

# BOARD UPDATE



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**LEGISLATIVE SUMMARY (as of April 18, 2018):** This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2018 legislative session, as of April 18, 2018. For additional information, contact Rich Mauro, senior legislative analyst, at 303-480-6778. The *DRCOG Policy Statement on State Legislative Issues*, as adopted by the Board of Directors, states, in part:

DRCOG’s legislative activity will be generally focused on the following types of issues:

- (1) Proposals of special significance to the Denver region, or which would have a unique effect upon local governments in this region;
- (2) Proposals that affect DRCOG as an agency or would affect one or more of its programs; and
- (3) Legislation to implement DRCOG special task force recommendations. Support for or opposition to a bill or legislative funding measure will be given, and be subject to reassessment, according to a bill’s or measure’s consistency with DRCOG’s adopted principles and plans.

Bill No. / Sponsor	Short Title Bill Summary	Status	Staff Comments	DRCOG Position Legislative Policy
<b>AGING BILLS</b>				
<a href="#"><u>SB18-054</u></a> Crowder/ Liston	<b>Cap Fee Increases Assisted Living Residences</b>  Under current law, the state Board of Health is authorized to establish a schedule of fees for health facilities, including assisted living residences, which fees must be sufficient to meet the Department of Public Health and Environment’s direct and indirect costs in regulating health facilities. With regard to most department-regulated health facilities, the board cannot increase fees by more than the inflation rate. The bill imposes the inflation rate limitation on fees assessed against assisted living residences.  <i>As introduced, the bill imposed the inflation rate limitation on fees assessed against assisted living residences, effective immediately. As amended, the effective date of the bill is Aug. 1, 2019. This will give the department time to implement a round of fee increases before the inflation limitation takes effect.</i>	<a href="#"><u>Fiscal Note</u></a>  Signed by the Governor	Staff was concerned the bill as introduced would inhibit the department’s ability to implement Colorado’s assisted living regulations. Recently updated regulations are tied to an increase in fees to fund the additional oversight the regulations will require, including hiring additional surveyors to inspect facilities. Based on that concern, DRCOG opposed this bill as introduced. <i>With the amendment to the bill, DRCOG moved to a monitor position.</i>	<b>Monitor</b>  With regard to long-term care facilities, DRCOG supports increases in the quality of care and consumer protections for older adults...DRCOG urges the state, when making decisions regarding funding for these programs, to structure such funding to protect the quality of care for residents and participants.
<a href="#"><u>HB18-1315</u></a> McLachlan & J. Becker/ Kefalas & Lundberg	<b>Manufactured Home Sales Tax Exemption</b>  The bill entirely exempts qualified manufactured homes from the state sales and use tax. Under current law, 48 percent of the purchase price of a new manufactured home constructed in compliance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 is exempt from state sales and use tax.	<a href="#"><u>Fiscal Note</u></a>  House Appropriations	Manufactured homes provide a critical source of unsubsidized affordable housing for roughly 100,000 working Colorado families. The average sale price of a new manufactured home in Colorado in 2016 was \$66,100 and the nationwide median income for manufactured home households in 2015 was \$30,000. The state sales tax significantly raises the final price for the families that traditionally purchase them. All manufactured home owners pay property taxes annually in the same manner as conventional homeowners. This bill would <i>not</i> affect local revenues.	<b>Support</b>  DRCOG supports: Policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes, and abilities.

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<a href="#">HB18-1380</a> Weissman/ Kefalas	<b>Grants For Property Tax Rent and Heat</b> Under current law, the eligible income amounts to qualify for these assistance grants are annually adjusted for inflation. The bill adjusts the grant amounts claimed for 2018 for inflation and requires they be adjusted for inflation in the future. For grants claimed for 2018, the bill increases the: Maximum property tax and rent assistance grant from \$700 to \$753; maximum heat assistance grant from \$192 to \$206; and minimum grant amount from \$227 to \$244 for the property tax and rent assistance grant and from \$73 to \$78 for the heat assistance grant. All of these increases reflect inflationary growth since 2014, and all of these amounts will continue to be adjusted annually for inflation. The bill expands the Property Tax and Rent Assistance Grant by repealing the requirement that rent must be paid to a landlord that pays property tax.	<b>Fiscal Note: N/A</b> House Public Health Care & Human Services	A low-income senior or individual with a disability is currently eligible for two types of annual state assistance grants administered by the Department of Revenue related to his or her property: A grant for their property taxes or rent paid, with the latter being deemed a tax-equivalent payment (property tax and rent assistance grant), and a grant for heat or fuel expenses (heat assistance grant). Together these are commonly known as the "PTC rebate." The grant amounts have not been increased since 2014. These grants help low-income seniors and persons with disabilities to remain living in their homes or apartments in community settings.	<b>Support</b> DRCOG supports: Property tax relief to help reduce a tax liability that especially burdens low income seniors and seniors on fixed incomes. policies, programs and services that preserve existing affordable housing stock, promote access to diverse housing options in diverse geographic locations, and provide consumer protections that enable older adults and persons with disabilities to age in place.

#### TRANSPORTATION BILLS

<a href="#">SB18-001</a> Cooke & Baumgardner/ Carver & Buck	<b>Transportation Infrastructure Funding</b> As introduced, requires the Transportation Commission to submit a ballot question at the Nov. 2018 general election. It would authorize the state to issue additional transportation revenue anticipation notes (TRANS) for priority projects; repeal the SB 17-267 requirement for lease-purchase agreements to fund projects; and require 10 percent of state sales and use tax to be credited to the State Highway Fund to repay TRANS and fund projects. Authorizes TRANS in a maximum of \$3.5 billion with a maximum repayment of \$5 billion. Beginning July 1, 2018, after repaying TRANS, the rest must be used only for qualified federal aid transportation projects that are included in the Colorado Department of Transportation's strategic transportation project investment program and designated for Tier 1 projects on CDOT's 10-year development program project list. At least 25 percent of the TRANS net proceeds must be used for projects in counties with populations of 50,000 or less and at least 10 percent of the TRANS net proceeds must be used for transit purposes or transit-related capital improvements.	<b>Fiscal Note</b> House Transportation	DRCOG supported HB 17-1242 last session, which included bonding but also a sales tax increase. It also provided a local share, local flexibility and funding for an extensive list of locally determined mobility improvements. This bill only includes bonding for statewide projects. Also, 10 percent of sales and use tax equals translates to more than \$300 million per year that would be diverted from the General Fund. This is a significant amount of money that will be taken from other state programs, including education, health care, human services, and of particular concern to DRCOG, services to seniors.  <i>Note: This bill summary and position is provided for informational purposes. DRCOG's position on the current version of the bill follows.</i>	<b>Monitor</b> DRCOG supports: Increased funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.
<a href="#">SB18-001</a> <a href="#">(Senate Version)</a> Baumgardner & Cooke/ Buck	<b>Transportation Infrastructure Funding</b> For 21 years, this bill creates annual transfers from the General Fund to the State Highway Fund for transportation purposes. If an initiated ballot measure authorizing state debt for transportation is not approved in 2018, this bill refers a ballot measure to do so at the 2019 election. Conditional on approval of the 2019 measure, the bill requires the issuance of transportation revenue anticipation notes (TRANS) worth up to \$3.5 billion. Conditional on approval of a ballot measure in either 2018 or 2019, this bill repeals executions of lease-purchase agreements under Senate Bill 17-267 for years beyond fiscal year 2018-19. The bill conditionally increases state revenue from debt issuance and state expenditures for debt service over a 20-year term.	<b>Fiscal Note</b> House Transportation	This bill provides General Fund support for transportation project construction and maintenance. The amount of funding and the purposes for which it may be used depend on the outcome of ballot measures at two statewide elections: a 2018 ballot measure that may be initiated by citizens, and, conditional on that measure not appearing or not passing, a 2019 ballot measure referred pursuant to this bill. In any case, the bill creates the following transfers from the General Fund to the State Highway Fund: \$500 million in fiscal year 2018-19, supplanting the transfer contemplated in House Bill 18-1340, part of the Long Bill orbital package; and \$250 million annually in fiscal year 2019-20 through fiscal year 2038-39.	<b>Staff Discretion to Support with Amendments *</b> DRCOG supports: Increased funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.

\* DRCOG Board position on transportation funding bills: DRCOG will support or oppose Senate Bill 18-001, HB 18-1340, any other transportation funding bills, or any proposed amendments based on the following principles: no bonding without new revenue; substantial local share; substantial multimodal share; both for the whole period of the state contribution (one current proposal is for six years); and no restrictions on managed lanes.

Bill No. / Sponsor	Short Title Bill Summary	Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">SB 18-181</a> Cooke & Holbert	<b>Four-Year Motor Vehicle Emissions Inspection Cycle</b> The bill extends the motor vehicle emissions inspection cycle for 1982 and newer model motor vehicles from every two years to every four years and specifies that a motor vehicle does not fail an emissions inspection solely because a check-engine light is illuminated on the motor vehicle's dashboard.	<b>Fiscal Note: N/A</b> Senate Transportation	Since the Denver-Metro/North Front Range's vehicle inspection and maintenance program is included in the moderate ozone State Implementation Plan, any changes to the program would need to be approved by the Environmental Protection Agency. Should this bill pass, it is unlikely that the EPA would approve the new legislation. EPA has never approved a vehicle inspection program that requires inspections less than every two years and the SIP would need to be amended to offset the increase in emissions from mobile sources.	<b>Oppose</b> DRCOG supports: Efforts to reduce emissions from all sources sufficient to meet federal air quality standards; alternative fuel sources and clean-burning technology and provision of infrastructure and services for alternative fuels; incentives for purchasing high fuel economy or alternative fuel vehicles or for accelerated retirement of inefficient or high-polluting personal, commercial, or fleet vehicles that are beyond repair; offering services, including incentives that encourage and facilitate the use of alternative modes of travel.
<a href="#">SB 18-1340</a> <a href="#">Hamner/Lambert</a>	<b>Transfers Of Money For State's Infrastructure Joint Budget Committee</b> For the 2018-19 fiscal year, the bill (as introduced) transfers: \$71,431,345 from the general fund to the capital construction fund; \$15,206,760 from the general fund to the information technology capital account of the capital construction fund; \$500,000 from the general fund exempt account of the general fund to the capital construction fund; \$30 million from the general fund to the controlled maintenance trust fund; \$150,000 from the preservation grant program account of the state historical fund for historical property rehabilitation in the capitol complex; and \$495 million from the general fund to the State Highway Fund for state priority projects. The re-engrossed bill provides that of this amount, 25 percent is allocated to counties, 25 percent is allocated to municipalities, and 15 percent is allocated to the multimodal transportation options fund created in the bill.	<b>Fiscal Note</b> Conference Committee	The bill makes fiscal year 2018-19 transfers for capital construction, controlled maintenance and information technology projects listed in the 2018 Long Bill. The bill also makes transfers to the Controlled Maintenance Trust Fund and to the State Highway Fund. The transfer to the State Highway Fund is conditional upon Senate Bill 18-001. If SB 18-001 is not adopted, the bill also transfers \$495.0 million in fiscal year 2018-19 from the General Fund to the State Highway Fund. The House version of the bill provided an allocation of those funds 25 percent, or about \$123.8 million, to counties, 25 percent to municipalities and 15 percent, or about \$74.3 million, allocated to the Multimodal Transportation Options Fund created under the bill. This fiscal note assumed that the remaining 35 percent, or \$173.1 million, will stay in the State Highway Fund for use by the Colorado Department of Transportation. The Senate version of the bill goes back to the introduced bill with the provision that the State Treasurer shall make the payments quarterly.	<b>Staff Discretion to Support with Amendments *</b> DRCOG supports: Increased funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.

\* DRCOG board position on transportation funding bills: DRCOG will support or oppose Senate Bill 18-001, HB 18-1340, any other transportation funding bills, or any proposed amendments based on the following principles: no bonding without new revenue; substantial local share; substantial multimodal share; both for the whole period of the state contribution (one current proposal is for six years); and no restrictions on managed lanes.

#### HOUSING BILLS

<a href="#">HB 18-1195</a> D. Pabon/ Tate	<b>Tax Credit Contributions Organizations Affordable Housing</b> For income tax years commencing on or after Jan. 1, 2019, but prior to Jan. 1, 2030, the bill creates a state income tax credit for a donation of cash or securities a taxpayer makes to an eligible developer to be used solely for the costs associated with an eligible project.	<b>Fiscal Note</b> House Appropriations	With the lack of affordable housing such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs.	<b>Monitor</b> DRCOG supports: Policies, programs and services that preserve existing affordable housing stock, promote access to diverse housing options in diverse geographic locations, and provide consumer protections that enable older adults and persons with disabilities to age in place.
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<a href="#">SB 18-007</a> Guzman & Tate/ J. Becker & Duran	<b>Affordable Housing Tax Credit</b> The bill changes the name of the existing Low-Income Housing Tax Credit to the Affordable Housing Tax Credit. It also extends the period during which the Colorado Housing and Finance Authority may allocate affordable housing tax credits from Dec. 31, 2019, to Dec. 31, 2024.	<a href="#">Fiscal Note</a> House Appropriations	This is an existing tax credit for developers of affordable housing. It has an expiration date of Dec. 31, 2019. This bill extends the credit another five years.	<b>Support</b> DRCOG supports: Policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes, and abilities.
<a href="#">SB 18-010</a> A. Williams & Martinez/ Humenic/ Exum	<b>Residential Lease Copy And Rent Receipt</b> The bill requires a residential landlord to provide each tenant with a copy of a written rental agreement signed by the parties and to give a tenant a contemporaneous receipt for any payment made in person with cash or a money order. For payments not made in person with cash or a money order, the landlord must provide a receipt if requested by the tenant. The landlord may provide the tenant with an electronic copy of the agreement or the receipt unless the tenant requests a paper copy.	<a href="#">Fiscal Note</a> Signed by the Governor	This is the first in a series of bills we expect to be introduced this year attempting to provide protections for renters to better enable them to remain in housing they can afford. This is especially important for older adults and persons with disabilities, particularly those on fixed incomes. Keeping these people living in the community is core principle of DRCOG's Area Agency on Aging and is reflected in Metro Vision.	<b>Support</b> DRCOG supports: The principle that renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.

#### BILLS POSTPONED INDEFINITELY

<a href="#">HB 18-1054</a> Rosenthal & Court	<b>Affordable Housing Plastic Shopping Bag Tax</b> The bill submits a ballot question to the voters at the November 2018 election to establish a plastic shopping bag tax, which would be imposed beginning Jan. 1, 2019. Stores meeting certain criteria are required to collect a 25-cent tax from the customer, unless the customer is enrolled in the federal Supplemental Nutrition Assistance Program. Net tax revenue is deposited in the Housing Development Grant Fund. The Division of Housing in the Department of Local Affairs is required to use the money for the existing purposes of the fund, which are to improve, preserve or expand the supply of affordable housing in Colorado.	<a href="#">Fiscal Note</a> Postponed Indefinitely House Local Government	With the lack affordable housing such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs. Using new sources avoids the problem of taking funding away from other existing programs.	<b>Monitor</b> DRCOG supports: Policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes and abilities.
<a href="#">HB 18-1125</a> J. Wilson	<b>Tax Credit Employer-Assisted Housing Pilot Program</b> As a pilot program to promote employer-assisted housing projects in rural areas, for income tax years commencing on or after Jan. 1, 2018, but prior to Jan. 1, 2022, the bill creates a state income tax credit for a donation a taxpayer makes to a sponsor that is used solely for the costs associated with an employer-assisted eligible activity in a rural area. The bill defines "sponsor" to mean the Colorado Housing and Finance Authority, a housing authority operated by a county or municipality, or a nonprofit corporation that has been designated as a community development corporation under the federal tax code. The amount of the credit allowed by the bill is 20 percent of the approved amount of the donation as documented in a form and manner acceptable to the Department of Revenue (department); except that the aggregate amount of the credit awarded to any one taxpayer is limited to \$400 in any one income tax year.	<a href="#">Fiscal Note</a> Postponed Indefinitely House Finance	With the lack of affordable housing such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs. While the bill applies statewide, it has its origins in the housing issues faced by mountain communities.	<b>Monitor</b> DRCOG supports: Policies, programs and services that preserve existing affordable housing stock, promote access to diverse housing options in diverse geographic locations and provide consumer protections that enable older adults and persons with disabilities to age in place.

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<a href="#">HB 18-1127</a> Jackson & Kennedy	<b>Residential Landlord Rental Application</b> The bill limits the fee to cover a landlord's costs for a personal reference check or for obtaining a consumer credit report or tenant screening report; requires a landlord to provide each prospective tenant with written notice of the landlord's tenant selection criteria and the grounds upon which a rental application may be denied before accepting an application or collecting an application fee; and requires a landlord to provide a prospective tenant with an adverse action notice if the landlord takes adverse action on a prospective tenant after reviewing the prospective tenant's rental application.	<a href="#">Fiscal Note</a> Postponed Indefinitely Senate State, Veterans and Military Affairs	This is another in a series of bills being introduced this year attempting to provide protections for renters to better enable them to remain in housing they can afford. This is especially important for older adults and individuals with disabilities, particularly those on fixed incomes. Keeping these people living in the community is a core principle of DRCOG's Area Agency on Aging and is reflected in Metro Vision.	<b>Support</b> DRCOG supports: The principle that renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
<a href="#">SB 18-006</a> Zenzinger/ Winter	<b>Recording Fee to Fund Attainable Housing</b> The bill allows counties to impose an increased surcharge in the amount of \$5 for documents received for recording or filing on or after Jan. 1, 2019. The county is required to retain \$1 to be used to defray the costs of an electronic or core filing system and transmit the other \$4 for the new Statewide Attainable Housing Investment Fund. The Colorado Housing and Finance Authority is to administer the fund. Of the money transmitted to the fund, not less than 25 percent must be expended to support new or existing programs that provide financial assistance to persons in households with 80 percent of the area median income to finance, purchase, or rehabilitate single family residential homes, as well as to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons to finance, purchase, or rehabilitate single family residential homes.	<a href="#">Fiscal Note</a> Postponed Indefinitely Senate State Affairs	Currently, each county clerk and recorder collects a surcharge of \$1 for each document received for recording or filing in his or her office. The surcharge is in addition to any other fees permitted by statute. With the lack affordable housing being such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs. Using new sources avoids the problem of taking funding away from other existing programs.	<b>Monitor</b> DRCOG supports: Policies, programs and services that preserve existing affordable housing stock, promote access to diverse housing options in diverse geographic locations, and provide consumer protections that enable older adults and persons with disabilities to age in place.
<a href="#">SB 18-053</a> Court & Young	<b>Primary Offense For No Safety Belt</b> Current law requires every driver of and every front-seat passenger in a motor vehicle equipped with a safety belt system to wear a fastened safety belt while the motor vehicle is operated. The bill extends this requirement to every passenger in a motor vehicle. Current law provides that a law enforcement officer may not cite a driver of a motor vehicle for a failure to wear a safety belt unless the driver was stopped for a different alleged traffic violation. The bill repeals this limitation, allowing a law enforcement officer to stop and cite a driver solely for a failure to wear a safety belt.	<a href="#">Fiscal Note</a> Postponed Indefinitely Senate State Affairs	Colorado is one of only 16 states without a primary seat belt law. Experience in those states shows primary seat belt laws cause seat belt use to increase and unrestrained traffic fatalities to decrease. Any unbuckled passenger can become a dangerous projectile in a crash. Making not wearing a seat belt a primary offense would make driving safer for all passengers in a car. A primary seat belt law would be expected to reduce medical and work-loss costs in the state.	<b>Support</b> DRCOG supports: Increased funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.

Bill No. / Sponsor	Short Title Bill Summary	Status	Staff Comments	DRCOG Position Legislative Policy
<a href="#">SB 18-057</a> Kagan	<b>Use Of Criminal Records With Respect To Housing</b>  The bill: 1) adds to the definition of "restrictive covenant" limitations on the transfer, rental or lease of housing based on records of any arrest or charge that did not result in a conviction and for which a criminal case is not actively pending (arrest records) or criminal justice records that have been sealed or expunged; 2) makes it an unfair housing practice to inquire about or take an adverse action based on arrest records or sealed or expunged criminal justice records; 3) prohibits landlords from requiring an applicant to disclose any information contained in sealed criminal records; 4) prohibits housing authorities from denying or terminating dwelling accommodations, or taking adverse action against a person, on the basis of arrest records or certain conviction records; 5) requires a landlord to provide applicants with access to records that are used as the basis for denying a rental application; 6) prevents certain tenant criminal records from being admitted as evidence in a civil case against a landlord that is based on the tenant's conduct.	<a href="#">Fiscal Note</a>  Postponed Indefinitely Senate State Affairs	Under current law it is an unfair housing practice to honor or exercise, or attempt to honor or exercise, any "restrictive covenant" pertaining to housing. The bill is intended to prohibit housing discrimination based on arrest or sealed records or a case that is otherwise inactive. Under current law, the definition of "restrictive covenant" means any specification limiting the transfer, rental or lease of any housing because of disability, race, creed, color, religion, sex, sexual orientation, marital status, familial status, national origin or ancestry. This bill adds to existing law any record of arrest or charge that did not result in a conviction. It also adds landlords to the law that prohibits employers, educational institutions, state and local government agencies, officials, and employees, in any application or interview or in any other way, from requiring an applicant to disclose any information contained in sealed records.	<b>Monitor</b>  DRCOG supports: The principle that renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
<a href="#">SB 18-196</a> T. Neville & Lundberg/ Ransom	<b>Repeal Late Vehicle Registration Fee</b>  Under current law, if the owner of a motor vehicle fails to register the vehicle when required, the owner must — upon registering the vehicle and subject to a \$100 cap — pay a late fee of \$25 for each month or portion of a month for which the registration is late. The bill repeals the late fee effective Jan. 1, 2019.	<a href="#">Fiscal Note</a>  Postponed Indefinitely House Senate Affairs	DRCOG supported SB 09-108 (FASTER), which instituted the late fee. Additionally, DRCOG has opposed previous bills to repeal the late fee. The fiscal note estimates the bill would reduce state revenues by \$5 million in fiscal year 2018-2019 and \$10 million for fiscal year 2019-2020. The bill also will reduce local government revenues by an estimated \$5.6 million in fiscal year 2018-2019 and \$11.4 million for fiscal year 2019-2020.	<b>Oppose</b>  DRCOG supports: Increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities.