

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0779.01 Jason Gelender x4330

**HOUSE BILL 20-1151**

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**HOUSE SPONSORSHIP**

**Gray,**

**SENATE SPONSORSHIP**

**Winter,**

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**House Committees**  
Transportation & Local Government  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**  
101     **CONCERNING THE EXPANSION OF AUTHORITY FOR REGIONAL**  
102     **TRANSPORTATION IMPROVEMENTS.**

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**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 authorizes a transportation planning organization (TPO) to exercise the powers of a regional transportation authority (RTA). Among other powers, the powers of a RTA include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding. Any additional transportation funding obtained by a TPO exercising the power of a RTA

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.*

are intended to supplement and not supplant state transportation funding allocated within the boundaries. Therefore, the transportation commission and the department of transportation (CDOT) are prohibited from taking such additional transportation funding into account when determining the amount of state transportation funding to be allocated within the boundaries of a TPO, and CDOT, when submitting its annual proposed budget allocation plan, is required to provide evidence that the proposed allocation of state transportation funding within the boundaries of any TPO that has obtained such additional transportation funding has not been reduced in any way on account of the additional transportation funding.

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

2           **SECTION 1.** In Colorado Revised Statutes, 43-4-602, **amend**  
3        (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

4           **43-4-602. Definitions.** As used in this part 6, unless the context  
5        otherwise requires:

6           (1.5) "Authority" means a body corporate and political subdivision  
7        of the state created pursuant to this part 6 OR A TRANSPORTATION  
8        PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
9        AUTHORIZED BY SECTION 43-4-622.

10          (2) "Board" means the board of directors of an authority OR OF A  
11        TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
12        AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622.

13          (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES  
14        SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE  
15        CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE  
16        BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING  
17        ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
18        AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE  
19        TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
20        AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION

1 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY  
2 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

3 (12.5) "Region" means all of the territory within the boundaries  
4 of, and subject to the jurisdiction of, the governing body of any member  
5 of a combination that creates an authority pursuant to section 43-4-603 OR  
6 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING  
7 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
8 AUTHORIZED BY SECTION 43-4-622.

9 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A  
10 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION  
11 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION  
12 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION  
13 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

14 **SECTION 2.** In Colorado Revised Statutes, 43-4-603, **amend** (1),  
15 (1.5), and (3); and **add** (2.5) as follows:

16 **43-4-603. Creation of authorities - exercise of powers of an**  
17 **authority by transportation planning organization.** (1) Any  
18 combination may create, by contract, an authority that is authorized to  
19 exercise the functions conferred by the provisions of this part 6 upon the  
20 issuance by the director of the division of a certificate stating that the  
21 authority has been duly organized according to the laws of the state. IN  
22 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT  
23 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN  
24 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY  
25 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE  
26 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED  
27 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF

1 THE STATE. The combination joining in the creation of the authority OR  
2 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION  
3 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall  
4 provide a copy of the contract OR RESOLUTION to the department of  
5 transportation for comment and, if the territory of the proposed authority  
6 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING  
7 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
8 AUTHORITY includes or borders any territory of the regional transportation  
9 district created in article 9 of title 32 C.R.S., or intersects with or is likely  
10 to divert vehicle traffic to or from a toll highway operated by a public  
11 highway authority established under part 5 of this ~~article~~ ARTICLE 4, shall  
12 also provide a copy of the contract OR RESOLUTION to the district or the  
13 affected public highway authority, as applicable, for comment. The  
14 combination OR TRANSPORTATION PLANNING ORGANIZATION shall also  
15 provide a copy of the contract ~~OR RESOLUTION FOR COMMENT~~ to each  
16 county and municipality that is not a member of the combination OR A  
17 MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that  
18 includes territory that borders the territory of the proposed authority ~~for~~  
19 ~~comment~~ OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING  
20 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
21 AUTHORITY. ~~A TRANSPORTATION PLANNING ORGANIZATION ADOPTING A~~  
22 ~~RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY~~  
23 ~~SHALL ALSO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO ANY~~  
24 ~~EXISTING AUTHORITY THAT INCLUDES OR BORDERS ANY OF THE TERRITORY~~  
25 ~~IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION WILL EXERCISE~~  
26 ~~THE POWERS OF AN AUTHORITY.~~ The director shall issue the certificate  
27 upon the filing with the director of a copy of the contract by the

1 combination joining in the creation of the authority OR A COPY OF THE  
2 RESOLUTION ADOPTED BY THE BOARD OF THE TRANSPORTATION PLANNING  
3 ORGANIZATION AUTHORIZING THE TRANSPORTATION PLANNING  
4 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY. The director  
5 shall cause the certificate to be recorded in the real estate records in each  
6 county having territory included in the boundaries of the authority. Upon  
7 issuance of the certificate by the director, ~~the~~ AN authority shall constitute  
8 CREATED BY A COMBINATION BY CONTRACT CONSTITUTES a separate  
9 political subdivision and body corporate of the state and shall have all of  
10 the duties, privileges, immunities, rights, liabilities, and disabilities of a  
11 public body politic and corporate.

12 (1.5) ~~On and after January 1, 2006,~~ If, after reviewing a contract  
13 that creates an authority OR A RESOLUTION AUTHORIZING A  
14 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
15 AN AUTHORITY provided pursuant to subsection (1) of this section, but in  
16 no event more than ninety days after a copy of the contract OR  
17 RESOLUTION is provided pursuant to subsection (1) of this section, the  
18 department of transportation, the regional transportation district created  
19 in article 9 of title 32, ~~E.R.S.~~, a bordering county or municipality, ~~or~~ a  
20 public highway authority established under part 5 of this ~~article~~ ARTICLE  
21 4, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY,  
22 informs the combination that executed the contract OR THE  
23 TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE  
24 RESOLUTION that any portions of the regional transportation systems to be  
25 provided by the proposed authority that involve road construction or  
26 improvement, as specified in the contract OR RESOLUTION pursuant to  
27 paragraph (a) of subsection (2) of this section SUBSECTION (2)(a) OF THIS

1 SECTION, and that are on, alter the physical structure of, or negatively  
2 impact safe operation of any highway, road, or street under its jurisdiction  
3 or will provide mass transportation services that impact the district, then,  
4 at the request of the affected entity, the combination OR THE  
5 TRANSPORTATION PLANNING ORGANIZATION shall enter into an  
6 intergovernmental agreement concerning the identified portions or mass  
7 transportation services with the department, the district, the bordering  
8 county or municipality, the public highway authority, THE EXISTING  
9 AUTHORITY, or any combination thereof, as applicable, within one  
10 hundred eighty days after a copy of the contract OR RESOLUTION was  
11 provided, or eliminate those portions or services from the list of projects  
12 specified in the contract before it submits the contract to a vote of the  
13 registered electors residing within the boundaries of the proposed  
14 authority as required by subsection (4) of this section, OR AMEND OR  
15 REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES  
16 FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When  
17 requesting that an intergovernmental agreement be entered into or that  
18 portions of a regional transportation system be eliminated due to a  
19 negative impact to safe operation of a highway, road, or street, the  
20 requesting entity shall provide, at the time of the request, evidence of the  
21 negative impact. The intergovernmental agreement shall specify whatever  
22 terms the combination OR TRANSPORTATION PLANNING ORGANIZATION  
23 and the affected entity or entities deem necessary to avoid duplication of  
24 effort and to ensure coordinated transportation planning, efficient  
25 allocation of resources, and equitable sharing of costs. If the department  
26 is a party to the intergovernmental agreement, the agreement shall also  
27 describe in detail any effect on department funding of any portion of the

1 state highway system within the proposed region that is expected to result  
2 from the creation of the proposed authority OR THE EXERCISE OF THE  
3 POWER OF AN AUTHORITY BY THE TRANSPORTATION PLANNING  
4 ORGANIZATION. Nothing in this subsection (1.5) shall be construed to  
5 preclude a combination, ~~or any~~ authority, OR TRANSPORTATION PLANNING  
6 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY from entering  
7 into an intergovernmental agreement with the department, the district, a  
8 public highway authority, a bordering county or municipality, or any other  
9 governmental entity regarding any regional transportation system.

10 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING  
11 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS  
12 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

13 (a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;  
14 AND

15 (b) THE BOUNDARIES OF THE TERRITORY IN WHICH THE  
16 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE  
17 THE POWERS OF AN AUTHORITY, WHICH MAY NOT INCLUDE:

18 (I) TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF  
19 THE TRANSPORTATION PLANNING ORGANIZATION;

20 (II) TERRITORY WITHIN THE BOUNDARIES OF AN EXISTING  
21 AUTHORITY WITHOUT THE APPROVAL OF THE EXISTING AUTHORITY AS  
22 PROVIDED IN SECTION 43-4-622 (4);

23 (III) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY  
24 THAT IS A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF  
25 THE GOVERNING BODY OF THE MUNICIPALITY ADOPTS A RESOLUTION  
26 OBJECTING TO THE INCLUSION OF THE TERRITORY;

27 (IV) TERRITORY WITHIN THE BOUNDARIES OF A COUNTY THAT IS

1 A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION IF THE  
2 GOVERNING BODY OF THE COUNTY ADOPTS A RESOLUTION OBJECTING TO  
3 THE INCLUSION OF THE TERRITORY;

4 (V) TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT  
5 IS NOT A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION AS  
6 THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE  
7 RESOLUTION IS ADOPTED WITHOUT THE CONSENT OF THE GOVERNING BODY  
8 OF THE MUNICIPALITY; OR

9 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF  
10 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING  
11 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY  
12 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT  
13 OF THE GOVERNING BODY OF THE COUNTY.

14 (3) No municipality, county, or special district shall enter into a  
15 contract establishing an authority AND NO TRANSPORTATION PLANNING  
16 ORGANIZATION SHALL ADOPT A RESOLUTION AUTHORIZING IT TO EXERCISE  
17 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622  
18 without holding at least two public hearings thereon in addition to other  
19 requirements imposed by law for public notice. The municipality, county,  
20 or special district, OR TRANSPORTATION PLANNING ORGANIZATION shall  
21 give notice of the time, place, and purpose of the public hearing by  
22 publication in a newspaper of general circulation in the municipality,  
23 county, or special district, OR TERRITORY OF THE TRANSPORTATION  
24 PLANNING ORGANIZATION as the case may be, at least ten days prior to the  
25 date of the public hearing.

26 **SECTION 3.** In Colorado Revised Statutes, 43-4-604, **amend**  
27 (3)(i) as follows:

1                   **43-4-604. Board of directors.** (3) The board, in addition to all  
2 other powers conferred by this part 6, has the following powers:

3                   (i) AS APPLICABLE, to amend the contract that created the authority  
4 to the extent that any amendment procedures specified in the contract  
5 pursuant to section 43-4-603 (2)(f) authorize the board, rather than the  
6 members of the combination that are parties to the contract, to amend the  
7 contract OR TO AMEND OR REPLACE THE RESOLUTION AUTHORIZING THE  
8 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF  
9 AN AUTHORITY ADOPTED AS AUTHORIZED BY SECTION 43-4-622.

10                  **SECTION 4.** In Colorado Revised Statutes, 43-4-605, **amend** (1)  
11 introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,  
12 (1)(j)(I), and (2)(a) as follows:

13                  **43-4-605. Powers of the authority - inclusion or exclusion of**  
14 **property - determination of regional transportation system alignment**  
15 **- fund created - repeal.** (1) In addition to any other powers granted to  
16 the AN authority pursuant to this part 6, the AN authority has the following  
17 powers:

18                  (f) To finance, construct, operate, or maintain regional  
19 transportation systems within or without the boundaries of the authority;  
20 except that the authority shall not construct regional transportation  
21 systems in any territory located outside the boundaries of the authority  
22 and within the boundaries of a municipality as the boundaries of the  
23 municipality exist on the date the authority is created without the consent  
24 of the governing body of the municipality; outside the boundaries of the  
25 authority and within the unincorporated boundaries of a county as the  
26 unincorporated boundaries of the county exist on the date the authority is  
27 created without the consent of the governing body of the county; or inside

1 or outside the boundaries of the authority if the regional transportation  
2 systems would alter the state highway system, as defined in section  
3 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),  
4 except as authorized by an intergovernmental agreement entered into by  
5 the members of the combination that created the authority OR THE  
6 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
7 AN AUTHORITY and the department of transportation as required by  
8 section 43-4-603 (1.5);

1 authority, the total of all fees imposed pursuant to this subsection (1)(i)  
2 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The  
3 authorized agent of the county in which the registration fee is imposed  
4 shall collect the fee and remit the fee to the authority. The authority shall  
5 apply the registration fees solely to the financing, construction, operation,  
6 or maintenance of regional transportation systems that are consistent with  
7 the expenditures specified in section 18 of article X of the state  
8 constitution.

9 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,  
10 in all or any designated portion of the members of the combination OR OF  
11 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION  
12 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION  
13 43-4-622, a visitor benefit tax on persons who purchase overnight rooms  
14 or accommodations in any amount that would not cause the aggregate  
15 amount of the visitor benefit tax and any lodging tax imposed on such  
16 overnight rooms or accommodations to exceed two percent of the price  
17 of such overnight rooms or accommodations; except that the authority  
18 shall not impose ~~any such~~ A visitor benefit tax on overnight rooms or  
19 accommodations that are in any territory:

20 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all  
21 or any designated portion of the members of the combination OR OF THE  
22 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING  
23 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a  
24 sales or use tax, or both, at a rate not to exceed one percent upon every  
25 transaction or other incident with respect to which a sales or use tax is  
26 levied by the state; except that, on and after January 1, 2006, if the  
27 authority includes territory that is within the regional transportation

1 district created and existing pursuant to article 9 of title 32 C.R.S., a  
2 designated portion of the members of the combination OR OF THE  
3 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which  
4 a new tax is levied ~~shall~~ MUST be composed of entire territories of  
5 members of the combination OR OF THE MEMBERS OF THE  
6 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax  
7 imposed pursuant to this part 6 within the territory of any single member  
8 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION  
9 PLANNING ORGANIZATION is uniform and except that the authority shall  
10 not levy a sales or use tax on any transaction or other incident occurring  
11 in any territory located outside the boundaries of the authority and within  
12 the boundaries of a municipality as the boundaries of the municipality  
13 exist on the date the authority is created without the consent of the  
14 governing body of the municipality or outside the boundaries of the  
15 authority and within the unincorporated boundaries of a county as the  
16 unincorporated boundaries exist on the date the authority is created  
17 without the consent of the governing body of the county. Subject to the  
18 provisions of section 43-4-612, the authority may elect to levy any such  
19 sales or use tax at different rates in different designated portions of the  
20 members of the combination OR OF THE MEMBERS OF THE  
21 TRANSPORTATION PLANNING ORGANIZATION; except that, on and after  
22 January 1, 2006, if the authority includes territory that is within the  
23 regional transportation district, a designated portion of the members of  
24 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING  
25 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of  
26 entire territories of members of the combination OR OF THE MEMBERS OF  
27 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax

1 imposed pursuant to this part 6 within the territory of any single member  
2 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION  
3 is uniform. If the authority so elects, it shall submit a single ballot  
4 question that lists all of the different rates to the registered electors of all  
5 designated portions of the members of the combination OR OF THE  
6 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales  
7 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~  
8 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed  
9 pursuant to law. If a member of the combination OR OF THE  
10 TRANSPORTATION PLANNING ORGANIZATION is located within more than  
11 one authority, the sales or use tax, or both, authorized by this ~~paragraph~~  
12 ~~(j)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction  
13 or other incident with respect to which a sales or use tax is levied by the  
14 state. The executive director of the department of revenue shall collect,  
15 administer, and enforce the sales or use tax, to the extent feasible, in the  
16 manner provided in section 29-2-106. E.R.S. The director shall make  
17 monthly distributions of the tax collections to the authority, which shall  
18 apply the proceeds solely to the financing, construction, operation, or  
19 maintenance of regional transportation systems. The department shall  
20 retain an amount not to exceed the net incremental cost of the collection,  
21 administration, and enforcement and shall transmit the amount to the state  
22 treasurer, who shall credit the same to the regional transportation  
23 authority sales tax fund, which fund is hereby created. The amounts so  
24 retained are hereby appropriated annually from the fund to the department  
25 to the extent necessary for the department's collection, administration, and  
26 enforcement of ~~the provisions of~~ this part 6. Any ~~moneys~~ MONEY  
27 remaining in the fund attributable to taxes collected in the prior fiscal year

1 shall be transmitted to the authority; except that, prior to the transmission  
2 to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated  
3 from the general fund to the department for the collection, administration,  
4 and enforcement of the tax for the prior fiscal year shall be repaid.

5 (2)(a) The board may include property within or exclude property  
6 from the boundaries of the authority in the manner provided in this  
7 subsection (2). Property may not be included within the boundaries of the  
8 authority unless it is within the boundaries of the members of the  
9 combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION  
10 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION  
11 43-4-622 at the time of the inclusion. Property located within the  
12 boundaries of a municipality that is not a member of the combination OR  
13 OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of  
14 the municipality exist on the date the property is included may not be  
15 included without the consent of the governing body of ~~such~~ THE  
16 municipality, and property within the unincorporated boundaries of a  
17 county that is not a member of the combination OR OF THE  
18 TRANSPORTATION PLANNING ORGANIZATION as the unincorporated  
19 boundaries of the county exist on the date the property is included may  
20 not be included without the consent of the governing body of ~~such~~ THE  
21 county.

22 **SECTION 5.** In Colorado Revised Statutes, 43-4-611, **amend** (2)  
23 as follows:

24 **43-4-611. Powers of governmental units.** (2) To assist in the  
25 financing, construction, operation, or maintenance of a regional  
26 transportation system, any county, municipality, or special district that is  
27 a member of a combination OR OF A TRANSPORTATION PLANNING

1 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
2 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the  
3 authority all or a portion of the revenues it receives from the highway  
4 users tax fund or from any other legally available funds. The authority  
5 shall apply revenues that it receives pursuant to the pledge to the  
6 financing, construction, operation, or maintenance of any regional  
7 transportation system. The authority may refuse to accept any revenues  
8 that would cause a member of the combination OR OF THE  
9 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal  
10 year spending under section 20 of article X of the state constitution and  
11 that could result in a refund of excess revenues under said section 20.

12 **SECTION 6.** In Colorado Revised Statutes, **43-4-612, amend (1)**  
13 as follows:

14 **43-4-612. Referendum.** (1) No action by an authority to establish  
15 or increase any tax authorized by this part 6 shall take effect unless first  
16 submitted to a vote of the registered electors of that portion of the  
17 combination OR THAT PORTION OF THE TERRITORY IN WHICH A  
18 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE  
19 THE POWERS OF AN AUTHORITY in which the tax is proposed to be  
20 collected.

21 **SECTION 7.** In Colorado Revised Statutes, **amend 43-4-615** as  
22 follows:

23 **43-4-615. Agreement of the state not to limit or alter rights of  
24 obligees.** The state hereby pledges and agrees with the holders of any  
25 bonds issued under this part 6 and with those parties who enter into  
26 contracts with an authority or any member of the A combination OR  
27 MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING

1 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622  
2 pursuant to this part 6 that the state will not impair the rights vested in the  
3 authority or the rights or obligations of any person with which the  
4 authority contracts to fulfill the terms of any agreements made pursuant  
5 to this part 6. The state further agrees that it will not impair the rights or  
6 remedies of the holders of any bonds of the authority until the bonds have  
7 been paid or until adequate provision for payment has been made. The  
8 authority may include this provision and undertaking for the state in ~~such~~  
9 THE bonds.

10 **SECTION 8.** In Colorado Revised Statutes, **add** 43-4-622 as  
11 follows:

12 **43-4-622. Exercise of authority powers by transportation**  
13 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF  
14 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO  
15 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN  
16 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE  
17 TRANSPORTATION PLANNING ORGANIZATION.

18 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS  
19 SECTION, THE EXERCISE OF THE POWERS OF AN AUTHORITY BY A  
20 TRANSPORTATION PLANNING ORGANIZATION IS SUBJECT TO ALL  
21 REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS PART 6 OR ANY  
22 OTHER LAW INCLUDING, BUT NOT LIMITED TO:

23 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTION 43-4-603  
24 (1), 43-4-613, AND 43-4-614 (1);

25 (b) THE INTERGOVERNMENTAL AGREEMENT AND SERVICES  
26 ELIMINATION REQUIREMENTS SET FORTH IN SECTION 43-4-603 (1.5);

27 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION

1 43-4-603 (3);

2 (d) THE LIMITATIONS ON THE BOARD DELEGATING CERTAIN  
3 POWERS SET FORTH IN SECTION 43-4-604 (1);

4 (e) ALL REQUIREMENTS SET FORTH IN THIS PART 6 THAT REQUIRE  
5 THE CONSENT OF A COUNTY OR MUNICIPALITY THAT IS NOT A MEMBER OF  
6 THE TRANSPORTATION PLANNING ORGANIZATION TO OPERATIONS,  
7 TAXATION, OR OTHER ACTIVITIES WITHIN ITS TERRITORY;

8 (f) ALL BOARD SUPER-MAJORITY VOTING REQUIREMENTS SET  
9 FORTH IN THIS PART 6; AND

10 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION  
11 43-4-612.

12 (3) BEFORE COMMENCING CONSTRUCTION OF A REGIONAL  
13 TRANSPORTATION SYSTEM, A TRANSPORTATION PLANNING ORGANIZATION  
14 EXERCISING THE POWERS OF AN AUTHORITY SHALL ANALYZE AND  
15 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S  
16 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE  
17 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON  
18 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT  
19 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7  
20 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING  
21 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE  
22 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE  
23 ANALYSIS. THE TRANSPORTATION PLANNING ORGANIZATION SHALL ALSO  
24 SUBMIT THE ANALYSIS TO THE AIR QUALITY CONTROL COMMISSION  
25 CREATED IN SECTION 25-7-104 (1) AND SHALL NOT COMMENCE  
26 CONSTRUCTION OF THE REGIONAL TRANSPORTATION SYSTEM UNTIL THE  
27 COMMISSION HAS REVIEWED AND APPROVED IT IN ACCORDANCE WITH

1 COMMISSION RULES ADOPTED PURSUANT TO SECTION 25-7-105 (1)(f).

2 (4) WHERE THE CONTEXT CLEARLY INDICATES THAT A  
3 REQUIREMENT OR LIMITATION SET FORTH IN THIS PART 6 THAT APPLIES TO  
4 A CONTRACT FORMING AN AUTHORITY, A COMBINATION, OR INDIVIDUAL  
5 MEMBERS OF A COMBINATION CANNOT REASONABLY BE APPLIED TO A  
6 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
7 AN AUTHORITY, THE REQUIREMENT OR LIMITATION DOES NOT APPLY TO  
8 THE TRANSPORTATION PLANNING ORGANIZATION.

9 (5) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE  
10 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT  
11 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES  
12 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD  
13 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE  
14 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE  
15 BOARD. THE BOARD OF THE EXISTING AUTHORITY SHALL FILE ANY SUCH  
16 RESOLUTION ADOPTED WITH THE DIRECTOR OF THE DIVISION. THE  
17 DIRECTOR OF THE DIVISION SHALL NOT ISSUE THE CERTIFICATE REQUIRED  
18 BY SECTION 43-4-603 (1) TO A TRANSPORTATION PLANNING  
19 ORGANIZATION, IF THE TRANSPORTATION PLANNING ORGANIZATION IS  
20 ATTEMPTING TO EXERCISE THE POWERS OF AN AUTHORITY WITHIN THE  
21 BOUNDARIES OF AN EXISTING AUTHORITY WITHOUT THE EXISTING  
22 AUTHORITY'S DULY ADOPTED AND FILED RESOLUTION OF APPROVAL.

23 **SECTION 9.** In Colorado Revised Statutes, 25-7-105, **add** (1)(f)  
24 as follows:

25 **25-7-105. Duties of commission - rules - legislative declaration**  
26 **- definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131,  
27 the commission shall promulgate such rules and regulations as are

1 consistent with the legislative declaration set forth in section 25-7-102  
2 and necessary for the proper implementation and administration of this  
3 article 7, including, but not limited to:

4 (f) RULES THAT DEFINE CONFORMANCE AND MEASUREMENT OF  
5 CONFORMANCE WITH STATE GREENHOUSE GAS GOALS AND APPLICABLE  
6 ATTAINMENT PROGRAM STANDARDS IN NONATTAINMENT AREAS FOR ANY  
7 REGIONAL TRANSPORTATION SYSTEM, AS DEFINED IN SECTION 43-4-602  
8 (16), PROPOSED TO BE COMPLETED BY A TRANSPORTATION PLANNING  
9 ORGANIZATION, AS DEFINED IN SECTION 43-4-602 (19), EXERCISING THE  
10 POWERS OF A REGIONAL TRANSPORTATION AUTHORITY.

11 **SECTION 10.** In Colorado Revised Statutes, 43-1-113, **add**  
12 (13.5) as follows:

13 **43-1-113. Funds - budgets - fiscal year - reports and**  
14 **publications.** (13.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT  
15 ADDITIONAL TRANSPORTATION FUNDING OBTAINED BY A TRANSPORTATION  
16 PLANNING ORGANIZATION, AS DEFINED IN SECTION 43-4-602 (19),  
17 THROUGH THE EXERCISE OF THE POWERS OF A REGIONAL TRANSPORTATION  
18 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, SUPPLEMENT AND NOT  
19 SUPPLANT STATE AND FEDERAL TRANSPORTATION FUNDING ALLOCATED  
20 WITHIN THE BOUNDARIES OF THE TRANSPORTATION PLANNING  
21 ORGANIZATION. THEREFORE, NEITHER THE COMMISSION NOR THE  
22 DEPARTMENT SHALL TAKE SUCH ADDITIONAL TRANSPORTATION FUNDING  
23 INTO ACCOUNT WHEN DETERMINING THE AMOUNT OF STATE AND FEDERAL  
24 TRANSPORTATION FUNDING TO BE ALLOCATED WITHIN THE BOUNDARIES  
25 OF A TRANSPORTATION PLANNING REGION. WHEN SUBMITTING ITS ANNUAL  
26 PROPOSED BUDGET ALLOCATION PLAN AS REQUIRED BY SUBSECTION (2) OF  
27 THIS SECTION, THE DEPARTMENT SHALL PROVIDE EVIDENCE THAT THE

1 PROPOSED ALLOCATION OF STATE ~~AND FEDERAL~~ TRANSPORTATION  
2 FUNDING WITHIN THE BOUNDARIES OF ANY TRANSPORTATION PLANNING  
3 ORGANIZATION THAT HAS OBTAINED ADDITIONAL TRANSPORTATION  
4 FUNDING BY EXERCISING THE POWERS OF A REGIONAL TRANSPORTATION  
5 AUTHORITY HAS NOT BEEN REDUCED IN ANY WAY ON ACCOUNT OF THE  
6 ADDITIONAL TRANSPORTATION FUNDING.

7 **SECTION 11. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2020 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.