOLL, FEE, OR CIVIL PENALTY RESULTING FROM A FINAL ORDER ENTERED
BY THE ENTERPRISE, THE DEPARTMENT SHALL NOT RENEW THE
REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE, AND CIVIL PENALTY
ARE PAID IN FULL. THE TRANSPORTATION ENTERPRISE SHALL CONTRACT
WITH AND COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT FOR
THE DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE
REGISTRATION PURSUANT TO THIS PARAGRAPH (g). THE DEPARTMENT HAS
NO AUTHORITY TO ASSESS ANY POINTS AGAINST A LICENSE UNDER SECTION
42-2-127, C.R.S., UPON ENTRY OF A CONVICTION OR JUDGMENT FOR ANY
TOLL EVASION.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
TRANSPORTATION ENTERPRISE MAY, AFTER COLLABORATING WITH
AFFECTED LOCAL GOVERNMENTS, TRANSPORTATION PLANNING ENTITIES,
AND TRANSPORTATION SERVICES PROVIDERS AS REQUIRED BY SECTION
43-4-806 (8) AND SUBJECT TO ANY LIMITATIONS SET FORTH IN THE STATE
CONSTITUTION OR IN FEDERAL LAW:

(a) IMPOSE USER FEES ON A HIGHWAY OR HIGHWAY LANES THAT
HAVE PREVIOUSLY SERVED VEHICULAR TRAFFIC ON A USER FEE-FREE BASIS
IF:

(I) IT HAS OBTAINED ANY REQUIRED FEDERAL APPROVAL FOR THE
USER FEES; AND

(II) (A) IT HAS OBTAINED THE APPROVAL OF ALL LOCAL
GOVERNMENTS THROUGH WHICH THE HIGHWAY OR HIGHWAY LANES PASS;
OR

(B) IT HAS OBTAINED THE APPROVAL OF A MAJORITY OF THE LOCAL
GOVERNMENTS THROUGH WHICH THE HIGHWAY OR HIGHWAY LANES PASS,
AND THE GENERAL ASSEMBLY, ACTING BY BILL, HAS APPROVED THE USER
FEES AS PART OF A MULTI-CORRIDOR TRANSPORTATION PLAN;
(b) INCORPORATE CONGESTION MANAGEMENT AND CONGESTION
PRICING INTO ITS SCHEDULE OF USER FEES FOR ANY HIGHWAY OR HIGHWAY
SYSTEM; AND
(c) AUTHORIZE THE INVESTMENT OF HIGHWAY-DERIVED USER FEE
REVENUES FOR MULTIMODAL TRANSPORTATION PROJECTS.

43-4-809. Enterprises - applicability of other laws.
(1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEITHER THE BRIDGE
ENTERPRISE NOR THE TRANSPORTATION ENTERPRISE SHALL BE SUBJECT TO
THE PROVISIONS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
TITLE 24, C.R.S.
(2) (a) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION
ENTERPRISE SHALL BE SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE
COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE
24, C.R.S., AND THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF
TITLE 24, C.R.S.
(b) FOR PURPOSES OF PART 2 OF THE "COLORADO OPEN RECORDS
ACT", ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE BRIDGE
ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL BE PUBLIC
RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF
WHETHER THE BRIDGE ENTERPRISE OR THE TRANSPORTATION ENTERPRISE
RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN
GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL
COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.
(3) REVENUES OF THE BRIDGE ENTERPRISE AND THE
TRANSPORTATION ENTERPRISE SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 43-1-1205.

(4) THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE SHALL EACH CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S.

(5) ALL LABOR STANDARDS SPECIFIED IN LAW THAT APPLY TO THE DEPARTMENT SHALL APPLY WITH EQUAL FORCE TO THE BRIDGE ENTERPRISE AND THE TRANSPORTATION ENTERPRISE.

43-4-810. Mileage-based revenue commission - creation - powers and duties - funding - legislative declaration - repeal. (1) The general assembly hereby finds and declares that:

(a) In order to provide for the long-term viability of the safe, well maintained, efficient, accessible, integrated, and multimodal surface transportation system needed to support the continued economic prosperity of the state, it is necessary to begin to develop a flexible, equitable, sufficient, and sustainable user-based alternative to the existing and inadequate motor fuel tax-based transportation funding system;

(b) The governor's transportation finance and implementation panel has expressed its support for a mileage-based revenue pilot program on the grounds that:

(I) A mileage-based revenue system could eventually provide a more sustainable revenue source for transportation and also could be used to address congestion and the environmental impacts of transportation; and

(II) Research and discussion regarding the implementation and financial viability of a mileage-based revenue system and
THE PRECISE FORM THAT SUCH A SYSTEM WOULD TAKE HAS BEEN LIMITED, AND A PILOT PROGRAM WOULD HELP THE STATE TO BETTER UNDERSTAND THE TECHNICAL, LEGAL, FINANCIAL, ENVIRONMENTAL, AND SOCIAL POLICY IMPLICATIONS OF DIFFERENT MILEAGE-BASED REVENUE SYSTEM ALTERNATIVES AND DETERMINE WHAT TYPE OF MILEAGE-BASED FEE SYSTEM, IF ANY, CAN PROVIDE A FEASIBLE AND APPROPRIATE LONG-TERM FUNDING SOURCE FOR TRANSPORTATION; AND

(c) IT IS THEREFORE APPROPRIATE TO CREATE THE MILEAGE-BASED REVENUE COMMISSION AND TO REQUIRE IT, WITH THE SUPPORT OF THE DEPARTMENT, TO DEVELOP AND IMPLEMENT ONE OR MORE PILOT PROGRAMS TO EVALUATE THE TECHNICAL, LEGAL, FINANCIAL, ENVIRONMENTAL, AND SOCIAL POLICY MERITS OF DIFFERENT POTENTIAL MILEAGE-BASED REVENUE SYSTEMS.

(2) (a) THE MILEAGE-BASED REVENUE COMMISSION IS HEREBY CREATED. THE MBR COMMISSION SHALL CONSIST OF THE FOLLOWING THIRTEEN MEMBERS:

(I) FOUR MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS FOLLOWS:

(A) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(B) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(C) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(D) ONE MEMBER OF THE SENATE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(II) FOUR MEMBERS APPOINTED JOINTLY BY THE GOVERNOR, THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE
SENATE. IN MAKING THE JOINT APPOINTMENTS, THE GOVERNOR, SPEAKER,
AND PRESIDENT SHALL CONSIDER INDIVIDUALS WHO ARE REPRESENTATIVES
OF THE GLOBAL POSITIONING SYSTEM INDUSTRY OR ALTERNATIVE LOCATOR
SYSTEM TECHNOLOGY INDUSTRIES, HIGHWAY USERS GROUPS, THE
ENVIRONMENTAL COMMUNITY, THE AGRICULTURAL COMMUNITY, THE
STATE TRANSPORTATION RESEARCH COMMUNITY, AND A NATIONAL
TRANSPORTATION POLICY-MAKING ENTITY;

(III) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) ONE MEMBER OF THE AIR QUALITY CONTROL COMMISSION
CREATED IN SECTION 25-7-104 (1), C.R.S.;

(B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
MUNICIPALITY; AND

(C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A COUNTY OR
A CITY AND COUNTY; AND

(IV) TWO MEMBERS OF THE TRANSPORTATION COMMISSION,
APPOINTED BY THE CHAIRPERSON OF THE COMMISSION, ONE OF WHOM
REPRESENTS A PORTION OF THE DENVER METROPOLITAN AREA ON THE
COMMISSION AND ONE OF WHOM REPRESENTS A RURAL AREA THAT IS NOT
WITHIN THE TERRITORY OF ANY METROPOLITAN PLANING ORGANIZATION
ON THE COMMISSION.

(b) (I) EACH MEMBER OF THE MBR COMMISSION SHALL SERVE
UNTIL THIS SECTION IS REPEALED IN ACCORDANCE WITH SUBSECTION (6) OF
THIS SECTION; EXCEPT THAT THE TERM OF ANY MEMBER WHOSE INITIAL
APPOINTMENT TO THE MBR COMMISSION REQUIRED THE INDIVIDUAL TO BE
A LEGISLATOR, AN ELECTED OFFICIAL OF A COUNTY, CITY AND COUNTY, OR
MUNICIPALITY, OR A MEMBER OF THE TRANSPORTATION COMMISSION,
SHALL END IMMEDIATELY IF THE MEMBER CEASES TO BE A LEGISLATOR,
ELECTED OFFICIAL, OR COMMISSION MEMBER.

(II) Vacancies in the membership of the MBR Commission
shall be filled in the same manner as original appointments.

(c) Members of the MBR Commission shall serve without
compensation.

(d) The department shall provide financial and staff
support to the MBR Commission so that the MBR Commission can
execute its powers and perform its duties as specified in this
section. Such support shall be provided from available
appropriations to the department, federal funds, and any gifts,
grants, or donations received by the department for the support
of the MBR Commission.

(3) The primary functions of the MBR Commission are to
conceptualize, design, develop, and implement, with the support
of the department, one or more pilot programs to determine
whether the eventual replacement of the current surface
transportation funding system of the state with a more modern
system that includes an MBR system is feasible and appropriate
for the state and to report its findings and recommendations to
state transportation policy makers. In furtherance of these
functions, the MBR Commission shall:

(a) Design, develop, and implement, subject to the
limitations specified in subsection (4) of this section, one or more
pilot programs to evaluate alternative MBR systems, taking
into consideration, at a minimum, the following issues related to
the implementation of an MBR system:
(I) Technical issues such as:

(A) The identification of vehicles subject to an MBR system; and

(B) The reliability and convenience of the technology, including, but not limited to, transponder technology, in-road sensor technology, and technology that ensures interoperability of an MBR system with other transponder-operated systems, needed to collect MBR data, calculate MBR charges, ensure the collection of MBR, and otherwise implement an MBR system;

(II) Legal issues such as issues concerning:

(A) Privacy;

(B) Enforcement; and

(C) The permissible uses of MBR, including, but not limited to, the existence of any legal obstacles to the use of MBR to fund transportation modes other than roads or to fund greenhouse gas reduction programs;

(III) Financial issues such as:

(A) The cost of initial implementation and ongoing administration;

(B) Pricing issues, including, but not limited to, equitable MBR system pricing between rural and metropolitan areas; vehicle weight-based MBR pricing; inflation indexing of the MBR charges; and the anticipated effects of different pricing alternatives on the amount of revenues raised, transportation system use levels and patterns, traffic congestion, and transportation system accessibility; and
(C) The viability of an MBR system as a full or partial replacement for, or a supplement to, existing transportation funding mechanisms;

(IV) Environmental issues such as:

(A) Anticipated reductions in greenhouse gas emissions resulting from demand-side financial incentives for reduced or off-peak use of private vehicles, use of more fuel-efficient vehicles, or other factors; and

(B) Anticipated increases in greenhouse gas emissions resulting from motor fuel price reductions; and

(V) Social policy issues such as:

(A) The progressivity or regressivity of an MBR system across income groups;

(B) Equitable allocation of the MBR system financial burden between persons in rural and metropolitan areas of the state;

(C) The extent to which the transportation funding system of the state should depend on user fees such as those charged in an MBR system as opposed to general taxes or other revenue sources; and

(D) The extent to which an MBR system is likely to impact individual behavior and the extent to which any such impacts are desirable or undesirable;

(b) No later than February 15, 2011, as part of the annual report required by paragraph (c) of this subsection (3), present alternatives for one or more MBR pilot programs, and, no later than July 1, 2011, begin implementing one or more of the pilot
PROGRAMS; AND

(c)(I) No later than February 15, 2010, and no later than each February 15 thereafter through February 15, 2013, submit an annual report to the committees of the House of Representatives and the Senate that have jurisdiction over transportation regarding its progress in designing, developing, and implementing MBR pilot programs and any other MBR related matters that it believes would be of interest to the committees.

(II) No later than February 15, 2014, the MBR Commission shall submit a final report to the committees regarding the results of the MBR pilot programs it has implemented and its recommendations regarding MBR system alternatives.

(4) The MBR Commission shall not implement a pilot program to evaluate alternative MBR systems:

(a) That requires the nonconsensual participation of any individual; or

(b) Within any local government, unless:

(I) The local government has approved the implementation; or

(II) The MBR Commission is implementing the pilot program within multiple contiguous local governments, a majority of the local governments have approved the implementation of the pilot program, and the General Assembly, acting by bill, has approved the implementation of the pilot program as part of a multijurisdictional pilot program.

(5) The MBR Commission may, to the extent it deems
NECESSARY IN FURTHERANCE OF ITS PRIMARY FUNCTIONS:

(a) Assess the implications of viewing transportation as a utility and imposing transportation utility fees, road user fees, or road maintenance fees on property owners based on evidence-based average usage estimates;

(b) Organize its meetings, elect its chairperson and other officers, and adopt bylaws for the regulation of its affairs and the conduct of its business;

(c) Form subcommittees as needed to allow the task force to carry out its duties, including, but not limited to, issue subcommittees formed to address MBR-related technical, legal, financial, environmental, and social policy issues. Subcommittees may consist, in part, of persons who are not members of the MBR commission, but such persons are entitled to vote only at the subcommittee level and may not participate in votes of the MBR commission.

(d) Design, develop, and implement any pilot program to evaluate alternative MBR systems in a manner that exempts individuals participating in the pilot program who pay an MBR charge from all or a portion of the state gasoline and special fuel taxes imposed pursuant to article 27 of title 39, C.R.S. An exemption from the taxes shall be allowed to an individual only during the time the individual participates in the pilot program and pays an MBR charge in lieu of the taxes, and the expiration of the exemption shall not be deemed to be a new tax, tax rate increase, or tax policy change for purposes of section 20(4)(a) of article X of the state constitution.
(e) Acquire, hold title to, and dispose of real and personal property;

(f) Make and enter into contracts, including, with the approval of the Executive Director, contracts for professional services needed to design, develop, or implement one or more pilot programs;

(g) Apply for grants and accept gifts, grants, and donations from governmental or nongovernmental sources; and

(h) Exercise all other rights or powers necessary or incidental to or implied from the specific powers and duties granted in this section.

(6) (a) Notwithstanding any law to the contrary, the MBR Commission shall not be subject to the provisions of the "Procurement Code", articles 101 to 112 of title 24, C.R.S.

(b) The MBR Commission shall be subject to the open meetings provisions of the Colorado Sunshine Law contained in part 4 of article 6 of title 24, C.R.S., and the "Colorado Open Records Act", article 72 of title 24, C.R.S.

(c) Revenues of the MBR Commission shall not be subject to the provisions of section 43-1-1205.

(7) This section is repealed, effective July 1, 2014.

43-4-811. Fees and surcharges - limitations on use. As required by section 18 of article X of the state constitution, the proceeds of any fee or surcharge imposed pursuant to the provisions of this part 8 that is a license fee, registration fee, or other charge with respect to the operation of any vehicle upon any public highway in this state shall be used exclusively for the
CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE PUBLIC HIGHWAYS OF THIS STATE AS SPECIFIED IN THIS PART 8.

SECTION 2. 24-1-128.7, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

24-1-128.7. Department of transportation - creation. (5) The statewide bridge enterprise created in section 43-4-805 (2), C.R.S., shall exercise its powers and perform its duties and functions as if the same were transferred by a type 1 transfer, as defined in section 24-1-105, C.R.S., to the department of transportation.

(6) (a) The high-performance transportation enterprise created in section 43-4-806 (2) (a), C.R.S., shall exercise its powers and perform its duties and functions as if the same were transferred by a type 1 transfer, as defined in section 24-1-105, to the department of transportation.

(b) The statewide tolling enterprise, created by the transportation commission pursuant to section 43-4-803 (1), C.R.S., prior to the repeal and reenactment of said section by Senate Bill 09-____, enacted in 2009, and its powers, duties, and functions are transferred by a type 3 transfer, as defined in section 24-1-105, to the high-performance transportation enterprise created in section 43-4-806 (2) (a), C.R.S., and the statewide tolling enterprise is abolished.

SECTION 3. 42-3-103 (4) (a), Colorado Revised Statutes, is amended to read:

42-3-103. Registration required - exemptions. (4) (a) Within thirty days after becoming a resident of Colorado, an owner of a motor
vehicle required to be registered by subsection (1) of this section shall register such vehicle with the department, irrespective of such vehicle being registered within another state or country. A person who violates this paragraph (a) is subject to the penalties provided in section 42-6-139 and 43-4-804 (1) (d), C.R.S.

SECTION 4. 42-3-112, Colorado Revised Statutes, is amended to read:

42-3-112. Failure to pay tax - penalty. (1) If a vehicle subject to taxation under this article is not registered when required by law, the vehicle owner is subject to shall pay a late fee of up to ten dollars, as determined by the department or authorized agent registering the vehicle, which is twenty-five dollars for each month or portion of a month following the expiration of the registration period, or, if applicable, the thirty-day grace period described in section 42-3-113 (2) (e) for which the vehicle is unregistered. The late fee shall be due when the vehicle is registered. The department or the authorized agent registering the vehicle may waive the late fee.

WHO SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND IN
ACCORDANCE WITH SECTION 43-4-804 (1) (e), C.R.S.

SECTION 5. 42-6-139 (3), Colorado Revised Statutes, is
amended to read:

42-6-139. Registration - where made. (3) A person who
knowingly violates any of the provisions of subsection (2) of this section,
section 42-3-103 (4) (a), section 42-6-140, or any rule of the director
promulgated pursuant to this part 1 is guilty of a misdemeanor and, upon
conviction, shall be punished by a fine of five hundred ONE THOUSAND
dollars.

SECTION 6. 42-6-140, Colorado Revised Statutes, is amended
to read:

42-6-140. Registration upon becoming resident. Within thirty
NINETY days after becoming a resident of Colorado, the owner of a motor
vehicle shall apply for a Colorado certificate of title, a license, and
registration for the vehicle that is registered, that is licensed, or for which
a certificate of title is issued in another state. Any person who violates the
provisions of this section is subject to the penalties provided in section
SECTIONS 42-6-139 AND 43-4-804 (1) (d), C.R.S.

SECTION 7. 43-1-106, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-106. Transportation commission - powers and duties.
(17) (a) THE COMMISSION SHALL CREATE A STANDING EFFICIENCY AND
ACCOUNTABILITY COMMITTEE. THE COMMITTEE SHALL SEEK WAYS TO
MAXIMIZE THE EFFICIENCY OF THE DEPARTMENT TO ALLOW INCREASED
INVESTMENT IN THE TRANSPORTATION SYSTEM OVER THE SHORT, MEDIUM,
AND LONG TERM. THE COMMITTEE SHALL INCLUDE:
(I) FROM STATE GOVERNMENT:
   (A) ONE MEMBER OF THE COMMISSION DESIGNATED BY THE
       COMMISSION;
   (B) ONE MEMBER FROM THE OFFICE OF THE EXECUTIVE DIRECTOR
       DESIGNATED BY THE EXECUTIVE DIRECTOR;
   (C) ONE MEMBER FROM EACH OF THE DIVISIONS OF THE
       DEPARTMENT CREATED IN SECTION 43-1-104 (1) DESIGNATED BY THE
       EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE DIRECTORS OF EACH
       DIVISION; AND
   (D) ANY OTHER EMPLOYEES OF THE DEPARTMENT THAT THE
       EXECUTIVE DIRECTOR MAY DESIGNATE;

(II) FROM OUTSIDE STATE GOVERNMENT, REPRESENTATIVES OF:
   (A) THE CONSTRUCTION INDUSTRY;
   (B) THE ENGINEERING INDUSTRY;
   (C) THE ENVIRONMENTAL COMMUNITY;
   (D) TRANSPORTATION PLANNING ORGANIZATIONS;
   (E) PUBLIC TRANSPORTATION PROVIDERS; AND
   (F) ANY OTHER INDUSTRIES OR GROUPS THAT THE COMMISSION
       DETERMINES SHOULD BE REPRESENTED ON THE COMMITTEE.

(b) THE EFFICIENCY AND ACCOUNTABILITY COMMITTEE SHALL
    PERIODICALLY REPORT TO THE COMMISSION AND THE EXECUTIVE DIRECTOR
    REGARDING MEANS BY WHICH THE COMMISSION AND THE DEPARTMENT
    MAY EXECUTE THEIR DUTIES MORE EFFICIENTLY. THE EXECUTIVE
    DIRECTOR OR THE EXECUTIVE DIRECTOR’S DESIGNEE SHALL REPORT AT
    LEAST ONCE PER CALENDAR YEAR TO EITHER THE COMMITTEES OF THE
    HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION
    OVER TRANSPORTATION OR THE TRANSPORTATION LEGISLATION REVIEW
COMMITTEE CREATED IN SECTION 43-2-145 (1) REGARDING THE ACTIVITIES
AND RECOMMENDATIONS OF THE EFFICIENCY AND ACCOUNTABILITY
COMMITTEE AND ANY ACTIONS TAKEN BY THE COMMISSION OR THE
DEPARTMENT TO IMPLEMENT RECOMMENDATIONS OF THE COMMITTEE.

SECTION 8. 43-1-1103, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-1103. Transportation planning. (1.5) IN ADDITION TO THE
INFORMATION REQUIRED TO BE INCLUDED IN A REGIONAL TRANSPORTATION
PLAN PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION, A
REGIONAL TRANSPORTATION PLAN SHALL SPECIFY HOW IT ADDRESSES THE
FOLLOWING POLICY GOALS:

(a) THE TARGETING OF INFRASTRUCTURE INVESTMENTS TO
IMPROVE THE ECONOMY OF THE STATE AND INVIGORATE LOCAL
COMMUNITIES, DESCRIBED BY THE BEST PRACTICES CENTER OF THE
NATIONAL GOVERNORS ASSOCIATION AS "FIXING IT FIRST";

(b) SAFETY ENHANCEMENT;

(c) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;

(d) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;

(e) ENVIRONMENTAL STEWARDSHIP;

(f) ENHANCEMENT OF THE TRANSPORTATION FUNDING RESOURCES
OF LOCAL GOVERNMENTS;

(g) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND

(h) REDUCTION OF GREENHOUSE GAS EMISSIONS.

SECTION 9. 38-1-202 (1) (b) (IV) (J), Colorado Revised Statutes,
is amended, and the said 38-1-202 (1) (b) (IV) is further amended BY
THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

38-1-202. Governmental entities, corporations, and persons
authorized to use eminent domain. (1) The following governmental
types of governmental entities, and public corporations, in
accordance with all procedural and other requirements specified in this
article and articles 2 to 7 of this title and to the extent and within any time
frame specified in the applicable authorizing statute may exercise the
power of eminent domain:

(b) The state:

(IV) By action of the general assembly or by action of any of the
following officers and agencies of the state:

(J) The statewide tolling bridge enterprise as authorized in section
43-4-806 (1) (g) section 43-4-805 (5) (e), C.R.S.; and

(J.5) The high-performance transportation enterprise as
authorized in section 43-4-806 (6) (e), C.R.S.; and

SECTION 10. 43-4-205, Colorado Revised Statutes, is amended
by the addition of a new subsection to read:

43-4-205. Allocation of fund. (6.3) Revenues from the
surcharges, fees, and fines credited to the highway users tax
fund pursuant to section 43-4-804 (1) shall be allocated and
expended in accordance with the formula specified in paragraph
(b) of subsection (6) of this section.

SECTION 11. 43-4-206, Colorado Revised Statutes, is amended
by the addition of a new subsection to read:

43-4-206. State allocation. (3) Notwithstanding the
provisions of subsection (1) of this section, the revenues credited
to the highway users tax fund pursuant to section 43-4-205 (6.3)
shall be expended by the department of transportation only for
road safety projects, as defined in section 43-4-803 (23); except
THAT THE DEPARTMENT SHALL, IN FURTHERANCE OF ITS DUTY TO
SUPERVISE STATE HIGHWAYS AND AS A CONSEQUENCE IN COMPLIANCE
WITH SECTION 43-4-811, EXPEND TEN MILLION DOLLARS PER YEAR OF THE
REVENUES FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE,
OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS,
INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN
LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE
DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
TRANSPORTATION SYSTEM, THAT ENHANCE THE SAFETY OF STATE
HIGHWAYS FOR TRANSIT USERS.

SECTION 12. 43-4-207 (1), Colorado Revised Statutes, is
amended to read:

43-4-207. County allocation. (1) After paying the costs of the
Colorado state patrol and such other costs of the department, exclusive of
highway construction, highway improvements, or highway maintenance,
as are appropriated by the general assembly, twenty-six percent of the
balance of the highway users tax fund shall be paid to the county
treasurers of the respective counties, subject to annual appropriation by
the general assembly, and shall be allocated and expended as provided in
this section. The moneys thus received shall be allocated to the counties
as provided by law and shall be expended by said the counties only on the
construction, engineering, reconstruction, maintenance, repair, equipment,
 improvement, and administration of the county highway systems and any
other public highways, including any state highways, together with
acquisition of rights-of-way and access rights for the same and for no
other purpose; EXCEPT THAT MONEYS RECEIVED PURSUANT TO SECTION
43-4-205 (6.3) SHALL BE EXPENDED BY THE COUNTIES ONLY FOR ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (23). The amount to be expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

SECTION 13. 43-4-208 (1), Colorado Revised Statutes, is amended to read:

43-4-208. Municipal allocation. (1) After paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, and making allocation as provided by sections 43-4-206 and 43-4-207, the remaining nine percent of the highway users tax fund shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. Each city treasurer shall account for the moneys thus received as provided in this part 2. Such Moneys so allocated shall be expended by said cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for no other purpose; EXCEPT THAT MONEYS PAID TO THE CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (6.3) SHALL BE EXPENDED BY THE CITIES AND INCORPORATED TOWNS ONLY FOR ROAD SAFETY PROJECTS, AS DEFINED IN SECTION 43-4-803 (23). The amount to be expended for administrative purposes shall not exceed five percent of
each city's share of the funds available.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.