

West's Colorado Revised Statutes Annotated
Title 43. Transportation
Financing
Article 4. Financing
Part 6. Regional Transportation Authority Law (Refs & Annos)

C.R.S.A. § 43-4-603

§ 43-4-603. Creation of authorities--exercise of powers of an authority by transportation planning organization

Effective: June 17, 2021

[Currentness](#)

(1) Any combination may create, by contract, an authority that is authorized to exercise the functions conferred by 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 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 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 or resolution 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 or the territory in which the transportation planning organization is authorized to exercise the powers of an authority. A transportation planning organization adopting a resolution authorizing it to exercise the powers of an authority shall also provide a copy of the resolution for comment to any existing authority that includes or borders any of the territory in which the transportation planning organization will exercise the powers of an authority and to the regional transportation district created in [section 32-9-105](#) if the regional transportation district includes or borders any of that territory. If the transportation planning organization is required to provide a copy of the resolution for comment to the regional transportation district, it shall also collaborate with the district and ensure that the district's services are taken into consideration and protected when the organization plans to exercise and exercises 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, an authority 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) 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, a bordering county or municipality, a public highway authority

established under part 5 of this article 4, or, with respect to a resolution only, an existing authority, 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 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, the existing authority, or any combination thereof, as applicable, within one hundred eighty days after a copy of the contract or resolution was provided, 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, 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) Any contract establishing an authority shall specify:

(a) The name and purpose of the authority and the regional transportation systems to be provided;

(b) The establishment and organization of the board of directors in which all legislative power of the authority is vested, including:

(I) The number of directors, which shall be at least five, all of which, except as provided in subsection (5) of this section, shall be elected officials from the members of the combination and which shall include at least one elected official from each member of the combination;

(II) The manner of the appointment, the qualifications, and the compensation, if any, of the directors and the procedure for filling vacancies;

(III) The officers of the authority, the manner of their appointment, and their duties; and

(IV) The voting requirements for action by the board; except that, unless specifically provided otherwise in the contract, a majority of the directors of the board constitutes a quorum and a majority of the board is necessary for action by the board;

(c) The provisions for the distribution, disposition, or division of the assets of the authority;

(d) The boundaries of the authority, which may not include territory outside of the boundaries of the members of the combination, may not include territory 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 authority is created without the consent of the governing body of such municipality, and may not include territory 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 authority is created without the consent of the governing body of such county;

(e) The term of the contract, which may be for a definite term or until rescinded or terminated, and the method, if any, by which it may be terminated or rescinded; except that the contract may not be terminated or rescinded so long as the authority has bonds outstanding;

(f) The provisions for amendment of the contract;

(g) The limitations, if any, on the powers granted by this part 6 that may be exercised by the authority pursuant to this part 6; and

(h) The conditions required when adding or deleting parties to the contract.

(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

(b) The boundaries of the territory in which the transportation planning organization is authorized to exercise the powers of an authority, which may not include:

(I) Territory outside of the boundaries of the members of the transportation planning organization;

(II) Territory within the boundaries of an existing authority without the approval of the existing authority;

(III) Territory within the boundaries of a municipality that is a member of the transportation planning organization if the governing body of the municipality adopts a resolution objecting to the inclusion of the territory;

(IV) Territory within the boundaries of a county that is a member of the transportation planning organization if the governing body of the county adopts a resolution objecting to the inclusion of the territory;

(V) Territory within the boundaries of a municipality that is not a member of the transportation planning organization as the boundaries of the municipality exist on the date the resolution is adopted without the consent of the governing body of the municipality; or

(VI) Territory within the unincorporated boundaries of a county that is not a member of the transportation planning organization as the unincorporated boundaries of the county exist on the date the resolution is adopted without the consent of the governing body of the county.

(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, special district, or transportation planning organization shall give notice of the time, place, and purpose of the public hearing by publication in a newspaper of general circulation in the municipality, county, 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.

(4) No contract establishing an authority pursuant to this section shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the proposed authority. However, a contract establishing an authority may subsequently be amended in accordance with any amendment procedures specified in the contract pursuant to paragraph (f) of subsection (2) of this section. The question of establishing the authority shall be submitted to such registered electors at a general election 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.

Credits

Added by [Laws 1997, H.B.97-1273, § 1, eff. Aug. 6, 1997](#). Amended by [Laws 2000, Ch. 264, § 1, eff. Aug. 2, 2000](#); [Laws 2005, Ch. 269, § 4, eff. Jan. 1, 2006](#); [Laws 2010, Ch. 385, § 4, eff. Aug. 11, 2010](#); [Laws 2021, \(S.B. 21-260\), § 37, eff. June 17, 2021](#).

[Notes of Decisions \(1\)](#)

C. R. S. A. § 43-4-603, CO ST § 43-4-603

Current through the end of the First Regular Session of the 73rd General Assembly (2021).