



**Colorado  
Legislative  
Council  
Staff**

**HB16-1008**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated January 26, 2016)

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0798 **Date:** February 12, 2016  
**Prime Sponsor(s):** Rep. Winter; Becker J. **Bill Status:** Senate Transportation  
 Sen. Cooke; Heath **Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** ROADWAY SHOULDER ACCESS FOR BUSES

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b> Cash Funds	Potential minimal increase.	
<b>State Expenditures</b>	Minimal workload impact.	
<b>TABOR Impact</b>	Potential minimal increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing potential minimal revenue increase.		

**Summary of Legislation**

Under the *reengrossed* bill, the Colorado Department of Transportation (CDOT) may open up an area of a roadway that is not a traffic lane (i.e. the shoulder) for use by certain commercial vehicles (i.e. public buses).

To permit the use of a designated area, CDOT must:

- consult with the Colorado State Patrol in the Department of Public Safety (DPS);
- establish conditions of use for the area; and
- enter into a written agreement with authorized users.

Subject to the conditions of use, the bus driver has sole discretion in determining whether or not to drive on a shoulder based on his or her safety assessment. CDOT must also work with local government agencies when implementing the use of a shoulder.

**State Revenue**

Beginning in FY 2016-17, this bill may minimally increase fine revenues to the Highway Users Tax Fund (HUTF). To the extent that there is an increase in class A traffic infractions for driving on the road shoulder, fine revenue will increase. Fine revenue credited to the HUTF is allocated to the State Highway Fund within CDOT and to cities and counties.

### **TABOR Impact**

The bill may increase state revenue from fines, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

### **State Expenditures**

Beginning in FY 2016-17, this bill is anticipated to minimally increase workloads in CDOT, the Judicial Department, DPS, and the Department of Revenue (DOR).

**Colorado Department of Transportation.** Under the bill, CDOT is required to consult with DPS, establish conditions for shoulder use, and enter into contracts with government entities or government-owned businesses that operate buses. This workload increase is expected to be absorbed within existing appropriations. The High Performance Transportation Enterprise (HPTE) in CDOT contracts with private partners that are expected to absorb signage costs, but no fiscal impact to the HPTE is expected.

**Judicial Department.** Trial courts may see a minimal increase in infractions. Under the Judicial Department's workload model, one county court judicial officer can process just over 30,000 infraction cases a year; therefore, it is assumed that workload impact is minimal and will not require an increase in appropriations.

**Department of Public Safety.** DPS will enforce the new traffic infraction, be consulted on conditions for shoulder use, and will also be required to update its information materials on the law. These impacts are expected to be accomplished within existing workloads and appropriations.

**Department of Revenue.** DOR will be required to update its Penalty Assessment Express System (PAX), and the accounting system used to input ticket payment information. It is assumed that this workload impact can be managed within existing appropriations.

### **Local Government Impact**

This bill may minimally increase HUTF revenue to local governments beginning in FY 2016-17 by increasing the local government portion of fine revenue collected from the existing class A traffic infraction for violating shoulder use.

### **Statutory Public Entity Impact**

To the extent that the Regional Transportation District (RTD) is able to operate its buses on highway shoulders, workload will minimally increase for RTD to contract with CDOT and also to train bus drivers on authorized shoulder use.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

Counties  
Information Technology  
Regional Transportation District  
Transportation

Judicial  
Public Safety  
Sheriffs

## Research Note Available

An LCS Research Note for HB 16-1008 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.