

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0474.01 Megan Waples x4348

HOUSE BILL 21-1186

HOUSE SPONSORSHIP

Gray and Sullivan,

SENATE SPONSORSHIP

Winter and Bridges,

House Committees
Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RELIEVING THE REGIONAL TRANSPORTATION DISTRICT**
102 **OF STATUTORY RESTRICTIONS RELATED TO THE DISTRICT'S**
103 **OPERATIONS.**

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 amends provisions related to the operation of the regional transportation district (district), including:

- Removing a cap on the amount of all vehicular service the district can allow to be provided by third parties under competitive contracts and retaining the cap on the amount

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.

HOUSE
Amended 2nd Reading
April 5, 2021

of fixed route bus service that may be provided through such contracts;

- Expanding the types of entities the district can contract with to include nonprofit organizations and local government;
- Repealing farebox recovery ratio requirements and requiring the district to include in its annual financial reports information on annual operating costs, ridership numbers, and operating costs divided by ridership as a measure of the cost efficiency of its services;
- Repealing a limitation on developments that would reduce parking at a facility or result in a competitive disadvantage to private businesses near the facility; and
- Repealing limitations on the district's authority to charge fees and manage parking at district parking facilities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-9-119.5, **amend**
3 (2)(a) and (3)(a); and **add** (10) as follows:

4 **32-9-119.5. Competition to provide vehicular service within**
5 **the regional transportation district - definition.** (2) (a) The district
6 may implement a system under which **up to fifty-eight percent of the**
7 district's vehicular service is provided by qualified private businesses,
8 **NONPROFIT ORGANIZATIONS, OR LOCAL GOVERNMENTS** pursuant to
9 **competitively negotiated contracts.**

10 (3) (a) (I) Subject to the requirements of the "Federal Transit Act",
11 as amended, the district may request proposals from **private** **QUALIFIED**
12 providers to provide up to fifty-eight percent of all of the vehicular
13 **service of the district as measured by vehicle hours** **PLATFORM TIME** or
14 **vehicle hour** **PLATFORM TIME** equivalents. The district's decision as to
15 which vehicular services are subject to requests for proposals must
16 represent the district's total vehicular service operations; except that each
17 individual request for proposals may designate one type of vehicular

1 service. Service provided by private businesses, NONPROFIT
2 ORGANIZATIONS, OR LOCAL GOVERNMENTS pursuant to this section shall
3 be accomplished through attrition of the district's full-time employees.
4 Layoffs shall not occur solely as a result of the implementation of this
5 section. If the director of the division of labor standards and statistics in
6 the department of labor and employment orders an arbitration pursuant to
7 section 8-3-113 (3), ~~C.R.S.~~, the arbitrator shall not have the power to
8 establish a level of vehicular service to be provided by private businesses,
9 NONPROFIT ORGANIZATIONS, OR LOCAL GOVERNMENTS in accordance with
10 this section.

11 (II) The district shall establish reasonable standards for ~~vehicle~~
12 ~~hour~~ PLATFORM TIME equivalents for all vehicular services that are not
13 ordinarily measured by ~~vehicle hours~~ PLATFORM TIME.

14 (10) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS ANY
15 COUNTY, CITY AND COUNTY, CITY, TOWN, DISTRICT, AUTHORITY, OR
16 OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY DEPARTMENT,
17 AGENCY, OR INSTRUMENTALITY THEREOF, OR ANY OTHER ENTITY,
18 ORGANIZATION, OR CORPORATION FORMED BY INTERGOVERNMENTAL
19 AGREEMENT OR OTHER CONTRACT BETWEEN OR AMONG ANY OF THE
20 FOREGOING.

21 **SECTION 2.** In Colorado Revised Statutes, 32-9-119.7, **amend**
22 (1), (2), (3), and (4); and **repeal** (5) as follows:

23 **32-9-119.7. Cost efficiency of transit services - reporting -**
24 **plans.** (1) The general assembly hereby finds and declares that surface
25 transportation in the Denver metropolitan area is a major problem
26 confronting not only the citizens of the metropolitan area but also the
27 citizens of the entire state of Colorado. The general assembly further finds

1 that, although mass transportation is one component of an effective
2 surface transportation system, the allocation of resources to mass
3 transportation must be made in light of all surface transportation needs.
4 The general assembly further finds that the district should be organized
5 efficiently, economically, and on a demand-responsive basis and that the
6 district should consider least-cost alternatives in discharging its
7 responsibilities. ~~The general assembly further finds that the farebox~~
8 ~~recovery ratio of the district must be improved so that resources once~~
9 ~~allocated for mass transportation can be made available for other surface~~
10 ~~transportation needs.~~

11 (2) For the purposes of this section, "operating costs" means all
12 expenditures, including depreciation, except for those incurred in
13 long-term planning and development of mass transportation and rapid
14 transit infrastructures and those costs incurred as a result of providing
15 transportation service mandated by the federal "Americans with
16 Disabilities Act of 1990", 42 U.S.C. sec. 12101 through 12213. ~~and~~
17 ~~"revenues collected" means all non-sales tax revenue generated through~~
18 ~~the operation and maintenance of the mass transit system, except for those~~
19 ~~revenues generated as a result of providing transportation service~~
20 ~~mandated by the federal "Americans with Disabilities Act of 1990".~~

21 (3) The district shall take ~~whatever measures it deems necessary~~
22 ~~to ensure that the following percentages of its operating costs are funded~~
23 ~~by revenues collected, as follows:~~ INCLUDE IN ITS ANNUAL FINANCIAL
24 REPORTING INFORMATION ON ANNUAL OPERATING COSTS, RIDERSHIP
25 NUMBERS, AND OPERATING COSTS DIVIDED BY RIDERSHIP AS MEASURES OF
26 THE COST EFFICIENCY OF THE SERVICES THE DISTRICT PROVIDES.

27 (a) ~~For the fiscal year 1990, twenty-seven and one-half percent;~~

12 (a) To make the mass transportation operations of the district
13 more demand-responsive;

14 (b) To demonstrate that the district has considered least-cost
15 options for performing its service;

16 (c) To make recommendations regarding farebox recovery ratios;
17 and

18 (d) To demonstrate improved commuter and to-and-from-work
19 service.

20 **SECTION 3.** In Colorado Revised Statutes, 32-9-119.8, amend
21 (4) as follows:

22 **32-9-119.8. Provision of retail and commercial goods and**
23 **services at district transfer facilities - residential and other uses at**
24 **district transfer facilities permitted - legislative declaration -**
25 **definitions.** (4) The use of a transfer facility for the provision of retail or
26 commercial goods or services or for the provision of residential uses or
27 other uses shall not be permitted if the use would reduce transit services.

1 would reduce the availability of adequate parking for the public, or, for
2 uses involving the provision of retail or commercial goods or services,
3 would result in a competitive disadvantage to a private business
4 reasonably near a transfer facility engaging in the sale of similar goods or
5 services. The provision of retail and commercial goods and services or the
6 provision of residential uses or other uses at transfer facilities shall be
7 designed to offer convenience to transit customers and shall be conducted
8 in a manner that encourages multimodal access from all users.

9 **SECTION 4.** In Colorado Revised Statutes, 32-9-119.9, **amend**
10 (1)(a), (1)(c), (1)(e), (2), and (4)(a); and **repeal** (1)(d) and (3) as follows:

11 **32-9-119.9. Limited authority to charge fees for parking -**
12 **reserved parking spaces - penalties - definitions.** (1) (a) The district
13 may charge a parking fee at a district parking facility. for:

14 (I) A motor vehicle registered at an address outside the district;
15 (II) A motor vehicle left in the district parking facility for more
16 than twenty-four hours; or
17 (III) Reserved parking.

18 (c) The district shall be prohibited from requiring an individual to
19 give any type of personal information, including, but not limited to, any
20 motor vehicle registration or driver's license information in furtherance
21 of the administration and enforcement of the parking fee imposed
22 pursuant to this subsection (1); except that The district may require an
23 individual to provide such personal information, INCLUDING, BUT NOT
24 LIMITED TO, MOTOR VEHICLE REGISTRATION OR DRIVER'S LICENSE
25 INFORMATION, in order to use reserved parking or automatic payment
26 services offered by the district.

27 (d) Except as otherwise provided by this section, the district shall

1 not charge a person any type of fee, regardless of what it may be called,
2 to park at a district parking facility.

3 (e) All parking fees established in this subsection (1) shall be
4 payable in advance. Payment devices shall be available at all parking
5 facilities at which parking fees are charged pursuant to this subsection
6 (1). The district may establish customer accounts to permit persons who
7 use a district parking facility to prepay parking fees.

8 (2) No more than fifteen percent of a district parking facility shall
9 be set aside for reserved parking. The district may provide for reserved
10 parking spaces at a facility for the use of its employees.

11 (3) This section shall not apply to a district parking facility for
12 which a lease was entered into by the district prior to January 1, 2006, a
13 facility where the district charged for parking prior to January 1, 2006, or
14 a district parking facility at or related to Denver union station.

15 (4) (a) If a motor vehicle is parked at a district parking facility and
16 the person who parks the motor vehicle either fails to pay a parking fee
17 that is required by the district pursuant to the authority set forth in
18 subsection (1) of this section or violates a rule established by the district
19 pursuant subsection (1.5) of this section, the district may impose a penalty
20 on the owner of the vehicle for each day that the vehicle is parked at the
21 facility. The penalty shall be twenty dollars for the first offense, fifty
22 dollars for the second offense, and one hundred dollars for all subsequent
23 offenses. The district shall give written notice to the owner of the penalty
24 and shall notify the owner that he or she may, within fourteen days of the
25 notice from the district, request a hearing to dispute the penalty. The
26 hearing shall be held within thirty days after receipt of the request from
27 the owner and may be conducted in person or by telephone. No person

1 engaged in conducting the hearing or participating in a decision shall be
2 responsible to or subject to the supervision or direction of any person
3 engaged in the performance of parking management functions for the
4 district.

5 **SECTION 5. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.