AGENDA
DRCOG Board Work Session
Wednesday, February 5, 2020
4 p.m.
1001 17th Street
Aspen/Birch Conference Room

1. Call to Order

2. Public Comment
   The chair requests that there be no public comment on issues for which a prior public hearing has been held before the Board of Directors.

3. Briefing on HB 20-1151: Expansion of Authority for Regional Transportation Improvements
   (Attachment A) Ron Papsdorf, Director, Transportation Planning and Operations

4. Proposed 2050 Metro Vision Regional Transportation Plan (2050 MVRTP) scenario outcome measures
   (Attachment B) Jacob Riger, Manager, Long Range Transportation Planning

5. Adjourn

Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact DRCOG at least 48 hours in advance of the meeting by calling (303) 480-6701
To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
303-480-6701 or drex@drcog.org

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Agenda Category</th>
<th>Agenda Item #</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 5, 2020</td>
<td>Discussion</td>
<td>3</td>
</tr>
</tbody>
</table>

SUBJECT
Update and discussion on HB 20-1151: Concerning the expansion of authority for regional transportation improvements.

PROPOSED ACTION/RECOMMENDATIONS
N/A

ACTION BY OTHERS
N/A

SUMMARY
House Bill 20-1151 was introduced on January 17, 2020. The bill concerns the expansion of authority for regional transportation improvements. It reflects the concepts identified by the Metro Mayors Caucus under the Empower MPOs option previously discussed with the Board.

By amending the existing Regional Transportation Authority statute, this bill would enable transportation planning organizations (TPOs), defined as metropolitan planning organizations or rural transportation planning organizations to create and exercise the powers of a regional transportation authority.

These powers include imposing (with some limitations):
- Annual motor vehicle registration fee of not more than $10
- Visitor benefit tax not exceeding 2% of the price of overnight accommodations (with voter approval)
- Sales or use tax, or both, at a rate not exceeding 1% (with voter approval)

In order to exercise the powers of an authority, a TPO would:
- Hold at least two public hearings
- Adopt a resolution authorizing the TPO to exercise the powers of an authority, specifying:
  - the regional transportation systems to be provided
  - the boundaries of the territory in which the TPO is authorized to exercise the powers of an authority, which may not include territory outside the boundaries of the members of the TPO, territory within the boundaries of a municipality that is not a member of the TPO, nor territory within the unincorporated boundaries of a county that is not a member of the TPO, without the consent of their governing body
- File a certificate with the Director of the Division of Local Government in the Department of Local Affairs
- Provide copies of the resolution for comment to CDOT, RTD, public highway authorities, and each county and municipality that is not a member of the TPO but that includes territory that borders the territory in which the TPO proposes to exercise the powers of an authority.
- Seek voter approval of proposed taxes
Staff will provide a more detailed summary of the bill for Board discussion.

<table>
<thead>
<tr>
<th>PREVIOUS DISCUSSIONS/ACTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>February 6, 2019</strong> – Board Work Session discussion</td>
</tr>
<tr>
<td><strong>July 17, 2019</strong> – Board Meeting</td>
</tr>
<tr>
<td><strong>October 16, 2019</strong> – Board Meeting</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSED MOTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ATTACHMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. HB20-1151</td>
</tr>
<tr>
<td>2. HB20-1151 – DRCOG Staff Summary</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL INFORMATION</th>
</tr>
</thead>
<tbody>
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<td>If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or <a href="mailto:drex@drcog.org">drex@drcog.org</a>; or Ron Papsdorf, Director, Transportation Planning and Operations, at 303-480-6747 or <a href="mailto:rpapsdorf@drcog.org">rpapsdorf@drcog.org</a>.</td>
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A BILL FOR AN ACT

CONCERNING THE EXPANSION OF AUTHORITY FOR REGIONAL TRANSPORTATION IMPROVEMENTS.

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...
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.

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

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

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

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

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

(3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY OR THE BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622.
(12.5) "Region" means all of the territory within the boundaries of, and subject to the jurisdiction of, the governing body of any member of a combination that creates an authority pursuant to section 43-4-603 OR THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622.

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

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

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

THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION
AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall provide a copy of the contract OR RESOLUTION to the department of transportation for comment and, if the territory of the proposed authority OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY includes or borders any territory of the regional transportation district created in article 9 of title 32 C.R.S., or intersects with or is likely to divert vehicle traffic to or from a toll highway operated by a public highway authority established under part 5 of this article ARTICLE 4, shall also provide a copy of the contract OR RESOLUTION to the district or the affected public highway authority, as applicable, for comment. The combination OR TRANSPORTATION PLANNING ORGANIZATION shall also provide a copy of the contract FOR COMMENT to each county and municipality that is not a member of the combination OR A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that includes territory that borders the territory of the proposed authority for comment OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY. The director shall issue the certificate upon the filing with the director of a copy of the contract by the combination joining in the creation of the authority OR A COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF THE TRANSPORTATION PLANNING ORGANIZATION AUTHORIZING THE TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY. The director shall cause the certificate to be recorded in the real estate records in each county having territory included in the boundaries of the authority. Upon issuance of the certificate by the director, the authority shall constitute CREATED BY A COMBINATION BY
CONTRACT CONSTITUTES a separate political subdivision and body corporate of the state and shall have all of the duties, privileges, immunities, rights, liabilities, and disabilities of a public body politic and corporate.

(1.5) On and after January 1, 2006, If, after reviewing a contract that creates an authority OR A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY provided pursuant to subsection (1) of this section, but in no event more than ninety days after a copy of the contract OR RESOLUTION is provided pursuant to subsection (1) of this section, the department of transportation, the regional transportation district created in article 9 of title 32, C.R.S., a bordering county or municipality, or a public highway authority established under part 5 of this article ARTICLE 4 informs the combination that executed the contract OR THE TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE RESOLUTION that any portions of the regional transportation systems to be provided by the proposed authority that involve road construction or improvement, as specified in the contract OR RESOLUTION pursuant to paragraph (a) of subsection (2) of this section SUBSECTION (2)(a) OF THIS SECTION, and that are on, alter the physical structure of, or negatively impact safe operation of any highway, road, or street under its jurisdiction or will provide mass transportation services that impact the district, then, at the request of the affected entity, the combination OR THE TRANSPORTATION PLANNING ORGANIZATION shall enter into an intergovernmental agreement concerning the identified portions or mass transportation services with the department, the district, the bordering county or municipality, the public highway authority, or any combination
thereof, as applicable, within one hundred eighty days after a copy of the
contract OR RESOLUTION was provided, or eliminate those portions or
services from the list of projects specified in the contract before it submits
the contract to a vote of the registered electors residing within the
boundaries of the proposed authority as required by subsection (4) of this
section, OR AMEND OR REPLACE THE RESOLUTION TO ELIMINATE THOSE
PORTIONS OR SERVICES FROM THE LIST OF PROJECTS SPECIFIED IN THE
RESOLUTION. When requesting that an intergovernmental agreement be
entered into or that portions of a regional transportation system be
eliminated due to a negative impact to safe operation of a highway, road,
or street, the requesting entity shall provide, at the time of the request,
evidence of the negative impact. The intergovernmental agreement shall
specify whatever terms the combination OR TRANSPORTATION PLANNING
ORGANIZATION and the affected entity or entities deem necessary to avoid
duplication of effort and to ensure coordinated transportation planning,
efficient allocation of resources, and equitable sharing of costs. If the
department is a party to the intergovernmental agreement, the agreement
shall also describe in detail any effect on department funding of any
portion of the state highway system within the proposed region that is
expected to result from the creation of the proposed authority OR THE
EXERCISE OF THE POWER OF AN AUTHORITY BY THE TRANSPORTATION
PLANNING ORGANIZATION. Nothing in this subsection (1.5) shall be
construed to preclude a combination, or any authority, OR
TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
AN AUTHORITY from entering into an intergovernmental agreement with
the department, the district, a public highway authority, a bordering
county or municipality, or any other governmental entity regarding any
regional transportation system.

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

(a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;

AND


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

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

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

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

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

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

   (f) To finance, construct, operate, or maintain regional transportation systems within or without the boundaries of the authority; except that the authority shall not construct regional transportation
systems in any territory located outside the boundaries of the authority and within the boundaries of a municipality as the boundaries of the municipality exist on the date the authority is created without the consent of the governing body of the municipality; outside the boundaries of the authority and within the unincorporated boundaries of a county as the unincorporated boundaries of the county exist on the date the authority is created without the consent of the governing body of the county; or inside or outside the boundaries of the authority if the regional transportation systems would alter the state highway system, as defined in section 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2), except as authorized by an intergovernmental agreement entered into by the members of the combination that created the authority OR THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY and the department of transportation as required by section 43-4-603 (1.5);

(i) To impose an annual motor vehicle registration fee of not more than ten dollars for each motor vehicle registered with the authorized agent, as defined in section 42-1-102, of the county by persons residing in all or any designated portion of the members of the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY as authorized by section 43-4-622; except that the authority shall not impose a motor registration fee with respect to motor vehicles registered to persons residing outside the boundaries of the authority and within the boundaries of a municipality as the boundaries of the municipality exist on the date the authority is created OR THE RESOLUTION AUTHORIZING THE TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
AN AUTHORITY IS ADOPTED without the consent of the governing body of 
the municipality or outside the boundaries of the authority and within the 
unincorporated boundaries of a county as the unincorporated boundaries 
of the county exist on the date the authority is created without the consent 
of the governing body of the county. The registration fee is in addition to 
any fee or tax imposed by the state or any other governmental unit. If a 
motor vehicle is registered in a county that is a member of more than one 
authority, the total of all fees imposed pursuant to this subsection (1)(i) 
for any such motor vehicle shall not exceed ten dollars. The 
authorized agent of the county in which the registration fee is imposed 
shall collect the fee and remit the fee to the authority. The authority shall 
apply the registration fees solely to the financing, construction, operation, 
or maintenance of regional transportation systems that are consistent with 
the expenditures specified in section 18 of article X of the state 
constitution.

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

(j) (I) Subject to the provisions of section 43-4-612, to levy, in all
or any designated portion of the members of the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a sales or use tax, or both, at a rate not to exceed one percent upon every transaction or other incident with respect to which a sales or use tax is levied by the state; except that, on and after January 1, 2006, if the authority includes territory that is within the regional transportation district created and existing pursuant to article 9 of title 32 C.R.S., a designated portion of the members of the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which a new tax is levied shall MUST be composed of entire territories of members of the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax imposed pursuant to this part 6 within the territory of any single member of the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION is uniform and except that the authority shall not levy a sales or use tax on any transaction or other incident occurring in any territory located outside the boundaries of the authority and within the boundaries of a municipality as the boundaries of the municipality exist on the date the authority is created without the consent of the governing body of the municipality or outside the boundaries of the authority and within the unincorporated boundaries of a county as the unincorporated boundaries exist on the date the authority is created without the consent of the governing body of the county. Subject to the provisions of section 43-4-612, the authority may elect to levy any such sales or use tax at different rates in different designated portions of the members of the combination OR OF THE MEMBERS OF THE
TRANSPORTATION PLANNING ORGANIZATION; except that, on and after January 1, 2006, if the authority includes territory that is within the regional transportation district, a designated portion of the members of the combination or of the members of the transportation planning organization in which a new tax is levied shall be composed of entire territories of members of the combination or of the members of the transportation planning organization so that the rate of tax imposed pursuant to this part 6 within the territory of any single member of the combination or of the transportation planning organization is uniform. If the authority so elects, it shall submit a single ballot question that lists all of the different rates to the registered electors of all designated portions of the members of the combination or of the transportation planning organization in which the proposed sales or use tax is to be levied. The tax imposed pursuant to this paragraph (j) subsection (1)(j) is in addition to any other sales or use tax imposed pursuant to law. If a member of the combination or of the transportation planning organization is located within more than one authority, the sales or use tax, or both, authorized by this paragraph (j) subsection (1)(j) shall not exceed one percent upon every transaction or other incident with respect to which a sales or use tax is levied by the state. The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax, to the extent feasible, in the manner provided in section 29-2-106. C.R.S. The director shall make monthly distributions of the tax collections to the authority, which shall apply the proceeds solely to the financing, construction, operation, or maintenance of regional transportation systems. The department shall retain an amount not to exceed the net incremental cost of the collection,
administration, and enforcement and shall transmit the amount to the state
treasurer, who shall credit the same to the regional transportation
authority sales tax fund, which fund is hereby created. The amounts so
retained are hereby appropriated annually from the fund to the department
to the extent necessary for the department's collection, administration, and
enforcement of the provisions of this part 6. Any money remaining in the fund attributable to taxes collected in the prior fiscal year
shall be transmitted to the authority; except that, prior to the transmission
to the authority of such money, any money appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

(2) (a) The board may include property within or exclude property
from the boundaries of the authority in the manner provided in this
subsection (2). Property may not be included within the boundaries of the
authority unless it is within the boundaries of the members of the
combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
43-4-622 at the time of the inclusion. Property located within the
boundaries of a municipality that is not a member of the combination OR
OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of
the municipality exist on the date the property is included may not be
included without the consent of the governing body of such THE
municipality, and property within the unincorporated boundaries of a
county that is not a member of the combination OR OF THE
TRANSPORTATION PLANNING ORGANIZATION as the unincorporated
boundaries of the county exist on the date the property is included may
not be included without the consent of the governing body of such THE
SECTION 5. In Colorado Revised Statutes, 43-4-611, amend (2) as follows:

43-4-611. Powers of governmental units. (2) To assist in the financing, construction, operation, or maintenance of a regional transportation system, any county, municipality, or special district that is a member of a combination OR OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the authority all or a portion of the revenues it receives from the highway users tax fund or from any other legally available funds. The authority shall apply revenues that it receives pursuant to the pledge to the financing, construction, operation, or maintenance of any regional transportation system. The authority may refuse to accept any revenues that would cause a member of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal year spending under section 20 of article X of the state constitution and that could result in a refund of excess revenues under said section 20.

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

43-4-612. Referendum. (1) No action by an authority to establish or increase any tax authorized by this part 6 shall take effect unless first submitted to a vote of the registered electors of that portion of the combination OR THAT PORTION OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY in which the tax is proposed to be collected.
SECTION 7. In Colorado Revised Statutes, amend 43-4-615 as follows:

43-4-615. Agreement of the state not to limit or alter rights of obligees. The state hereby pledges and agrees with the holders of any bonds issued under this part 6 and with those parties who enter into contracts with an authority or any member of a transportation planning organization exercising the powers of an authority as authorized by section 43-4-622 pursuant to this part 6 that the state will not impair the rights vested in the authority or the rights or obligations of any person with which the authority contracts to fulfill the terms of any agreements made pursuant to this part 6. The state further agrees that it will not impair the rights or remedies of the holders of any bonds of the authority until the bonds have been paid or until adequate provision for payment has been made. The authority may include this provision and undertaking for the state in such the bonds.

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

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

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE EXERCISE OF THE POWERS OF AN AUTHORITY BY A TRANSPORTATION PLANNING ORGANIZATION IS SUBJECT TO ALL
REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS PART 6 OR ANY OTHER LAW INCLUDING, BUT NOT LIMITED TO:

(a) The notice requirements set forth in section 43-4-603 (1), 43-4-613, and 43-4-614 (1);

(b) The intergovernmental agreement and services elimination requirements set forth in section 43-4-603 (1.5);

(c) The public hearing requirements set forth in section 43-4-603 (3);

(d) The limitations on the board delegating certain powers set forth in section 43-4-604 (1);

(e) All requirements set forth in this part 6 that require the consent of a county or municipality that is not a member of the transportation planning organization to operations, taxation, or other activities within its territory;

(f) All board super-majority voting requirements set forth in this part 6; and

(g) The voter approval requirements set forth in section 43-4-612.

(3) Where the context clearly indicates that a requirement or limitation set forth in this part 6 that applies to a contract forming an authority, a combination, or individual members of a combination cannot reasonably be applied to a transportation planning organization exercising the powers of an authority, the requirement or limitation does not apply to the transportation planning organization.

SECTION 9. In Colorado Revised Statutes, 43-1-113, add (13.5) as follows:
43-1-113. Funds - budgets - fiscal year - reports and publications. (13.5) It is the intent of the general assembly that additional transportation funding obtained by a transportation planning organization, as defined in section 43-4-602 (19), through the exercise of the powers of a regional transportation authority as authorized by section 43-4-622, supplement and not supplant state transportation funding allocated within the boundaries of the transportation planning organization. Therefore, neither the commission nor the department shall take such additional transportation funding into account when determining the amount of state transportation funding to be allocated within the boundaries of a transportation planning region. When submitting its annual proposed budget allocation plan as required by subsection (2) of this section, the department shall provide evidence that the proposed allocation of state transportation funding within the boundaries of any transportation planning organization that has obtained additional transportation funding by exercising the powers of a regional transportation authority has not been reduced in any way on account of the additional transportation funding.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.
HB20-1151 – Detailed Summary
Concerning the expansion of authority for regional transportation improvements.

Sponsors: Representative Gray, Senator Winter

House Committees: Transportation & Local Government; Appropriations

Bill Summary
The bill authorizes a transportation planning organization (TPO) to exercise the powers of a regional transportation authority (RTA). Among other powers, the powers of an 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 an RTA 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.

Section 1. Amends and adds definitions within the RTA statute (43-5-602).
Adds “or a transportation planning organization exercising the powers of an authority” to the definition of Authority.

Adds the board of directors “or of a transportation planning organization exercising the powers of an authority” to the definition of Board.

Adds a definition of “Boundaries of the Authority”: Means the boundaries specified in the contract creating the authority or the boundaries of the territory in which a transportation planning organization is authorized to exercise the powers of an authority as specified in the resolution authorizing the transportation planning organization to exercise the powers of an authority adopted by the board of the transportation planning organization as authorized by section 43-4-622.

Adds “or the governing body of any member of a transportation planning organization exercising the powers of an authority” to the definition of Region.

Adds a definition of "Transportation Planning Organization": Means a metropolitan planning organization, as defined in section 43-1-1102 (4), or a rural transportation planning organization responsible for transportation planning for a transportation planning region, as defined in section 43-1-1102 (8).

Section 2. Amends and adds to creation of authorities-exercise of powers of an authority (43-4-603)
Enables any TPO to adopt a resolution authorizing it to exercise the powers of an RTA.
States that the Director of the Division (Division of Local Government in the Department of Local Affairs) shall issue a certificate stating that the TPO has been duly authorized to exercise the powers of an authority according to the laws of the state. The director (Director of the Division of Local Government in the Department of Local Affairs) shall issue the certificate upon the filing with the director of a copy of the resolution adopted by the Board of the TPO authorizing the TPO to exercise the powers of the authority.

Requires the TPO to provide the resolution to CDOT for comment.

Requires the TPO to provide the resolution to RTD (if overlaps or borders RTD) and any public highway authority (if intersects or is likely to divert traffic from a toll highway) for comment.

Requires the TPO to provide the resolution for comment to each county and municipality that is not a member of the TPO but that includes territory that borders the territory in which the TPO will exercise the powers of an RTA.

CDOT, RTD, public highway authorities, and municipalities and counties have 90 days after receiving the resolution to inform the TPO that projects or services included in the resolution alter or negatively impact safe operation of any highway, road, or street under its jurisdiction or will provide mass transportation services that impact the district and may request an intergovernmental agreement or change to the resolution.

The intergovernmental agreement shall specify whatever terms the TPO and the affected entity or entities deem necessary to avoid duplication of effort and to ensure coordinated transportation planning, efficient allocation of resources, and equitable sharing of costs.

A resolution authorizing a TPO to exercise the powers of an authority must specify:

- The regional transportation systems to be provided; and
- The boundaries of the territory in which the transportation planning authority is authorized to exercise the powers of an authority. The territory may not include territory outside of the boundaries of the members of the TPO, may not include territory within the boundaries of a municipality that is not a member of the TPO without the consent of the governing body of the municipality, and may not include territory within the unincorporated boundaries of a county that is not member of the TPO without the consent of the governing body of the county.

A TPO must hold at least two public hearings before adopting a resolution authorizing it to exercise the powers of an authority.

The TPO shall give notice of the time, place, and purpose of the public hearing by publication in a newspaper of general circulation in the territory of the TPO at least ten days prior to the date of the public hearing.

Section 3. Amend Board of directors (43-40604)
The board has the power to amend or replace the resolution authorizing the TPO to exercise the powers of an authority.
Section 4. Amend Powers of the authority-inclusion or exclusion of property-determination of regional transportation system alignment (43-4-605)

Provides authority of TPOs exercising the powers of an authority to:

- Finance, construct, operate, or maintain regional transportation systems;
- Impose an annual motor vehicle registration fee of not more than ten dollars. The total of all fees imposed by overlapping authorities shall not exceed ten dollars;
- Impose, subject to voter approval, in all or any designated portion of the members of the TPO exercising the powers of an authority, a visitor benefit tax in any amount that would not cause the aggregate amount of the visitor benefit tax to exceed two percent.
- Impose, subject to voter approval, in all or any designated portion of the members of the TPO exercising the powers of an authority, a sales or use tax, or both, at a rate not to exceed one percent;
  - except that, if the authority includes territory that is within RTD, a designated portion of the members of the TPO in which a new tax is levied must be composed of entire territories of members of the TPO so that the rate of tax imposed within the territory of any single member of the TPO is uniform;
  - and except that the authority shall not levy a sales or use tax in any territory located outside the boundaries of the authority and within the boundaries of a municipality without the consent of the governing body of the municipality or outside the boundaries of the authority and within the unincorporated boundaries of a county without the consent of the governing body of the county.
  - If the authority so elects, it shall submit a single ballot question that lists all of the different rates to the registered electors of all designated portions of the members of the TPO in which the proposed sales or use tax is to be levied.
  - If a member of the TPO is located within more than one authority, the sales or use tax, or both, shall not exceed one percent.

The board may include property within or exclude property from the boundaries of the authority. Property may not be included within the boundaries of the authority unless it is within the boundaries of the members of the TPO exercising the powers of an authority at the time of inclusion.

Property located within the boundaries of a municipality that is not a member of the TPO may not be included without the consent of the governing body of the municipality, and property within the unincorporated boundaries of a county that is not a member of the TPO may not be included without the consent of the governing body of the county.

Section 5. Powers of governmental units (43-4-611)

Any county, municipality, or special district that is a member of a TPO exercising powers of an authority may, by contract, pledge to the authority all or a portion of the revenues it receives from the highway users tax fund or from any other legally available funds to assist in the financing, construction, operation, or maintenance of a regional transportation system.
Section 6. Referendum (43-4-612)
No action by an authority to establish or increase any tax shall take effect unless first submitted to a vote of the registered electors of that portion of the territory in which a TPO is authorized to exercise the powers of an authority in which the tax is proposed to be collected.

Section 7. Agreement of the state not to limit or alter rights of obliges (43-4-615)
The state pledges not to impair the rights vested in the authority or the rights or obligations of any person with which the authority contracts.

Section 8. Exercise of authority powers by transportation planning organization (43-4-622)
Enables the board of a TPO, by adopting a resolution, to authorize itself to exercise some or all of the powers of an authority within the region or any portion of the region of the TPO.

Section 9. Funds-budgets-fiscal year-reports and publications (43-1-113)
Adds new language to the RTA statute requiring that transportation funding obtained by a TPO through the exercise of the powers of a regional transportation authority supplement and not supplant state transportation funding allocated within the boundaries of the TPO.

Requires that the Commission nor CDOT shall take TPO funding into account when determining the amount of state transportation funding to be allocated within the boundaries of the TPO.

Requires CDOT, when submitting its annual proposed budget allocation plan, to provide evidence that the proposed allocation of state transportation funding within the boundaries of the TPO has not been reduced in any way.
To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
303-480-6701 or drex@drcog.org

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Agenda Category</th>
<th>Agenda Item #</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 5, 2020</td>
<td>Discussion</td>
<td>4</td>
</tr>
</tbody>
</table>

SUBJECT
Proposed 2050 Metro Vision Regional Transportation Plan (2050 MVRTP) scenario outcome measures and topics.

PROPOSED ACTION/RECOMMENDATIONS
N/A

ACTION BY OTHERS
N/A

SUMMARY
As DRCOG staff begins testing the 2050 MVRTP scenarios (endorsed by the DRCOG Board at its December meeting), an important consideration is assessing scenario modeling results and outcomes. This assessment is not intended as a rigorous “evaluation” of the scenarios, to “choose” a specific scenario (or hybrid), or to label a particular scenario “good” or “bad” based on its characteristics or results. The objective is to understand how and to what extent each scenario influences regional relationships between urban form, transportation system approaches, and travel and mobility patterns. The scenarios will be compared to each other and to a baseline in relative terms using a variety of quantitative and qualitative outcome measures.

The scenarios encompass a range of regional transportation and land use “conceptual futures” and collectively explore all aspects of the region’s multimodal transportation system. A particular scenario will have different results (e.g. higher or lower, more or fewer) for specific outcome measures as compared to the other scenarios. Therefore, assessing scenario outcomes also involves transportation and urban form choices and tradeoffs. Depending on initial results and schedule, certain scenarios may be combined to test more complex relationships.

There are many ways to assess scenario outcomes. The starting point is the DRCOG Metro Vision Plan’s performance measures/targets. The performance measures illustrate the desired future outcomes articulated in the Metro Vision Plan. These are the primary indicators to assess whether the region’s collective actions are making progress toward the shared future identified in Metro Vision. They are the first lens DRCOG staff proposes to use in assessing scenario outcomes.

DRCOG’s travel model (Focus) also provides a wealth of quantitative data for use in assessing scenario outcomes. Table 7.1 of the 2040 MVRTP shows several transportation system mobility performance measures routinely used by DRCOG in the transportation planning process. Several of these regional measures can also be applied at more specific geographies, such as “population within ½ mile of a transit station.” DRCOG staff also proposes to use travel model-based outcome measures consistent with Table 7.1.
As DRCOG staff solicited public and stakeholder input to define the scenarios, several outcome assessment measures were proposed that are included in either the Metro Vision Plan performance measures or the measures shown in Table 7.1, including equity, greenhouse gas emissions, person miles and/or hours traveled, and others. Additional proposed outcome assessment measures/topics staff suggests including are:

- planning-level scenario cost estimates
- growth and development trends
- safety-related measures
- human service transportation use
- environment, resiliency, accessibility
- other topics as desired

Additionally, as noted earlier, assessing scenario outcomes is both quantitative and qualitative. There is a storytelling aspect to each scenario and its results that may not be fully captured with only quantitative data. While the results of each scenario will guide this qualitative storytelling component, staff proposes this aspect should also be included in assessing scenario outcomes.

Finally, while the scenario definition and assessment process reflects the particular issues and context of the Denver region, DRCOG staff conducted a scan of how other MPOs around the country have assessed scenarios. While comparisons can be difficult because each MPO defines different scenarios and outcome measures for different planning purposes, this FHWA report is representative of what several other MPOs have done in the scenario analysis realm (including DRCOG). The proposed outcome measures are consistent with how other MPOs have assessed scenarios.

Staff will provide an overview of assessing scenario outcomes and seek directors’ input on proposed outcome measures and topics at the February Board Work Session.

<table>
<thead>
<tr>
<th>PREVIOUS DISCUSSIONS/ACTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAC – <strong>March 25, 2019</strong></td>
</tr>
<tr>
<td>June 24, 2019</td>
</tr>
<tr>
<td>September 23, 2019</td>
</tr>
<tr>
<td>October 28, 2019</td>
</tr>
<tr>
<td>December 9, 2019</td>
</tr>
<tr>
<td>January 27, 2020</td>
</tr>
<tr>
<td>BOD – <strong>November 20, 2019</strong></td>
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<td>December 18, 2019</td>
</tr>
</tbody>
</table>

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<tr>
<th>PROPOSED MOTION</th>
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<tbody>
<tr>
<td>N/A</td>
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</table>

<table>
<thead>
<tr>
<th>ATTACHMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff presentation</td>
</tr>
</tbody>
</table>
ADDITIONAL INFORMATION
If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or Jacob Riger, Manager, Long Range Transportation Planning, at 303-480-6751 or jrig@drcog.org.
2050 Metro Vision Regional Transportation Plan – Scenario Outcome Measures

Board Work Session
February 5, 2020
2050 MVRTP major milestones & timeline

**SUMMER/FALL 2019**
Phase 1: visioning and education

**WINTER 2019/SPRING 2020**
Phase 2: investment priorities and scenario options

**FALL/WINTER 2020**
Phase 3: plan development

**SPRING 2021**
Phase 4: draft plan review
2050 MVRTP & scenario planning process framework

Define vision & desired outcomes
- Phase I engagement
  - What’s important to us about our transportation system?

Prepare tools
- 2050 land use forecasts
- Land use model
- Updated travel model
  - Tools to model and test regional scenarios

Define & test scenarios
- Transportation
- Urban form
  - Explore regional relationships between urban form, transportation investments, and mobility outcomes

Prepare 2050 MVRTP
- Major projects
- Investment strategy
  - How do scenario analysis outcomes inform project & investment decisions in the 2050 MVRTP?
2050 MVRTP scenarios

• Transit network/service emphasis
• Travel choices/urban arterials emphasis
• Technology/connected & autonomous vehicles emphasis
• Regional highway & operations emphasis
• Freeway/interstate congestion emphasis
• Regional jobs/housing balance emphasis

• Baseline (adopted 2040 MVRTP)
Assessing scenarios: understanding regional relationships

Urban form

Transportation system approaches

Travel & mobility patterns
Assessing scenario outcomes context

- Explores “what if” alternative futures
- **Relative** comparisons between scenarios and baseline
- **Not** rigorous evaluation of scenarios, nor choosing/judging scenarios
- **Choices & tradeoffs** from individual scenarios
- Provide **guidance and direction** for transportation investments in the 2050 MVRTP
Proposed outcome measures: Metro Vision targets

RESIDENTS LIVING IN AFFORDABLE LOCATIONS
REGIONAL EMPLOYMENT
HOUSING NEAR HIGH-FREQUENCY OR RAPID TRANSIT
EMPLOYMENT NEAR HIGH-FREQUENCY OR RAPID TRANSIT

URBAN CENTER HOUSING
REGIONAL POPULATION - WEIGHTED DENSITY
TRAVEL TIME VARIATION (TTV)

URBAN CENTER EMPLOYMENT
NON-SINGLE OCCUPANT VEHICLE (SOV) TRAVEL TO WORK
VEHICLE MILES TRAVELED (VMT)

PERSON DELAY
TRAFFIC FATALITIES
SURFACE TRANSPORTATION GREENHOUSE GAS (GHG)

NON-SINGLE OCCUPANT VEHICLE (SOV) TRAVEL TO WORK
non-SOV mode share

2014 Baseline | 25.1%
2016 Observation | 25.1%
2040 Target | 35.0%

VEHICLE MILES TRAVELED (VMT)
VMT per capita per day

2010 Baseline | 25.2
2016 Observation | 25.4
2040 Target | 10.0% decrease from 2010

TRAVEL TIME VARIATION (TTV)
average ratio of peak period to off-peak travel time

2014 Baseline | 1.22
2016 Observation | 1.21
2040 Target | Less than 1.30

PERSON DELAY
minutes delay per capita per day

2014 Baseline | 5.7
2017 Baseline | 6.4
2040 Target | Less than 9.0

TRAFFIC FATALITIES
fatalities per year

2014 Baseline | 185
2016 Observation | 278
2040 Target | Less than 100

COMPREHENSIVE PERFORMANCE MEASURES STATUS REPORT
LEARN MORE
GO
## Example transportation system measures

### Modeled System Measures - Weekday for DRCOG Region

<table>
<thead>
<tr>
<th>Person Trips</th>
<th>Vehicle and Congestion Performance Measures</th>
<th>Fixed Route Transit Performance Measures</th>
<th>Accessibility Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within Region (Internal-Internal) SOV Drivers</td>
<td>Vehicle Miles Traveled (VMT)</td>
<td>Rail Transit Boardings</td>
<td>Share of total population with good transit-job accessibility (100,000+ jobs within a 45-minute transit trip)</td>
</tr>
<tr>
<td>Internal-External SOV Drivers</td>
<td>Total Vehicle Trips</td>
<td>Bus Transit Boardings</td>
<td>Share of population in low-income or minority areas with good transit-job accessibility (1)</td>
</tr>
<tr>
<td>External-External SOV Drivers</td>
<td>VMT Per Capita</td>
<td>Total Transit Boardings:</td>
<td></td>
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<tr>
<td>Commercial Vehicle Trips</td>
<td>Vehicle Hours Traveled</td>
<td>Total Transit Trips</td>
<td></td>
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<tr>
<td>Total SOV Driver Trips</td>
<td>Vehicle Hours of Delay</td>
<td>Person Miles Traveled on Transit</td>
<td></td>
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<tr>
<td>Shared Ride Driver</td>
<td>Person Miles Traveled (PMT)</td>
<td>Transit Share of Daily Work Trips</td>
<td></td>
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<tr>
<td>Shared Ride Passenger</td>
<td>Person Hours Traveled</td>
<td>Transit Share of Total Daily Trips</td>
<td></td>
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<tr>
<td>School Bus Trips</td>
<td>Person Hours of Delay</td>
<td>Percent of Households Making a Transit Trip</td>
<td></td>
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<tr>
<td>Total Transit Trips (Bus and Rail)</td>
<td>Average Vehicle Speed - Peak Hours (mph)</td>
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<tr>
<td>Drive Trips to and from Transit</td>
<td>Average Person Delay Per Trip (minutes)</td>
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<tr>
<td>Pedestrian/Bicycle Trips to and from Transit</td>
<td>VMT/PMT</td>
<td></td>
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<tr>
<td>Bicycling Trips</td>
<td>Severely Congested Lane Miles (roadways with three or more severe congestion) (volume to capacity ratio ≥ 0.95)</td>
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<tr>
<td>Pedestrian Trips</td>
<td>Percent of VMT in Severe Congestion</td>
<td></td>
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<tr>
<td>Total Person Trips:</td>
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</table>
Other outcome measures/topics

- Planning-level scenario cost estimates
- Growth & development trends
- Safety-related measures
- Human service transportation use
- Environment, resiliency, accessibility
- Qualitative storytelling
- Others?
THANK YOU!