

**NOTE: The governor signed this measure on 4/26/2013.**

# An Act

SENATE BILL 13-048

BY SENATOR(S) Todd, Jones, Cadman, Heath, Hudak, Kerr, Newell, Aguilar, Carroll, Giron, Guzman, Jahn, Kefalas, King, Nicholson, Schwartz, Steadman, Ulibarri, Morse;  
also REPRESENTATIVE(S) Tyler and Labuda, Fields, Melton, Peniston, Ryden, Salazar, Buckner, Fischer, Hamner, Hullinghorst, Lebsock, McLachlan, Mitsch Bush, Moreno, Primavera, Rosenthal, Singer.

CONCERNING THE USE OF HIGHWAY USER TAX FUND MONEYS ALLOCATED TO  
LOCAL GOVERNMENTS FOR MULTIMODAL TRANSPORTATION  
INFRASTRUCTURE.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds and declares that the development and improvement of multimodal transportation options, including transit-related options, is an important part of a viable and sustainable long-term transportation investment strategy, that the general assembly has authorized the department of transportation to expend highway users tax fund moneys on transit-related projects, and that it is necessary, appropriate, and in the best interest of all Coloradans to also authorize counties and municipalities to expend such moneys on transit-related projects. The general assembly further finds and declares that the funding of transit-related projects

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

constitutes maintenance and supervision of public highways because it will help to reduce traffic and thereby reduce wear and tear on public highways and bridges and increase their reliability, safety, efficient performance, and expected useful life.

**SECTION 2.** In Colorado Revised Statutes, 43-4-205, **amend** (6) (b) introductory portion as follows:

**43-4-205. Allocation of fund.** (6) Revenues raised by the excise tax imposed on gasoline and special fuel pursuant to sections 39-27-102 and 39-27-102.5, C.R.S., in excess of seven cents per gallon of tax, shall be placed in the highway users tax fund to be allocated as follows; except that revenues raised by the excise tax imposed on gasoline in excess of eighteen cents per gallon of tax shall be allocated according to the provisions of paragraph (b) of this subsection (6):

(b) The remaining balance of such revenue ~~shall~~ MAY be expended only for improvements to highways within the state, including new construction, safety improvements, maintenance, and capacity improvements, ~~No moneys shall~~ AND FOR OTHER TRANSPORTATION-RELATED PROJECTS TO THE EXTENT AUTHORIZED BY SECTIONS 43-4-206 (3), 43-4-207 (1), AND 43-4-208 (1), AND MAY NOT be expended for administrative purposes. Such revenue ~~shall be~~ IS allocated as follows:

**SECTION 3.** In Colorado Revised Statutes, 43-4-207, **amend** (1) as follows:

**43-4-207. County allocation.** (1) After paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, twenty-six percent of the balance of the highway users tax fund shall be paid to the county treasurers of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. The moneys thus received shall be allocated to the counties as provided by law and shall be expended by the counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems and any other public highways, including any state highways, together with acquisition of

rights-of-way and access rights for the same, FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE, OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS, INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL TRANSPORTATION SYSTEM, and for no other purpose; EXCEPT THAT A COUNTY MAY EXPEND NO MORE THAN FIFTEEN PERCENT OF THE TOTAL AMOUNT EXPENDED UNDER THIS SUBSECTION (1) FOR TRANSIT-RELATED OPERATIONAL PURPOSES AND except that moneys received pursuant to section 43-4-205 (6.3) shall be expended by the counties only for road safety projects, as defined in section 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

**SECTION 4.** In Colorado Revised Statutes, 43-4-208, **amend** (1) as follows:

**43-4-208. Municipal allocation.** (1) After paying the costs of the Colorado state patrol and such other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as are appropriated by the general assembly, and making allocation as provided by sections 43-4-206 and 43-4-207, the remaining nine percent of the highway users tax fund shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. Each city treasurer shall account for the moneys thus received as provided in this part 2. Moneys so allocated shall be expended by the cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, AND FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE, OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED PROJECTS, INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR PEDESTRIAN LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL TRANSPORTATION SYSTEM, and for no other purpose; EXCEPT THAT A CITY

OR AN INCORPORATED TOWN MAY EXPEND NO MORE THAN FIFTEEN PERCENT OF THE TOTAL AMOUNT EXPENDED UNDER THIS SUBSECTION (1) FOR TRANSIT-RELATED OPERATIONAL PURPOSES AND except that moneys paid to the cities and incorporated towns pursuant to section 43-4-205 (6.3) shall be expended by the cities and incorporated towns only for road safety projects, as defined in section 43-4-803 (21). The amount to be expended for administrative purposes shall not exceed five percent of each city's share of the funds available.

**SECTION 5. Effective date.** This act takes effect July 1, 2013.

**SECTION 6. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO