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Initiative 2017-2018 #172 Amended Text

Colorado Secretary of State

INITIATED STATUTE TO AUTHORIZE BONDING FOR TRANSPORTATION FUNDS WITHOUT RAISING TAXES TO FIX OUR DAMN ROADS

*Be it Enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article 4 of title 43 as follows:

PART 11

FIX OUR DAMN ROADS

**43-4-1101. Short Title.** THE SHORT TITLE OF THIS ACT IS "FIX OUR DAMN ROADS."

**43-4-1102. Legislative declaration.** (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) COLORADO'S ELECTED OFFICIALS HAVE DECREASED FUNDING FOR THE CORE GOVERNMENTAL FUNCTION OF ROAD AND BRIDGE CONSTRUCTION, MAINTENANCE AND REPAIR OVER THE LAST DECADE; AND

(b) WITHOUT RAISING TAXES OR FEES, THE SALE OF ADDITIONAL REVENUE ANTICIPATION NOTES SHOULD BE AUTHORIZED IN THE AMOUNT UP TO THREE BILLION FIVE HUNDRED MILLION DOLLARS WITH THE PROCEEDS TO BE SPENT SOLELY ON ROAD AND BRIDGE EXPANSION, CONSTRUCTION, MAINTENANCE AND REPAIR ON THE STATEWIDE PROJECTS LISTED IN THIS PART 11 TO ACCELERATE COMPLETION OF THOSE PROJECTS, THAT THE PRINCIPAL AND INTEREST ON THE BORROWED MONEY SHOULD BE PAID OUT OF THE STATE BUDGET AS PROVIDED IN THIS PART 11, THAT THE BORROWED MONEY AND THE INTEREST BE EXCLUDED FROM THE STATE'S SPENDING LIMIT, AND FINALLY THAT THE EXECUTIVE BRANCH AGENCIES BE PROHIBITED FROM TRANSFERRING THESE PROCEEDS TO ANY OTHER PROGRAMS OR PURPOSES.

**43-4-1103. Revenue Anticipation Notes.**

~~AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS PART 11,~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION ~~MAY~~ IS AUTHORIZED TO ISSUE REVENUE ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE BILLION FIVE HUNDRED MILLION DOLLARS WITH A MAXIMUM REPAYMENT COST OF FIVE BILLION TWO HUNDRED MILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES SHALL BE TWENTY YEARS, AND THE CERTIFICATE, TRUST INDENTURE OR OTHER INSTRUMENT AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY THE NOTES IN FULL BEFORE THE END OF THE SPECIFIED PAYMENT TERM WITHOUT PENALTY. THESE PURPOSES CAN BE ACHIEVED WITHOUT RAISING TAXES.

**43-4-1104. Required Action by the general assembly.**

WITHOUT RAISING TAXES OR FEES AND CONTINGENT UPON THE ISSUANCE OF NOTES, COMMENCING AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS PART 11, ~~ON OR BEFORE JULY 1, 2019, AND~~ ON OR BEFORE JULY 1 OF EACH YEAR ~~THEREAFTER~~ UNTIL THE NOTES ARE PAID IN FULL, THE GENERAL ASSEMBLY SHALL IDENTIFY AND APPROPRIATE IN EACH FISCAL YEAR SUFFICIENT FUNDS FOR THE REPAYMENT COST OF THE NOTES UNTIL THE NOTES ARE PAID IN FULL. ANY ANNUAL APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY SHALL BE MADE IN ACCORDANCE WITH LAW AND RULINGS ISSUED BY THE COLORADO SUPREME COURT.

**43-4-1105. Restricted use of proceeds.**

THE PROCEEDS OF SUCH ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES SHALL BE EXCLUDED FROM STATE FISCAL YEAR SPENDING LIMITS AND SHALL BE USED EXCLUSIVELY FOR ROAD AND BRIDGE EXPANSION, CONSTRUCTION, MAINTENANCE AND REPAIR AND SHALL NOT BE USED FOR TRANSIT, ADMINISTRATION OR INDIRECT COSTS AND EXPENSES. THE PROCEEDS DISTRIBUTED HEREUNDER SHALL BE IN ADDITION TO ANY REVENUE APPROPRIATED OR DEDICATED FOR ROAD AND BRIDGE EXPANSION, CONSTRUCTION, MAINTENANCE AND REPAIR. THE PROCEEDS

SHALL BE USED ONLY FOR THE PROJECTS IDENTIFIED IN THIS PART 11 AND FOR COSTS DIRECTLY RELATED TO SUCH PROJECTS INCLUDING PLANNING, ENGINEERING, ENVIRONMENTAL ASSESSMENTS, AS WELL AS PROCUREMENT AND ADMINISTRATIVE COSTS. THE EXECUTIVE BRANCH SHALL NOT TRANSFER THE PROCEEDS TO ANY OTHER PROGRAMS OR FOR OTHER PURPOSES.

**43-4-1106. Projects.**

(1) THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE TRANSPORTATION COMMISSION SHALL USE THE PROCEEDS DESCRIBED IN SECTION 43-4-1105 EXCLUSIVELY FOR THE FEDERAL AID TRANSPORTATION PROJECTS LISTED IN THIS SECTION:

(a) IN THE NORTH FRONT RANGE TRANSPORTATION PLANNING REGION:

(I) US 34 / US 85 INTERCHANGE RECONFIGURATION, IMPROVEMENTS TO THE SAFETY AND CAPACITY OF THE INTERCHANGE AND CORRIDOR IMPROVEMENTS BASED OFF HIGHWAY 85 PLANNING AND ENVIRONMENTAL LINKAGES; AND

(II) I-25 NORTH, STATE HIGHWAY 7 TO STATE HIGHWAY 14, ADD A LANE IN EACH DIRECTION, INTERCHANGE RECONSTRUCTION, MAINLINE RECONSTRUCTION, SAFETY AND INTELLIGENT TRANSPORTATION SAFETY IMPROVEMENTS.

(b) IN THE PIKES PEAK TRANSPORTATION PLANNING REGION:

(I) STATE HIGHWAY 21, CONSTITUTION TO NORTH CAREFREE, CONSTRUCTION OF INTERIM CONTINUOUS FLOW INTERSECTION;

(II) US 24 WEST, I-25 TO WOODLAND PARK, DRAINAGE AND INTERSECTION IMPROVEMENTS ON US 24 FROM I-25 TO WOODLAND PARK;

(III) I-25 SOUTH, WIDENING S. ACADEMY TO CIRCLE/LAKE, WIDENING OF ROADWAY TO SIX LANES; AND

(IV) STATE HIGHWAY 21, RESEARCH PARKWAY INTERCHANGE, CONSTRUCTION OF NEW GRADE-SEPARATED INTERCHANGE AT STATE HIGHWAY 21 AND RESEARCH PARKWAY.

(c) IN THE PUEBLO AREA TRANSPORTATION PLANNING REGION:

(I) US 50B, WIDEN TO FOUR LANES, SHOULDERS, PASSING LANES AND OTHER SAFETY IMPROVEMENTS TO THE KANSAS BORDER; AND

(II) US 50, WEST OF PUEBLO, WIDEN THE DIVIDED HIGHWAY FROM TWO LANES TO THREE LANES.

(d) IN THE SOUTHEAST TRANSPORTATION PLANNING REGION: US 287 LAMAR RELIEVER ROUTE, CONSTRUCTION OF RELIEVER ROUTE, REALIGNMENT OF US 50 TO FUTURE US50/US 287 INTERCHANGE.

(e) IN THE UPPER FRONT RANGE TRANSPORTATION PLANNING REGION:

(I) I-76, FORT MORGAN TO BRUSH, PHASE 4 RECONSTRUCTION OF ROADWAY AND INTERCHANGES BETWEEN FT. MORGAN AND BRUSH;

(II) I-76, FORT MORGAN TO BRUSH, PHASE 5 RECONSTRUCTION OF ROADWAY AND INTERCHANGES BETWEEN FT. MORGAN AND BRUSH; AND

(III) STATE HIGHWAY 52 INTERCHANGE IN HUDSON, RECONSTRUCTION OF INTERCHANGE.

(f) IN THE GREATER DENVER AREA TRANSPORTATION PLANNING REGION:

(I) I-25 SOUTH, MONUMENT TO CASTLE ROCK, EXPAND CAPACITY MONUMENT TO CASTLE ROCK AS OUTLINED IN PLANNING AND ENVIRONMENTAL LINKAGES STUDY;

(II) I-25 CENTRAL, SANTA FE TO ALAMEDA, VALLEY HIGHWAY PHASE 2.0 IMPROVEMENTS, COMPLETE ALAMEDA INTERCHANGE INCLUDING RECONSTRUCTION OF LIPAN, RECONSTRUCTION OF ALAMEDA BRIDGE OVER THE SOUTH PLATTE AND FINALIZE RAMP CONFIGURATION;

(III) I-25, VALLEY HIGHWAY PHASE 3.0, SANTA FE TO BRONCO ARCH, REPLACEMENT OF BRIDGES AND INTERCHANGES AND ROADWAY WIDENING, CONGESTION RELIEF, SAFETY, AND MOBILITY IMPROVEMENTS;

(IV) US 85, WIDENING FROM C-470 TO I-25 IN CASTLE ROCK (LOUVIERS TO MEADOWS), RECONSTRUCTION OF TWO LANE ROADWAY TO FOUR LANES WITH A DIVIDED MEDIAN AND ACCELERATION/DECELERATION LANES AND FOOT TRAIL;

(V) STATE HIGHWAY 66 CORRIDOR IMPROVEMENTS WEST, WIDENING, SAFETY, AND INTERSECTION IMPROVEMENTS;

(VI) STATE HIGHWAY 119, EXPAND CAPACITY;

(VII) I-25 NORTH, US 36 TO 120TH, IMPROVEMENTS ON I-25 BETWEEN US 36 AND 120TH. POTENTIAL IMPROVEMENTS INCLUDE AUXILIARY LANES, ADDITIONAL LANE BETWEEN 84TH AVE. AND THORNTON PARKWAY AND RECONSTRUCTION OF 88TH AVE. BRIDGE;

(VIII) I-25 NORTH, US 36 TO STATE HIGHWAY 7, TOLLED EXPRESS LANE IMPROVEMENTS, EXPAND TOLLED EXPRESS LANES FROM CURRENT PLANNED END AT E-470 TO STATE HIGHWAY 7;

(IX) I-70 WEST, WESTBOUND PEAK PERIOD SHOULDER LANE, MIRROR EASTBOUND PEAK PERIOD SHOULDER LANE FROM TWIN TUNNELS (EXIT 241) TO EMPIRE JUNCTION;

(X) I-70 WEST, FLOYD HILL, RECONSTRUCT WESTBOUND BRIDGE AT KERMIT'S AND CONSTRUCT THIRD LANE DOWN FLOYD HILL TO BRIDGE. CONSTRUCTION OF THIRD LANE TO TWIN TUNNELS, EITHER PEAK PERIOD SHOULDER LANES OR PERMANENT;

(XI) I-225, I-25 TO YOSEMITE, COMPLETE NATIONAL ENVIRONMENTAL POLICY ACT DESIGN, REMOVING BOTTLENECK AT YOSEMITE, RAMPS, LANES, INTERCHANGES AND BRIDGE REPLACEMENT AT ULSTER;

(XII) I-270, WIDENING FROM I-76 TO I-70, RECONSTRUCTION TO IMPROVE CAPACITY, SAFETY, AND ECONOMIC COMPETITIVENESS. CAPACITY IMPROVEMENTS, REPLACEMENT OF BRIDGES, AND RECONSTRUCT CONCRETE PAVEMENT;

(XIII) US 6, WADSWORTH INTERCHANGE, RECONSTRUCT INTERCHANGE TO IMPROVE SAFETY AND RELIEVE CONGESTION;

(XIV) I-270/US 85, I-270 TO 62ND AVE. INTERCHANGE, RECONSTRUCT INTERCHANGE AT I-270 INTERSECTION AT 60TH AVE. TO IMPROVE SAFETY AND CAPACITY;

(XV) 104TH GRADE SEPARATION, CONSTRUCTION OF GRADE SEPARATED INTERCHANGE AT 10<sup>TH</sup> AND 104<sup>TH</sup>/US 85 AND RAILROAD CROSSING GRADE SEPARATION;

(XVI) 120TH GRADE SEPARATION, CONSTRUCTION OF A GRADE SEPARATED INTERCHANGE AT 120<sup>TH</sup> AND US 85/RAILROAD CROSSING GRADE SEPARATION 120<sup>TH</sup>; AND

(XVII) US 285, RICHMOND HILL TO SHAFFER'S CROSSING, WIDEN ROADWAY TO FOUR LANES WITH MEDIAN AND CONSTRUCTION OF GRADE SEPARATED INTERCHANGE AT KING'S VALLEY.

(g) IN THE CENTRAL FRONT RANGE TRANSPORTATION PLANNING REGION:

(I) STATE HIGHWAY 67, DIVIDE TO VICTOR, SHOULDER WIDENING AND SAFETY IMPROVEMENTS;

(II) STATE HIGHWAY 115, REPLACE AND WIDEN ROCK CREEK BRIDGE; AND

(III) US 285, FAIRPLAY TO RICHMOND HILL, ADDITION OF PASSING LANES AND SHOULDER IMPROVEMENTS.

(h) IN THE INTERMOUNTAIN TRANSPORTATION PLANNING REGION:

(I) I-70, GARFIELD COUNTY/NEW CASTLE INTERCHANGE UPGRADE;

(II) I-70 WEST, G SPUR ROAD (EDWARDS INTERCHANGE)., PHASE 2 OF EDWARDS INTERCHANGE; INTERCHANGE AND INTERSECTION IMPROVEMENTS;

(III) STATE HIGHWAY 9, FRISCO NORTH, COMPLETION OF CORRIDOR INCLUDING MINIMAL WIDENING, WATER QUALITY AND DRAINAGE IMPROVEMENTS, AND TWO INTERCHANGE IMPROVEMENTS;

(IV) STATE HIGHWAY 13, RIFLE NORTH, CONSTRUCTION UPGRADES;

(V) I-70 WEST, VAIL PASS AUXILIARY LANES AND WILDLIFE OVERPASS, COMPLETE NATIONAL ENVIRONMENTAL POLICY ACT DESIGN AND PRELIMINARY ENGINEERING FOR

RECOMMENDED THIRD LANE (BOTH DIRECTIONS) TO INCREASE SAFETY AND MOBILITY. INSTALL PERMANENT WATER QUALITY FEATURES, AND WIDEN ROADWAY;

(VI) I-70 WEST, EXIT 203 INTERCHANGE IMPROVEMENTS,

(VII) I-70 WEST, FRISCO TO SILVERTHORNE AUXILIARY LANE, IMPROVEMENTS AND UPGRADES; AND

(VIII) I-70 WEST, SILVERTHORNE INTERCHANGE, RECONSTRUCTION OF EXIT 205 INTERCHANGE AND RELATED IMPROVEMENTS FOR FOUR RAMPS.

(i) IN THE NORTHWEST TRANSPORTATION PLANNING REGION:

(I) US 40, KREMMLING EAST AND WEST, PHASED ADDITION OF SHOULDERS AND PASSING LANES ON 14 MILES;

(II) STATE HIGHWAY 13, RIO BLANCO SOUTH TO COUNTY LINE, PHASED ADDITION OF SHOULDERS AND PASSING LANES;

(III) STATE HIGHWAY 13, WYOMING SOUTH, RECONSTRUCTION OF TRUCK ROUTE AND RELATED IMPROVEMENTS;

(IV) STATE HIGHWAY 139, LITTLE HORSE SOUTH, SAFETY IMPROVEMENTS INCLUDING RECONSTRUCTION OF THE SURFACE AND ADDITION OF 4-8' PAVED SHOULDERS; AND

(V) US 40, FRASER TO WINTER PARK, CAPACITY IMPROVEMENTS (FOUR LANE FACILITY).

(j) IN THE GRAND VALLEY TRANSPORTATION PLANNING REGION:

(I) I-70, BUSINESS LOOP, I-70 B WIDENING; COMPLETE RECONSTRUCTION AND WIDENING TO MEET CURRENT GEOMETRIC DESIGN STANDARDS AND IMPROVE SAFETY, DRAINAGE AND ACCESSES ALONG THE CORRIDOR; ADD LANES IN EACH DIRECTION TO MAKE A THREE-LANE ROADWAY SECTION AND RECONSTRUCT FRONTAGE ROADS 5<sup>TH</sup> STREET TO EXIT 26 CORRIDOR, NEW CAPACITY;

(II) I-70, PALISADE TO DEBEQUE, RECONSTRUCTION WITH REALIGNMENT OF CURVES AND OTHER SAFETY IMPROVEMENTS;

(III) US 6 IMPROVEMENTS MESA COUNTY, COMPLETION OF INTERSECTION STUDIES AND PRELIMINARY ENGINEERING FOR SAFETY AND MOBILITY THROUGHOUT THE CORRIDOR; INTERSECTION, SHOULDERS, AND OTHER SAFETY AND MOBILITY IMPROVEMENTS AT SPECIFIED LOCATIONS THROUGHOUT THE CORRIDOR; AND

(IV) STATE HIGHWAY 340, SAFETY AND CAPACITY IMPROVEMENTS INCLUDING INTERSECTION IMPROVEMENTS.

(k) IN THE EASTERN TRANSPORTATION PLANNING REGION:

(I) I-70 EAST, REPLACEMENT OF ALKALI-SILICA REACTIVITY PAVEMENT AND ASSOCIATED SAFETY IMPROVEMENTS; AND

(II) US 385 SAFETY IMPROVEMENTS, INTERSECTION, SHOULDERS, AND OTHER SAFETY IMPROVEMENTS AT SPECIFIED LOCATIONS.

(l) IN THE SOUTHWEST TRANSPORTATION PLANNING REGION:

(I) US 160 MOBILITY IMPROVEMENTS, CORRIDOR IMPROVEMENTS, PASSING LANES, AND SHOULDER WIDENING AT SELECT LOCATIONS;

(II) US 160 TOWAOC, ADDITION OF PASSING LANES AND VEHICLE TURNOUTS;

(III) US 160 ELMORE'S EAST, COMPLETION OF SPECIFIED IMPROVEMENTS;

(IV) US 160 PAGOSA, RECONSTRUCTION TO CORRECT WHEEL RUTTING AND ADDITION OF PEDESTRIAN FACILITIES FOR SAFETY;

(V) US 550 SOUTH, SUNNYSIDE, MAJOR RECONSTRUCTION REQUIRING WIDENING TO A FOUR- LANE ROADWAY, INCLUDING EARTHWORK, DRAINAGE, IRRIGATION, UTILITIES, PAVING, PEDESTRIAN BRIDGE, SOUND WALL, ANIMAL CROSSINGS;

(VI) US 550 CORRIDOR SOUTH, GAP RECONSTRUCTION TO FOUR LANES, INCLUDING DRAINAGE, UTILITIES, ANIMAL CROSSINGS, AND INTERSECTION IMPROVEMENTS;



(VII) US 550/US 160 CONNECTION, COMPLETE THE CONNECTION OF US 550 TO US 160 AT THE GRANDVIEW INTERCHANGE; AND

(VIII) US 550/US 160 CONNECTION, FINALIZE PRE-CONSTRUCTION, PURCHASE REQUIRED RIGHT-OF-WAY, COMPLETE FINAL DESIGN AND PREPARE ADVERTISEMENT.

(m) IN THE SAN LUIS VALLEY TRANSPORTATION PLANNING REGION, US 50 SAFETY AND MOBILITY IMPROVEMENTS BETWEEN SALIDA AND COALDALE, ADDITION OF PASSING LANES AND VEHICLE TURNOUTS.

(n) IN THE GUNNISON VALLEY TRANSPORTATION PLANNING REGION:

(I) US 50 LITTLE BLUE CANYON, RECONSTRUCTION AND WIDENING OF EXISTING ROADWAY TEMPLATE TO MEET CURRENT GEOMETRIC DESIGN STANDARDS AND IMPROVE ROADSIDE SAFETY, DRAINAGE AND ACCESS ALONG THE CORRIDOR; ADDITION OF PASSING LANES AND MITIGATION OF GEOHAZARD LANDSLIDE WITHIN THE PROJECT LIMITS; PHASED IMPLEMENTATION;

(II) US 550 SAFETY IMPROVEMENTS, SPECIFIED STUDY TO REVIEW INTERSECTION IMPROVEMENTS. US 550 REGION 3 ONLY;

(III) US 550 UNCOMPAHGRE RIVER AND COLONA, ADDITION OF SHOULDERS BETWEEN UNCOMPAHGRE RIVER AND COLONA (BILLY CREEK); CONSTRUCTION OF DEER FENCING AND ANIMAL UNDERPASSES; AND

(IV) STATE HIGHWAY 92, SAFETY IMPROVEMENTS INCLUDING RECONSTRUCTION OF THE SURFACE, ADDITION OF 4-8' PAVED SHOULDERS ACROSS ROGERS MESA, AND OTHER SAFETY IMPROVEMENTS INCLUDING ACCESS AND INTERSECTION IMPROVEMENTS.

(o) IN THE SOUTH CENTRAL TRANSPORTATION PLANNING REGION, I-25, STATE HIGHWAY 10/STATE HIGHWAY 160, INTERCHANGE RECONSTRUCTION AT WALSENBURG.

(p) US 85 CORRIDOR IMPROVEMENTS, SAFETY, INTERSECTION AND INTERCHANGE IMPROVEMENTS.

**43-4-1107. Effective Date**

THIS PART 11 SHALL BECOME EFFECTIVE UPON PROCLAMATION BY THE GOVERNOR.