

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0791.01 Jason Gelender x4330

SENATE BILL 19-101

SENATE SPONSORSHIP

Lundeen, Gardner, Hisey

HOUSE SPONSORSHIP

Carver,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING PREREQUISITES FOR THE CONSTRUCTION OF MANAGED**
102 **LANES ON STATE HIGHWAYS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits the department of transportation (CDOT) or any enterprise of CDOT from constructing or designating a managed lane on a state highway unless:

- ! CDOT or the enterprise, taking safety, productivity, and public cost considerations into account, considering multiple highway configuration options and both managed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

lane options that include tolling and managed lane options that do not include tolling, and balancing any safety impacts against the productivity and other benefits of capacity expansion and congestion relief, has thoroughly evaluated specified alternative means of increasing the capacity of and reducing traffic congestion on the state highway;

! CDOT or the enterprise has published detailed written, data-based findings that clearly establish that when compared to the addition of one or more managed lanes all of the alternatives evaluated are unfeasible or too unsafe to be implemented or would not provide adequate capacity expansion and congestion relief; and

! CDOT has complied with new requirements of the bill that it prepare and make readily available to the public on its website a written report of the results of its public outreach efforts relating to the managed lane and annually summarize the report for the transportation and local government committee of the house of representatives and the transportation and energy committee of the senate.

"Managed lane" is defined to include a toll lane, a high occupancy toll lane, or a high occupancy vehicle lane.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-125 as
3 follows:

4 **43-1-125. Restriction on tolled and managed lanes - absence**
5 **of feasible alternatives required - publication of results of public**
6 **outreach required - definition.** (1) AS USED IN THIS SECTION,
7 "MANAGED LANE" MEANS A TOLL LANE, A HIGH OCCUPANCY TOLL LANE,
8 OR A HIGH OCCUPANCY VEHICLE LANE.

9 (2) NEITHER THE DEPARTMENT NOR ANY ENTERPRISE OF THE
10 DEPARTMENT SHALL CONSTRUCT OR DESIGNATE A MANAGED LANE ON A
11 STATE HIGHWAY OR ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP THAT
12 INCLUDES THE CONSTRUCTION OR DESIGNATION OF A MANAGED LANE ON
13 A STATE HIGHWAY UNLESS:

1 (a) THE DEPARTMENT OR ENTERPRISE, TAKING SAFETY,
2 PRODUCTIVITY, AND PUBLIC COST CONSIDERATIONS INTO ACCOUNT,
3 CONSIDERING MULTIPLE HIGHWAY CONFIGURATION OPTIONS AND BOTH
4 MANAGED LANE OPTIONS THAT INCLUDE TOLLING AND MANAGED LANE
5 OPTIONS THAT DO NOT INCLUDE TOLLING, AND BALANCING ANY SAFETY
6 IMPACTS AGAINST THE PRODUCTIVITY AND OTHER BENEFITS OF CAPACITY
7 EXPANSION AND CONGESTION RELIEF, HAS THOROUGHLY EVALUATED
8 ALTERNATIVE MEANS OF INCREASING THE CAPACITY OF AND REDUCING
9 TRAFFIC CONGESTION ON THE STATE HIGHWAY, INCLUDING:

10 (I) NARROWING SHOULDERS ON THE EXISTING ROADWAY IN ORDER
11 TO INCREASE THE NUMBER OF LANES AVAILABLE;

12 (II) CONVERTING ONE OR MORE EXISTING LANES, OR ONE OR MORE
13 NEW LANES RESULTING FROM LANE OR SHOULDER NARROWING, INTO
14 REVERSIBLE LANES; AND

15 (III) OPTIMIZING TRAFFIC FLOW THROUGH OTHER
16 CONFIGURATIONAL OR OPERATIONAL CHANGES TO THE STATE HIGHWAY,
17 INCLUDING BUT NOT LIMITED TO:

18 (A) WEAVING SECTION IMPROVEMENTS;

19 (B) INTERCHANGE MODIFICATION AND, IF APPLICABLE, OTHER
20 ACCESS POINT MODIFICATIONS;

21 (C) ONE OR MORE DEDICATED BUS OR TRUCK LANES;

22 (D) SMART TECHNOLOGIES, INCLUDING BUT NOT LIMITED TO
23 APPLICATIONS FOR SMARTPHONES AND OTHER MOBILE DEVICES, TO
24 EMPOWER SELF-FORMING CARPOOLS; AND

25 (E) IF THE STATE HIGHWAY INCLUDES TRAFFIC SIGNALS,
26 OPTIMIZATION OF TRAFFIC FLOW THROUGH TRAFFIC SIGNAL COORDINATION
27 OR USE OF ADAPTIVE TRAFFIC SIGNALS;

1 (b) THE DEPARTMENT OR ENTERPRISE HAS PUBLISHED DETAILED
2 WRITTEN, DATA-BASED FINDINGS THAT CLEARLY ESTABLISH THAT WHEN
3 COMPARED TO THE ADDITION OF ONE OR MORE MANAGED LANES ALL OF
4 THE ALTERNATIVES EVALUATED ARE UNFEASIBLE OR TOO UNSAFE TO
5 IMPLEMENT OR WOULD NOT PROVIDE ADEQUATE CAPACITY EXPANSION
6 AND CONGESTION RELIEF; AND

7 (c) THE DEPARTMENT HAS COMPLIED WITH THE REQUIREMENTS SET
8 FORTH IN SUBSECTION (3) OF THIS SECTION.

9 (3) (a) IF THE DEPARTMENT OR ANY ENTERPRISE OF THE
10 DEPARTMENT INTENDS TO CONSTRUCT OR DESIGNATE A MANAGED LANE
11 ON A STATE HIGHWAY OR TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP
12 THAT INCLUDES THE CONSTRUCTION OR DESIGNATION OF A MANAGED
13 LANE ON A STATE HIGHWAY, THE DEPARTMENT, BEFORE COMMENCING THE
14 CONSTRUCTION OF OR DESIGNATING THE MANAGED LANE, SHALL PREPARE
15 AND MAKE READILY AVAILABLE TO THE PUBLIC ON ITS WEBSITE A WRITTEN
16 REPORT OF THE RESULTS OF ITS PUBLIC OUTREACH EFFORTS RELATING TO
17 THE MANAGED LANE. THE REPORT SHALL INCLUDE, AT A MINIMUM:

18 (I) THE RESULTS OF ANY POLL CONDUCTED, INCLUDING THE TEXT
19 OF EACH QUESTION ASKED AND A COMPILATION OR TABULATION OF THE
20 RESPONSES TO EACH QUESTION; AND

21 (II) A SYNOPSIS OF EACH PUBLIC OUTREACH MEETING HELD THAT
22 INCLUDES THE DATE AND LOCATION OF THE MEETING, THE TEXT OF ANY
23 WRITTEN COMMENTS OR QUESTIONS RECEIVED FROM THE PUBLIC, A
24 SUMMARY OF VERBAL QUESTIONS AND COMMENTS RECEIVED, THE TEXT OF
25 ANY WRITTEN RESPONSES PROVIDED BY THE DEPARTMENT OR AN
26 ENTERPRISE OF THE DEPARTMENT, AND A SUMMARY OF ANY VERBAL
27 RESPONSES PROVIDED BY THE DEPARTMENT OR AN ENTERPRISE OF THE

1 DEPARTMENT.

2 (b) THE DEPARTMENT SHALL ANNUALLY SUMMARIZE FOR THE
3 TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE
4 OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY
5 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, AT A JOINT
6 MEETING OF THE COMMITTEES OR AT A MEETING OF THE TRANSPORTATION
7 LEGISLATION REVIEW COMMITTEE, CREATED IN SECTION 43-2-145 (1)(a),
8 ANY REPORT PREPARED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.
9 THE DEPARTMENT SHALL ALSO PROVIDE THE COMMITTEES WITH THE
10 WEBSITE ADDRESS FOR THE REPORT.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.