

43-4-601. Short title.

This part 6 shall be known and may be cited as the "Regional Transportation Authority Law".

Source: L. 97: Entire part added, p. 480, § 1, effective August 6. L. 2005: Entire section amended, p. 1057, § 2, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending this section, see section 1 of chapter 269, Session Laws of Colorado 2005.

- (VIII) Damage awards; or
- (IX) Property sales.
- (10) "Municipality" has the same meaning as that provided in section 31-1-101 (6), C.R.S.
- (11) "Operation and maintenance expenses" means all reasonable and necessary current expenses of the authority, paid or accrued, of operating, maintaining, and repairing any regional transportation system.
- (12) "Person" means any natural person, corporation, partnership, association, or joint venture, the United States of America, or any governmental unit.
- (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.
- (13) and (14) (Deleted by amendment, L. 2005, p. 1058, § 3, effective January 1, 2006.)
- (15) "Regional transportation activity enterprise" means any regional transportation activity business owned by an authority, which enterprise receives under ten percent of its annual revenues in grants from all state and local governments within the state combined and is authorized to issue its own revenue bonds pursuant to this part 6.
- (16) "Regional transportation system" means any property, improvement, or system designed to be compatible with established state and local transportation plans that transports or conveys people or goods or permits people or goods to be transported or conveyed within a region by any means, including, but not limited to, an automobile, truck, bus, rail, air, or gondola. The term includes any real or personal property or equipment, or interest therein, that is appurtenant or related to any property, improvement, or system that transports or conveys people or goods or permits people or goods to be transported or conveyed within a region by any means or that is financed, constructed, operated, or maintained in connection with the financing, construction, operation, or maintenance of any such property, improvement, or system. The term may also include, but is not limited to, any highway, road, street, bus system, railroad, airport, gondola system, or mass transit system and any real or personal property or equipment, or interest therein, used in connection therewith; any real or personal property or equipment, or interest therein, that is used to transport or convey gas, electricity, water, sewage, or information or that is used in connection with the transportation, conveyance, or provisions of any other utilities; and paving, grading, landscaping, curbs, gutters, culverts, sidewalks, bikeways, lighting, bridges, overpasses, underpasses, cross-roads, parkways, drainage facilities, mass transit lanes, park-and-ride facilities, toll collection facilities, service areas, and administrative or maintenance facilities. Rights-of-way included in a regional transportation system shall be considered public rights-of-way for purposes of the location of utilities owned by persons other than the authority; except that no right-of-way within the regional transportation district created and existing pursuant to article 9 of title 32, C.R.S., that is not a publicly dedicated right-of-way by a municipality, a county, or the state shall be considered a public right-of-way as a result of its inclusion in the district.
- (16.5) "Revenues" means any tolls, fees, rates, charges, assessments, taxes, grants, contributions, or other income and revenues received by the authority.
- (17) "State" means the state of Colorado or any of its agencies.
- (18) "Streetscape enhancement" means an advertising device located on a bus or transit shelter or bench, waste receptacle, kiosk, or other freestanding structure located within an authority.

43-4-603. Creation of authorities.

(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. The combination joining in the creation of the authority shall provide a copy of the contract to the department of transportation for comment and, if the territory of the proposed 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, shall also provide a copy of the contract to the district or the affected public highway authority, as applicable, for comment. The combination shall also provide a copy of the contract to each county and municipality that is not a member of the combination but that includes territory that borders the territory of the proposed authority for comment. 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. 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 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 provided pursuant to subsection (1) of this section, but in no event more than ninety days after a copy of the contract 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 informs the combination that executed the contract 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 pursuant to paragraph (a) of subsection (2) 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 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 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. 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 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. Nothing in this subsection (1.5) shall be construed to preclude a combination or any 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.

or a special election called for such purpose. Such question may also be proposed to such registered electors at the same time and in the same or a separate question as an election required under section 43-4-612. The authority shall not be established unless a majority of the registered electors voting thereon at the election vote in favor thereof. The election shall be conducted in substantially the same manner as county elections, and the county clerk and recorder of each county in which the election is conducted shall assist the members of the combination of the proposed authority in conducting the election.

(5) The state, acting by and through the transportation commission, created in section 43-1-106, and upon the approval of the governor, may join in the contract creating the authority. The number of directors of the board to which the state is entitled shall be established in the contract, but in no case shall the state be entitled to less than one director. The governor shall appoint the director or directors representing the state on the board, with the consent of the senate, for such term as established by the governor.

Source: L. 97: Entire part added, p. 482, § 1, effective August 6. L. 2000: (4) amended, p. 1174, § 1, effective August 2. L. 2005: (1) and (2)(a) amended and (1.5) added, p. 1059, § 4, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending subsections (1) and (2)(a) and enacting subsection (1.5), see section 1 of chapter 269, Session Laws of Colorado 2005.

(i) 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.

Source: L. 97: Entire part added, p. 484, § 1, effective August 6. L. 2000: (3)(i) added, p. 1174, § 2, effective August 2. L. 2002: (1) amended, p. 403, § 5, effective August 7.

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 paragraph (i) for any such motor vehicle shall not exceed ten dollars. The county clerk and recorder 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, 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 visitor benefit tax on overnight rooms or accommodations that are in any territory:

(A) 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 such municipality; or

(B) 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 such county.

(II) The visitor benefit tax is in addition to any fee or tax imposed by the state or any other governmental unit and a minimum of seventy-five percent of the net revenue derived from the tax shall be used by the authority solely to finance, construct, operate, and maintain regional transportation systems and provide incentives to overnight visitors to use public transportation.

(III) Notwithstanding the provisions of subparagraph (I) of this paragraph (i.5), an authority may derive no more than one third of its total revenues from the visitor benefit tax.

(IV) Any authority that imposes a visitor benefit tax shall give due consideration to the transportation needs of persons who pay the visitor benefit tax on the purchase of overnight rooms or accommodations when constructing, operating, and maintaining regional transportation systems and shall ensure that such visitors have easy access to the regional transportation systems.

(V) Upon the request of the authority, the executive director of the department of revenue shall administer and collect the visitor benefit tax authorized by subparagraph (I) of this paragraph (i.5). If the authority requests that the executive director administer and collect the tax, the executive director shall make monthly distributions of the tax collections to the authority. The department of revenue shall retain an amount not to exceed the 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 visitor benefit 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 moneys 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 moneys, any moneys 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.

(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, a sales or use tax, or both, at a rate not to exceed one percent upon every

the power of an authority to establish local improvement districts and impose special assessments as authorized by section 43-4-608.

(II) This paragraph (j.5) is repealed, effective January 1, 2019.

(k) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted by this part 6. The specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this part 6.

(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 at the time of the inclusion. Property located within the boundaries of a municipality that is not a member of the combination 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 municipality, and property within the unincorporated boundaries of a county that is not a member of the combination 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 county.

(b) (I) Prior to any inclusion in or exclusion of property from the boundaries of the authority, the board shall cause notice of the proposed inclusion or exclusion to be published in a newspaper of general circulation within the boundaries of the authority and cause the notice to be mailed to the division, to the transportation commission, and to the owners of property to be included or excluded at the last-known address described for the owners in the real estate records of the county in which the property is located. The notice shall describe the property to be included in or excluded from the boundaries of the authority, shall specify the date, time, and place at which the board shall hold a public hearing on the proposed inclusion or exclusion, and shall state that persons having objections to the inclusion or exclusion may appear at the public hearing to object to the proposed inclusion or exclusion. The date of the public hearing contained in the notice shall be not less than twenty days after the mailing and publication of the notice. The board, at the time and place designated in the notice or at such times and places to which the hearing may be adjourned, shall hear all objections to the proposed inclusion or exclusion.

(II) The board, upon the affirmative vote of two-thirds of the directors of the board, may adopt a resolution including or excluding all or any portion of the property described in the notice. Upon the adoption of the resolution, the property shall be included within or excluded from the boundaries of the authority as set forth in the resolution. The board may adopt the resolution without amending the contract required by section 43-4-603 (2). The board shall file the resolution with the director of the division, who shall cause the resolution to be recorded in the real estate records of each county having territory included in the boundaries of the authority.

(c) All property excluded from the authority shall thereafter be subject to the revenue-raising powers of the authority only to the extent that the powers have been exercised by the authority against the property or activities occurring on the property prior to the exclusion and to the extent required to comply with agreements with the holders of bonds outstanding at the time of the exclusion. All property or activities occurring on the property included within the authority shall thereafter be subject to the revenue-raising powers of the authority. In no way will this section affect or increase property taxes in the affected territory or jurisdiction.

(3) Property included in an authority pursuant to this section is subject to the same mill levies and other taxes levied or to be levied on other similarly situated property at the time the additional property is included. The newly included property is an addition to taxable real property, and the application of such levies and other taxes to the newly included property is not subject to the requirements of section 20 (4)

43-4-605.5. Preservation of state highway funding - legislative declaration.

The general assembly hereby finds and declares that moneys made available for regional transportation systems pursuant to this part 6 shall not be used to supplant existing or budgeted department of transportation funding of any portion of the state highway system within the territory of any authority or any transportation planning region, as defined in section 43-1-1102 (8), that includes any portion of the territory of the authority except as described in detail in an intergovernmental agreement entered into pursuant to section 43-4-603 (1.5).

Source: L. 2005: Entire section added, p. 1064, § 6, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act enacting this section, see section 1 of chapter 269, Session Laws of Colorado 2005.

(4) and (7) of article X of the state constitution.

(10) The rates or a change in the rates charged by an authority for regional transportation systems or for the use of property included in or in connection with a regional transportation system rendered or provided by a regional transportation activity enterprise owned by the authority are not taxes subject to the provisions of section 20 (4) and (7) of article X of the state constitution.

(11) The authority granted to a regional transportation activity enterprise under this section is in addition to all other authority provided by law. Nothing contained in this part 6 shall be construed to require the establishment, operation, or continuation of a regional transportation activity enterprise or to limit the authority of any state or local government to utilize other policies and procedures for establishing, operating, or continuing any enterprise for any lawful purpose.

Source: L. 97: Entire part added, p. 489, § 1, effective August 6. L. 2005: Entire section amended, p. 1064, § 7, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending this section, see section 1 of chapter 269, Session Laws of Colorado 2005.

43-4-607.5. Streetscape enhancements - local and private authority.

A local government whose jurisdiction includes territory within an authority may create, permit, or contract streetscape enhancements within that territory.

Source: L. 2005: Entire section added, p. 1064, § 6, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act enacting this section, see section 1 of chapter 269, Session Laws of Colorado 2005.

43-4-609. Bonds.

- (1) The authority may, from time to time, issue bonds for any of its corporate purposes. The authority shall issue the bonds pursuant to resolution of the board, and the bonds shall be payable solely out of all or a specified portion of the revenues as designated by the board.
- (2) As provided in the resolution of the board under which the bonds are authorized to be issued or as provided in a trust indenture between the authority and any commercial bank or trust company having full trust powers, the bonds may:
- (a) Be executed and delivered by the authority at such times;
 - (b) Be in such form and denominations and include such terms and maturities;
 - (c) Be subject to optional or mandatory redemption prior to maturity with or without a premium;
 - (d) Be in fully registered form or bearer form registrable as to principal or interest or both;
 - (e) Bear such conversion privileges;
 - (f) Be payable in such installments and at such times not exceeding forty years from the date thereof;
 - (g) Be payable at such place or places whether within or without the state;
 - (h) Bear interest at such rate or rates per annum, which may be fixed or vary according to index, procedure, or formula or as determined by the authority or its agents, without regard to any interest rate limitation appearing in any other law of the state;
 - (i) Be subject to purchase at the option of the holder or the authority and be evidenced in such manner;
 - (j) Be executed by the officers of the authority, including the use of one or more facsimile signatures so long as at least one manual signature appears on the bonds, which signatures may be either of an officer of the authority or of an agent authenticating the same;
 - (k) Be in the form of coupon bonds that have attached interest coupons bearing a manual or facsimile signature of an officer of the authority; and
 - (l) Contain such provisions not inconsistent with this part 6.
- (3) The bonds may be sold at public or private sale at such price or prices, in such manner, and at such times as determined by the board, and the board may pay all fees, expenses, and commissions that it deems necessary or advantageous in connection with the sale of the bonds. The power to fix the date of sale of the bonds, to receive bids or proposals, to award and sell bonds, to fix interest rates, and to take all other action necessary to sell and deliver the bonds may be delegated to an officer or agent of the authority. Any outstanding bonds may be refunded by the authority pursuant to article 56 of title 11, C.R.S. All bonds and any interest coupons applicable thereto are declared to be negotiable instruments.
- (4) The resolution or trust indenture authorizing the issuance of the bonds may pledge all or a portion of the revenues of the authority, may contain such provisions for protecting and enforcing the rights and remedies of holders of any of the bonds as the authority deems appropriate, may set forth the rights and

43-4-610. Cooperative powers.

(1) The authority has the power to cooperate with any person:

- (a) To accept contributions, loans, advances, or liens securing obligations to or of the authority from any person with respect to the financing, construction, operation, or maintenance of a regional transportation system and, in connection with any loan or advance, to enter into contracts establishing the repayment terms;
- (b) To enter into contracts with respect to and to cooperate in the financing, construction, operation, or maintenance of a specified regional transportation system;
- (c) To enter into joint operating contracts concerning a regional transportation system;
- (d) To acquire easements or rights-of-way for a regional transportation system;
- (e) To transfer dominion over all or any portion of a regional transportation system financed, constructed, operated, or maintained by the authority to the federal government, the state government, other governmental units, or any person; and
- (f) To designate a regional transportation system as part of the federal highway system, the state highway system, a county highway system, or a municipal highway system if the person with jurisdiction over the applicable highway system consents to the designation.

Source: L. 97: Entire part added, p. 494, § 1, effective August 6. L. 2005: Entire section amended, p. 1066, § 10, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending this section, see section 1 of chapter 269, Session Laws of Colorado 2005.

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 in which the tax is proposed to be collected.

(2) No action by an authority creating a multiple fiscal year debt or other financial obligation that is subject to section 20 (4) (b) of article X of the state constitution shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the authority; except that no such vote is required for obligations of regional transportation activity enterprises established under section 43-4-606 or for obligations of any other enterprise under section 20 (2) (d) of article X of the state constitution.

(3) The questions proposed to the registered electors under subsections (1) and (2) of this section shall be submitted at a general election or any election to be held on the first Tuesday in November of an odd-numbered year. The action shall not take effect unless a majority of the registered electors voting thereon at the election vote in favor thereof. The election shall be conducted in substantially the same manner as county elections, and the county clerk and recorder of each county in which the election is conducted shall assist the authority in conducting the election. The authority shall pay the costs incurred by each county in conducting such an election. No moneys of the authority may be used to urge or oppose passage of an election required under this section.

Source: L. 97: Entire part added, p. 495, § 1, effective August 6. L. 2005: (2) amended, p. 1068, § 12, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending subsection (2), see section 1 of chapter 269, Session Laws of Colorado 2005.

43-4-614. Notice - coordination of information.

(1) (a) At least forty-five days prior to the creation of any authority pursuant to this part 6, a notice containing the proposed boundaries of the authority and the methods proposed for financing regional transportation systems in the authority shall be sent to the division and to the department of revenue.

(b) At least forty-five days prior to the imposition of or any increase in any fee or tax or prior to the issuance of any bonds authorized in this part 6, a notice specifying the amount of the fee or tax and its proposed duration or the value and number of bonds to be issued shall be sent to the division. The notice required by this paragraph (b) is not necessary if the required information has previously been provided in the notice required by paragraph (a) of this subsection (1).

(c) At the time the notice required in paragraph (a) or (b) of this subsection (1) is sent to the division, a copy of the notice shall be filed with the state auditor and the transportation commission.

(2) The division shall forward copies of any such notice to the department of transportation if the division determines that the proposed authority or the tax, fee, or bonds will have an impact on any operations of that department.

(3) (a) The division shall file an annual report with the state auditor and transportation commission concerning the activities of authorities created pursuant to this part 6. The report shall detail how many authorities have been created, describe their boundaries, and specify the regional transportation systems that are being provided and how they are being financed.

(b) The division shall notify the state auditor and the transportation commission either in the report required by paragraph (a) of this subsection (3) or by letter, if it deems that immediate notification is warranted, of any situation relating to the creation of an authority, the imposition of any fee or tax, or the issuance of any bonds by an authority that the division believes or has reason to believe will adversely affect the tax-raising ability or the credit or bond rating of any governmental unit.

(4) The board and staff of the authority shall cooperate with the transportation legislation review committee in carrying out the committee's duties pursuant to section 43-2-145 (1.9).

Source: L. 97: Entire part added, p. 496, § 1, effective August 6. L. 2002: (1)(a) and (4) amended, p. 874, § 15, effective August 7. L. 2005: (1)(a) and (3)(a) amended, p. 1068, § 13, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending subsections (1)(a) and (3) (a), see section 1 of chapter 269, Session Laws of Colorado 2005.

43-4-616. Investments.

An authority may invest or deposit any funds in the manner provided by part 6 of article 75 of title 24, C.R.S. In addition, an authority may direct a corporate trustee that holds funds of the authority to invest or deposit the funds in investments or deposits other than those specified by said part 6 if the board determines, by resolution, that the investment or deposit meets the standard established in section 15-1-304, C.R.S., the income is at least comparable to income available on investments or deposits specified by said part 6, and the investment will assist the authority in the financing, construction, operation, or maintenance of regional transportation systems.

Source: L. 97: Entire part added, p. 497, § 1, effective August 6. L. 2005: Entire section amended, p. 1068, § 14, effective January 1, 2006.

Cross references: For the legislative declaration contained in the 2005 act amending this section, see section 1 of chapter 269, Session Laws of Colorado 2005.

43-4-618. Exemption from taxation - securities laws.

The income or other revenues of an authority, all properties at any time owned by an authority, any bonds issued by an authority, and the transfer of and the income from any bonds issued by an authority are exempt from all taxation and assessments in the state. In the resolution or indenture authorizing the bonds, an authority may waive the exemption from federal income taxation for interest on the bonds.

Source: L. 97: Entire part added, p. 497, § 1, effective August 6.

43-4-620. Judicial examination of powers, acts, proceedings, or contracts of an authority.

In its discretion, the board of an authority may file a petition at any time in the district court in and for any county in which the authority is located wholly or in part praying for a judicial examination and determination of any power conferred to the authority, any revenue-raising power exercised or that may be exercised by the authority, or any act, proceeding, or contract of the authority, whether or not the contract has been executed. The judicial examination and determination shall be conducted in substantially the manner set forth in section 32-4-540, C.R.S.; except that the notice required shall be published once a week for three consecutive weeks and the hearing shall be held not less than thirty days or more than forty days after the filing of the petition.

Source: L. 97: Entire part added, p. 498, § 1, effective August 6.