

House Bill 17-1348

Official City Position

Approved by Westminster City Council on April 24, 2017

HB 17-1348 (Sen. Scott, Rep. Lebsack, Gray, McKean, and Pabon): Concerning free use of any north interstate highway 25 express lane for any motor vehicle that is occupied by two or more individuals, including the driver.

Official City Position: **OPPOSE**

Status: **Active** – This bill has been introduced in the House and assigned to Local Government with a committee hearing scheduled for Wednesday, April 26.

Description:

House Bill 17-1348 specifies that on and after July 1, 2018, the use of any north interstate highway 25 express lane that is operated or managed by the high-performance transportation enterprise or by a partner of the transportation enterprise under the terms of a public-private partnership is free for any motor vehicle that is occupied by two or more individuals, including the driver. The current requirement for free use of I-25 and US 36 Express Lanes is three people, including the driver.

City Comments:

While on the surface this bill may appear desirable by travelers, the City of Westminster opposes the legislation because of the following reasons:

- The requirement of High Occupancy Vehicle (HOV) 3 is a key provision in a contractual agreement between Plenary Roads and the High Performance Transportation Enterprise; implementation of this legislation would act as a catalyst to litigation.
- Reducing the HOV 3 requirement to HOV 2 has the potential to impair the bond repayment and maintenance of US 36 and I-25 by Plenary Roads.
- Legislation that affects a private public partnership in this manner will likely preclude future opportunities to leverage private sector capital and resources to construction and maintain key transportation projects in the area.
- The bill as drafted only applies to I-25, while the HOV 3 requirement also applies to travelers on US 36. As such, differing requirements:
 - Would create confusion for the traveling public;
 - Creates inequities between local jurisdictions as this could be a determinant for employers deciding to locate along the I-25 corridor, rather than US 36;
 - Creates inequities for travelers on different corridors by rolling back the HOV requirement on I-25, but not on US 36; and
 - May impact service levels and reliability of bus services that utilize the HOV lanes.