

**RECOMMENDATIONS FOR 2005**

**T**RANSPORTATION **L**EGISLATION  
**R**EVIEW **C**OMMITTEE

**Report to the Governor and the  
Colorado General Assembly**

**Research Publication No. 530  
December 2004**

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November 2004

To the Governor and the Members of the Sixty-fifth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. The purpose of the committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of and input into such development.

At its meeting on October 15, 2004, the Legislative Council reviewed the report of this committee. Motions to forward this report and the bills herein for consideration in the 2005 session were approved.

Respectfully submitted,

/s/ Representative Lola Spradley  
Chairman

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# **TRANSPORTATION LEGISLATION REVIEW COMMITTEE**

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# EXECUTIVE SUMMARY

## **Committee Charge**

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Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to the Colorado Department of Transportation in the development of the state transportation system and to provide legislative overview of such development. The committee is directed to review any phase of operations for the department, including planning and construction of highway projects. The committee is also authorized to review any phase of operations for any public highway authority (e.g., E-470 Public Highway Authority) along with any rural transportation authority responsible for the development of rural transportation systems. In addition, the legislative committee provides guidance to the Regional Transportation District and reviews its budget, farebox recovery ratio, and the privatization of bus service.

## **Committee Activities**

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The TLRC held five meetings addressing a variety of transportation-related matters in 2004. At these meetings the committee heard testimony from representatives of 16 organizations, including the Colorado Departments of Revenue, Transportation, and Public Health and Environment, the Colorado State Patrol and the Colorado Motor Carriers Association.

The committee reviewed information in five major transportation subject areas: air quality and mass transit, transportation infrastructure, motor vehicle regulation and licensure, public safety, and transportation finance. The most frequently discussed topics pertained to transportation funding and infrastructure, the reauthorization of the federal Surface Transportation Act, transportation revenue anticipation notes, ozone standards, and public safety as it relates to motorists and homeland security.

## **Committee Recommendations**

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As a result of committee discussion and deliberation, the committee recommended five bills to the Legislative Council. A bill relating to the issuance of drivers licenses was not approved for introduction by the Legislative Council. The bills approved by the Legislative Council are summarized below.

***Bill A — Limitations on Minor Drivers Carrying Minor Passengers.*** Bill A prohibits a minor driver from driving a vehicle with a passenger under 21 years of age until the minor driver has held a driver's license for at least six months. The bill makes a number of exceptions to this prohibition. Minor drivers who have held licenses for less than a year

are prohibited from carrying more than one passenger under 21 and are prohibited from driving between 12 midnight and 5 a.m. The bill also makes a number of exceptions to these prohibitions. Minor drivers who violate the provisions of the bill are subject to fines, license suspension points, extension of driving restrictions and community service.

**Bill B — Breast Cancer Awareness License Plate.** Bill B creates the Breast Cancer Awareness special license plate and assesses purchasers of the plate a one-time fee of \$25 in addition to normal registration fees and a fee to cover the direct costs of producing and issuing each set of plates.

**Bill C — Good Samaritan Law for Employers of Commercial Motor Vehicle Drivers.** Bill C exempts employers of drivers of commercial motor vehicles from civil liability for acts or omissions of the driver while the driver is rendering emergency assistance to a motorist.

**Bill D — Increase in the Fine for Human Waste Dumping.** Bill D addresses the dumping of cans, bottles or diapers containing human waste by increasing the amount of the fine for dumping human waste on a state highway from \$35 to \$500.

# STATUTORY AUTHORITY AND RESPONSIBILITIES

The Transportation Legislation Review Committee (TLRC) is comprised of the members of the House Transportation and Energy and the Senate Transportation Committees. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, rural transportation authorities, public highway authorities and the Regional Transportation District. In addition, the TLRC has traditionally monitored the activities of the Department of Revenue relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

***Colorado Department of Transportation.*** Section 43-2-145 (1), C.R.S., requires the TLRC to give guidance and direction to Colorado Department of Transportation (CDOT) in the development of the state transportation system, to provide legislative overview of and input into such development, and to make recommendations concerning the financing of the state transportation system. The TLRC may review any phase of CDOT operations, including the planning and construction of highway projects. The TLRC may also review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner. The committee may require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted. The TLRC is required to study annual recommendations of the Executive Director of CDOT regarding the acquisition of any abandoned railroad rights-of-way in the state. The TLRC may recommend legislation to the General Assembly and to the Governor resulting from these oversight responsibilities. CDOT is required to cooperate with the TLRC in carrying out its duties.

***Rural transportation authorities.*** The TLRC is granted the authority to review the operations of rural transportation authorities in Colorado, including the planning and construction of rural transportation systems (43-2-145 (1.9), C.R.S.). The TLRC may review authority projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by rural transportation authorities as well as financial and performance audits.

***Public highway authorities.*** The TLRC is granted authority to review any phase of operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (43-2-145 (1.5), C.R.S.). The TLRC may review projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans and may require financial or performance audits of these entities.

***Regional Transportation District .*** The Regional Transportation District (RTD) is required to contract at least 50 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards



relating to experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's implementation of this statutory requirement and recommend any necessary changes to the General Assembly (32-9-119.5 (8) (a), C.R.S.).

RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.

# COMMITTEE ACTIVITIES

During the 2004 interim, the TLRC held five meetings and met with representatives of 16 agencies and organizations interested in the development and operation of Colorado's transportation systems. Some of the major topics addressed by the committee this interim are summarized below.

## **Motor Vehicle Regulation and Licensure**

Regarding motor vehicle regulation and licensure, the committee heard testimony from the Department of Revenue on the issues of graduated driver's licenses, special license plates, driving education programs available to minors, and where the public can locate information on these issues. For several years, the committee has reviewed information from both the Colorado State Patrol and National Insurance Institute concerning an increase in teen driving accidents and deaths. As a result, legislation was enacted during the 2004 legislative session that put in place an incentive for increased driver education for teenagers. The DOR helped to implement graduated driver's license educational requirements by approving two driver education courses, the Defensive Driving Course 4 (DDC4) developed by the National Safety Council and the Colorado State Patrol's Alive at 25 Program.

***Traffic fatalities in vehicles operated by minors.*** State and local law enforcement testified regarding fatalities of teenage occupants of vehicles operated by minors. Committee members discussed recommendations to address the problem, including restrictions on numbers of passengers in motor vehicles operated by young drivers, the addition of driving programs to school curricula, and a proposal to require parents of minors to bear responsibility for citations issued to minors. Committee deliberation resulted in the recommendation of Bill A, which further restricts the numbers of passengers in motor vehicles operated by minors and the allowable hours of operation of vehicles operated by minors.

***Special license plates.*** The committee reviewed recent revisions to the process of creating special license plates. Since July 2002, special license plates may be created only by legislation. An administrative process for the creation of special plates through DOR has been eliminated. The authority of the DOR to set the levels of taxes and fees on special plates was also repealed. As of July 1, 2007, the production of certain special license plates for which fewer than 3,000 plates remain in circulation will end. Special plates subject to termination include any special license plate previously created by departmental rule, and special plates issued for the United States Marine Corps, alumni associations, the U.S. Olympic Committee, and active and retired members of the Colorado National Guard. Revenues derived from special license plates are credited to the Highway Users Tax Fund.

*Recommendation.* The committee recommends Bill B, which creates an additional special license plate, the Breast Cancer Awareness special license plate. Purchasers of the plate will pay a one-time fee of \$25 in addition to normal registration fees. This plate may generate additional fee revenue to the HUTF for transportation construction and to the License Plate Cash Fund in fiscal year 2005-06.

***Civil liability of employers of commercial motor vehicle operators.*** Colorado currently has a "Good Samaritan" law which prevents a party from being sued if that individual, in good faith, renders assistance in an emergency situation. The Colorado Motor Carriers Association expressed concern about a situation that is perceived as a "loophole" in the law. The Association cited two incidents in which vehicles collided with parked trucks while the truck driver rendered assistance to a motorist. This type of accident may subject the truck driver's employer to a lawsuit. According to the Association, failure to render assistance is a violation of Colorado law, while providing such help can potentially result in the filing of lawsuits against trucking companies.

*Recommendation.* The committee recommends Bill C to protect trucking companies from liability when their employees act in good faith to assist a motorist. The bill specifically exempts these employers from civil liability for acts or omissions of their employee while the employee is rendering emergency assistance.

## **Transportation Infrastructure**

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The committee was informed by CDOT that the southeast Interstate-25 corridor, or T-REX, is within budget and on schedule. The highway component of T-REX is expected to be completed in September 2006, and the light rail-transit component will be completed at the end of 2006. CDOT also presented background information on its major projects, 25 current corridor studies, and recent accomplishments. The department has been discussing possible rail infrastructure relocation and freight line consolidation with the Burlington-Northern and Santa Fe Railway Company, the Union Pacific Railroad, and RTD. The focus has been on long-term plans to ease congestion in the Denver area while improving passenger and freight mobility along the front range. An update was also provided on the status and future plans for the potential build-out of a 6,000-acre multi-modal transportation facility, "TransPort," near Front Range Airport. Also, the committee heard testimony from industries regarding road construction materials and developing technologies related to these materials.

## **Transportation Finance**

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***Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21) reauthorization.*** CDOT testified on the future prospects for federal transportation funding, noting that the federal Surface Transportation Act reauthorization is currently stalled in Congress. The U.S. House and Senate are developing a resolution that would extend funding until the new

surface transportation bill is enacted. TEA-21 has been extended five times since September 30, 2003, when it was scheduled to expire. The proposed reauthorization, known as the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA), stresses transportation safety and may more than double highway safety funding. The Senate is currently proposing a \$318 billion, six-year renewal bill, while the House is seeking a \$299 billion renewal package for six years.

***Transportation Revenue Anticipation Notes.*** The committee received an update from CDOT on the issuance of Transportation Revenue Anticipation Notes (TRANs) and the potential for using toll revenues to meet transportation financing needs. The department's final TRANs bond issuance of \$134.6 million was completed in May 2004. Also in May, CDOT refinanced \$280.2 million in notes to realize greater savings. Finally, the department reviewed recommendations regarding transportation finance in Colorado made by the 2004 Governor's Task Force on Transportation Finance.

## **Air Quality/Mass Transit**

***Air quality.*** The Colorado Department of Public Health and Environment (DPHE) testified on the state's air quality, Colorado State Implementation Plan (SIP) components, and the process by which the SIP is reviewed and approved by the Governor and General Assembly. In the past ten years, pollution levels in all major Colorado cities continued to decline. The DPHE stated that the Denver-metro area has been in compliance with nearly every health-based air quality standard in the past five years, making the Denver-metro area the first metro area in the nation to regain compliance with federal standards. However, federal ozone-testing has recently become more stringent, implementing an eight-hour ozone test period instead of the historical one-hour test period. As a result, Denver experienced an elevated ozone emission level in 2003. The department noted that a working group of several different agencies has been created to address ozone levels following the 2003 violation. The group will provide input on policy issues and the evaluation and selection of emission reduction measures.

***Remote emissions sensing.*** The remote sensing aspect of the Automobile Inspection and Readjustment Program involves a remote sensing device that reads exhaust emission levels while a vehicle is moving. The program is the joint responsibility of the DPHE and the DOR. The DPHE is responsible for program design, establishing policies, approving remote sensing sites, the proper operation of remote sensing equipment, and certifying and training of personnel. The DPHE believes it has met its responsibilities for the program, but the DOR is still working on the computer software to put the program in place.

***Mass transit.*** The Regional Transportation District (RTD) testified on mass transit in the Denver Metro Area. The committee received an update on RTD's 2004 amended budget, fares, contracted bus service, the transit portion of the T-REX, and the FasTracks plan. RTD had 47.6 percent of all bus services operated by private contractors as of May

2004. New contracts have been awarded that will reach the 50 percent state requirement by January 2005. The FasTracks Plan is a comprehensive plan to build and operate high speed rail lines and expand and improve suburb-to-suburb bus service and Park-n-Rides throughout the metropolitan area.

## **Public Safety**

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The Colorado State Patrol provided its Strategic Management Plan and 2002-2003 Annual Report to the committee. The four goals of the Strategic Management Plan are to improve traffic safety, reduce criminal activity, enhance homeland security, and provide communications. The Colorado State Patrol plans to attain these goals by: (1) recruiting and maintaining a high-caliber uniformed and civilian workforce; (2) merging new technologies into the patrol's work process to improve efficiencies and cost-effectiveness; and (3) integrating homeland security and criminal reduction capabilities into patrolling activities.

***Dumping of human waste.*** Also on the subject of public safety, the Colorado Motor Carrier's Association and CDOT testified that the dumping of human waste along highways is a growing problem in Colorado. The two agencies noted that the practice affects the image of the state and poses a biological hazard for roadway beautification volunteers and highway maintenance crews. As a result of this testimony the committee recommends Bill D, which addresses the dumping of cans, bottles or diapers containing human waste by increasing the amount of the fine for dumping human waste on a state highway from \$35 to \$500.

## SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, five bills were recommended to the Legislative Council. The Legislative Council approved four of the TLRC's recommended bills for introduction. The bills are designed to increase the safety of teenage drivers, create a new special license plate, increase the penalty for dumping human waste on highways, and prevent the filing of lawsuits against commercial motor vehicle companies when their employees assist stranded motorists. These four bills are described below. A bill that would have updated statutes relating to the issuance of driver's licenses was not approved by the Legislative Council for introduction.

### **Bill A — Concerning Limitations on the Driving Privileges of Newly Licensed Minor Drivers, and in Connection Therewith, Prohibiting Newly Licensed Minor Drivers from Driving During Certain Hours or Carrying Passengers Who Are Under Twenty-One Years of Age.**

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Bill A places further restrictions on Colorado drivers in the age group of 16 to 18 years. The restrictions to which a young driver is subject vary with the age at which a driver receives a license.

The bill prohibits a minor driver (a driver under 18 years old) from driving a vehicle with a passenger under 21 years of age until the minor driver has held a driver's license for at least six months. Minor drivers who have held licenses for less than a year are prohibited from carrying more than one passenger under 21. Colorado law currently contains some restrictions on carrying passengers in vehicles operated by young drivers. For example, drivers who are under 17 years old are prohibited from carrying more passengers than there are seat belts in the car, and may only have one passenger riding in the front seat.

A minor driver is exempted from the passenger limitations in Bill A if any of the following conditions are met:

- one passenger in the car is the minor's parent, guardian or other responsible adult;
- one passenger is a licensed driver over 25 years of age or a driving instructor;
- the passenger is in the vehicle as a result of a medical emergency;
- the passenger is the spouse of the driver; or
- the driver is the parent or guardian of the passenger.

Under Bill A, minor drivers who have held licenses for less than one year are prohibited from driving between 12 midnight and 5 a.m. This curfew currently applies only to drivers under 17 years of age in Colorado. Exceptions to this curfew in Bill A are allowed in the following situations: the driver's passengers include a parent, guardian or another responsible adult, a 25 year-old driver or driving instructor is in the car, the driving is for a medical emergency, employment, or a school-authorized activity, or the minor is emancipated. Bill A also imposes punishments for the violations of its provisions including community service, fines, extension of the bill's restrictions, and license suspension points. Fine revenues resulting from violations will be credited to the HUTF and to municipalities where violations occur. New state HUTF revenues for fiscal year 2005-06 are not expected to exceed \$5,000.

**TABLE I - Restrictions on Minor Driver's Licenses**

<b>Age at which Driver is Licensed</b>	<b>Restrictions Currently in Colorado Law</b>	<b>Additional Restrictions in Bill A.</b>
16 years - (The earliest age at which a person may receive a driver's license in Colorado, assuming completion of a driver's education course.)	Drivers under 17 years may not carry more passengers than there are seat belts, may carry only one passenger in the front seat, and may not drive between midnight and 5:00 a.m., with certain exceptions.	Drivers who have been licensed for less than six months may not drive with a passenger under 21 years of age in the car. A driver who has been licensed for six months to one year may carry one passenger under 21 of age. Drivers who have held a license for less than one year are subject to the driving curfew (midnight to 5:00 a.m.), certain exceptions are included.
17 years.	At 17 years of age passenger and hours of operation restrictions are lifted.	Drivers who have been licensed for less than six months may not drive with a passenger under 21 years of age. A minor driver who has been licensed for six months to one year may carry one passenger under 21 years of age. A minor driver who has been licensed for more than one year, is no longer subject to passenger restrictions. Drivers who have held a license for less than one year are subject to the driving curfew (midnight to 5:00 a.m.), certain exceptions are included.
18 years	No Restrictions.	No Restrictions.

### **Bill B — Concerning Creation of the Colorado Breast Cancer Awareness Special License Plate.**

Bill B creates the Breast Cancer Awareness special license plate. The bill directs the DOR to participate with interested parties in designing the plate. Purchasers of the plate pay a one-time fee of \$25 in addition to normal registration fees. The one-time fee is credited to the HUTF. Under current law, applicants must also pay a fee of \$5.08 to cover the direct costs of producing and issuing each set of plates and \$0.28 in fees for month and year tabs. These fees are credited to the License Plate Cash Fund. Personalized Breast Cancer Awareness plates may also be issued. The bill is estimated to generate additional

fee revenue of \$150,000 to the HUTF and \$32,000 to the License Plate Cash Fund in Fiscal Year 2005-06. The Department of Revenue would incur costs of \$33,981 for producing plates and tabs and modifying the motor vehicle registration computer system to account for the new plate.

**Bill C — Concerning an Extension of the Exemption from Civil Liability to the Employer of a Commercial Vehicle Operator Who Renders Good Faith Emergency Care of Emergency Assistance.**

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Bill C exempts employers of commercial motor vehicle operators from civil liability for acts or omissions of their employee while the employee is rendering emergency assistance. Bill C will not have a significant fiscal impact on the state or local governments as very few cases are expected to be brought under the bill. No new appropriations will be necessary to implement the bill.

**Bill D — Concerning an Increase in the Amount of the Fine Imposed as Punishment for Illicit Disposal of Containers of Human Waste Upon or Along a State Highway.**

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Bill D amends Colorado's littering laws by putting in place a fixed fine for the dumping of human waste. Specifically, the bill addresses the dumping of cans, bottles or diapers containing human waste and would increase the amount of the fine for dumping human waste on a state highway from \$35 (plus a \$5.20 surcharge) to \$500. The bill is expected to generate less than \$5,000 annually in fine revenues. These revenues will be credited to the HUTF. No new appropriations will be necessary to implement the bill.



# RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303) 866-2055. For a limited time, the meeting summaries and materials developed by Legislative Council Staff are available on our website at:

[www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2004/04interim.htm](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2004/04interim.htm)

<b>Meeting Summaries</b>	<b>Topics Discussed</b>
June 24, 2004	Colorado Motor Carriers Association; Colorado Pink Plate Initiative; Development of Front Range Airport area; tour of Department of Revenue facilities and Motor Vehicle Business Group.
July 8, 2004	Air quality issues in Colorado and remote sensing; Colorado State Patrol; Regional Transportation District; collaboration and cooperation among the Northwest Parkway Authority, E-470 and the Colorado Tolling Enterprise; Colorado Asphalt Pavement Association; American Concrete Paving Association; Colorado Ready Mixed Concrete Association and Colorado Rock Products.
August 25, 2004	Graduated driver licensing programs in other states; Colorado State Patrol budget and legislative report; suggestions for reducing teenage auto accident fatalities; implementation of HB 04-1017 - Graduated Driver's Licenses; Colorado State Titling and Registration System; vehicle licensing; Transportation Commission briefing on "2030 Plan"; road and bridge conditions in the state; federal legislation update; Governor's Transportation Finance Task Force; T-REX status.
August 26, 2004	Breathalyzer technology; training requirements for teenage drivers; restriction on number of passengers for minor drivers; Colorado State Patrol five-year budget; Colorado State Patrol monitoring of truck weight; legislative proposals to be drafted by the Office of Legislative Legal Services; TLRC members' legislative proposals.
September 23, 2004	Presentation/amendment/adoption of TLRC legislation.

## **Memoranda and Reports**

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*2002-2004 Annual Report*, Colorado State Patrol.

*RTD Presentation to the TLRC*, July 8, 2004, Regional Transportation District.

*Transportation Legislative Review Committee*, July 8, 2004, Northwest Parkway Authority, E-470, and the Colorado Tolling Enterprise.

*Teen Occupant Fatalities in Colorado*, Colorado State Patrol.

*Graduated Driver's License (GDL) Laws*, American Automobile Association Digest.

*Colorado Driver Handbook, Electronic Renewal of Driver's Licenses*, Colorado State Patrol.

*Moving Colorado: Vision for the Future 2030 Statewide Plan, Statewide 2030 Transportation Plan*, and *TLRC Presentation*, August 25, 2004, Colorado Department of Transportation.

*Transportation Finance Task Force Report*, March 2004, Report to Governor Owens.

*Graduated Drivers Licensing in the United States, Fifteen to Twenty Year-old Deaths in the United States*, and *Safety Belt Use in 2003 - Use Rates in the States and Territories*, Colorado State Patrol.