

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 22-0910.02 Megan Waples x4348

**SENATE BILL 22-180**

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**SENATE SPONSORSHIP**

**Winter and Hinrichsen,**

**HOUSE SPONSORSHIP**

**Gray and Bacon,**

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROGRAMS TO REDUCE GROUND LEVEL OZONE THROUGH**  
102 **INCREASED USE OF TRANSIT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the ozone season transit grant program (program) in the Colorado energy office (office). The program provides grants to the regional transportation district (RTD) and transit associations in order to provide free transit services for at least 30 days during ozone season. A transit association receiving a grant may use the money to make grants to eligible transit agencies. The eligible transit agencies may use the money

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
April 14, 2022

to provide at least 30 days of new or expanded free transit services during ozone season. The RTD may use grant money to cover up to 80% of the costs of providing free transit for at least 30 days on all services offered by the RTD during ozone season. Eligible transit agencies and the RTD can use the money to cover lost fare box revenues and to pay for other expenses necessary to implement the program, including expenses associated with an increase in ridership as a result of the program. The RTD and a transportation association receiving a grant are required to report to the office on the services offered and estimates of the change in ridership as a result of the program.

The office is required to establish policies governing the program and to report to the house and senate transportation committees by December 31 of each year of the program. The program is repealed, effective July 1, 2024.

The transit and rail division (division) in the department of transportation is required to create a 3-year pilot project to extend state-run transit services throughout the state with the goals of reducing ground level ozone, increasing ridership, and reducing vehicle miles traveled in the state. The division is required to report to the transportation legislation review committee on the pilot project. The pilot project is repealed, effective July 1, 2026.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4           (a) Ground level ozone poses health risks to all Coloradans,  
5 especially to vulnerable populations including the elderly, young children,  
6 and people with asthma or other respiratory diseases;

7           (b) The negative effects of ozone exposure include pain when  
8 breathing deeply, coughing, sore throat, and inflamed or damaged  
9 airways;

10           (c) Ozone exposure can also exacerbate existing respiratory  
11 conditions including asthma, emphysema, and chronic bronchitis and may  
12 be a potential cause of asthma;

13           (d) Ozone is one of the most common ambient air pollutants along

1 the front range of Colorado;

2 (e) Ground level ozone forms when chemical reactions occur  
3 between nitrogen emitted from cars and other sources and volatile organic  
4 compounds in the presence of sunlight, making levels highest during the  
5 summer months;

6 (f) Colorado's ozone season, which runs from June 1 through  
7 August 31, poses significant health risks to Colorado's vulnerable  
8 residents and can force individuals to restrict their daily activities and stay  
9 indoors on days with high ozone levels;

10 (g) Reducing ground traffic and encouraging the use of public  
11 transit can help lower ozone-forming emissions and thereby reduce  
12 ground level ozone during the ozone season;

13 (h) Reducing ground level ozone serves an important public  
14 interest by protecting the health and well being of all Coloradans,  
15 especially those who are vulnerable to the negative impacts of ozone  
16 exposure;

17 (i) Offering free transit has increased transit use in other  
18 communities and can help rebuild ridership following the COVID-19  
19 pandemic; and

20 (j) Creating a grant program to provide free public transit during  
21 ozone season will promote public health and serve the interests of all  
22 Coloradans.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 24-38.5-113 as  
24 follows:

25 **24-38.5-113. Ozone season transit grant program - fund -**  
26 **creation - policies - report - definitions - repeal.** (1) AS USED IN THIS  
27 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "ELIGIBLE TRANSIT AGENCY" MEANS AN ENTITY THAT IS:

2 (I) A REGIONAL SERVICE AUTHORITY PROVIDING SURFACE  
3 TRANSPORTATION PURSUANT TO PART 1 OF ARTICLE 7 OF TITLE 32, A  
4 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6  
5 OF ARTICLE 4 OF TITLE 43, OR ANY OTHER POLITICAL SUBDIVISION OF THE  
6 STATE, PUBLIC ENTITY, OR NONPROFIT CORPORATION PROVIDING MASS  
7 TRANSPORTATION SERVICES TO THE GENERAL PUBLIC OTHER THAN THE  
8 REGIONAL TRANSPORTATION DISTRICT; AND

9 (II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY  
10 49 U.S.C. SEC. 5307 OR 49 U.S.C. SEC. 5311.

11 (b) "FUND" MEANS THE OZONE SEASON TRANSIT GRANT PROGRAM  
12 FUND ESTABLISHED IN SUBSECTION (8) OF THIS SECTION.

13 (c) "OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN  
14 SECTION 24-38.5-101.

15 (d) "OZONE SEASON" MEANS THE PERIOD FROM JUNE 1 TO AUGUST  
16 31 OF A CALENDAR YEAR.

17 (e) "PROGRAM" MEANS THE OZONE SEASON TRANSIT GRANT  
18 PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

19 (f) "REGIONAL TRANSPORTATION DISTRICT" MEANS THE REGIONAL  
20 TRANSPORTATION DISTRICT ESTABLISHED IN ARTICLE 9 OF TITLE 32.

21 (g) "TRANSIT ASSOCIATION" MEANS A COLORADO NONPROFIT  
22 CORPORATION FORMED TO REPRESENT TRANSIT INTERESTS IN COLORADO  
23 WHOSE MEMBERSHIP INCLUDES TRANSIT AGENCIES, TRANSIT-RELATED  
24 BUSINESSES, AND GOVERNMENTAL ENTITIES.

25 (2) THE OZONE SEASON TRANSIT GRANT PROGRAM IS CREATED IN  
26 THE OFFICE. THE PURPOSES OF THE PROGRAM ARE:

27 (a) TO PROVIDE GRANTS TO TRANSIT ASSOCIATIONS FOR THE

1 PURPOSE OF PROVIDING GRANTS TO ELIGIBLE TRANSIT AGENCIES IN ORDER  
2 TO OFFER FREE TRANSIT SERVICES FOR A MINIMUM OF THIRTY DAYS  
3 DURING OZONE SEASON; AND

4 (b) TO PROVIDE GRANTS TO THE REGIONAL TRANSPORTATION  
5 DISTRICT FOR THE PURPOSE OF PROVIDING FREE TRANSPORTATION  
6 SERVICES FOR A MINIMUM OF THIRTY DAYS DURING OZONE SEASON.

7 (3) THE OFFICE SHALL ADMINISTER THE PROGRAM AND AWARD  
8 GRANTS IN ACCORDANCE WITH THIS SECTION AND THE POLICIES  
9 DEVELOPED BY THE OFFICE PURSUANT TO SUBSECTION (6) OF THIS  
10 SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL BE  
11 PAID OUT OF THE FUND.

12 (4) TO RECEIVE A GRANT, A TRANSIT ASSOCIATION OR THE  
13 REGIONAL TRANSPORTATION DISTRICT MUST SUBMIT AN APPLICATION TO  
14 THE OFFICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION  
15 AND THE POLICIES ESTABLISHED BY THE OFFICE IN ACCORDANCE WITH  
16 SUBSECTION (6) OF THIS SECTION. THE OFFICE MAY AWARD GRANTS OF UP  
17 TO THREE MILLION DOLLARS EACH YEAR TO A TRANSIT ASSOCIATION AND  
18 UP TO ELEVEN MILLION DOLLARS EACH YEAR TO THE REGIONAL  
19 TRANSPORTATION DISTRICT.

20 (5) A GRANT RECIPIENT MAY USE THE GRANT MONEY AS FOLLOWS:

21 (a) (I) A TRANSIT ASSOCIATION THAT RECEIVES A GRANT MAY USE  
22 THE MONEY TO ESTABLISH A GRANT PROGRAM FOR ELIGIBLE TRANSIT  
23 AGENCIES IN ACCORDANCE WITH THIS SECTION. A TRANSIT ASSOCIATION  
24 MAY USE A PORTION OF THE GRANT MONEY TO PAY ITS DIRECT AND  
25 INDIRECT COSTS IN ADMINISTERING THE GRANT PROGRAM.

26 (II) TO RECEIVE A GRANT FROM THE TRANSIT ASSOCIATION, AN  
27 ELIGIBLE TRANSIT AGENCY MUST SUBMIT AN APPLICATION TO THE TRANSIT

1 ASSOCIATION. AT A MINIMUM, THE APPLICATION MUST DESCRIBE THE FREE  
2 TRANSIT SERVICES THAT WILL BE PROVIDED OR EXPANDED WITH THE  
3 GRANT MONEY, INDICATE TO WHAT EXTENT THE ELIGIBLE TRANSIT  
4 AGENCY WILL MATCH THE GRANT MONEY WITH OTHER MONEY, AND  
5 COMMIT TO PROVIDING THE NEW OR EXPANDED FREE SERVICES FOR AT  
6 LEAST THIRTY DAYS DURING THE OZONE SEASON.

7 (III) AN ELIGIBLE TRANSIT AGENCY THAT RECEIVES A GRANT  
8 THROUGH THE TRANSIT ASSOCIATION MAY USE THE MONEY TO COVER THE  
9 COSTS ASSOCIATED WITH PROVIDING NEW OR EXPANDED FREE TRANSIT  
10 SERVICES WITHIN ITS SERVICE AREA DURING OZONE SEASON, INCLUDING  
11 OFFERING ADDITIONAL FREE ROUTES OR EXPANDING SERVICE ON ROUTES  
12 FOR WHICH THE ELIGIBLE TRANSIT AGENCY CURRENTLY OFFERS FREE  
13 SERVICE. GRANT MONEY MAY BE USED TO REPLACE FARE BOX REVENUE  
14 AND TO PAY FOR OTHER EXPENSES NECESSARY TO IMPLEMENT THE  
15 PROGRAM, INCLUDING EXPENSES ASSOCIATED WITH AN INCREASE IN  
16 RIDERSHIP AS A RESULT OF THE PROGRAM.

17 (IV) AN ELIGIBLE TRANSIT AGENCY SHALL NOT USE GRANT MONEY  
18 TO OFFSET OR REPLACE FUNDING FOR FREE TRANSIT SERVICES THAT THE  
19 ELIGIBLE TRANSIT AGENCY OFFERED AS OF JANUARY 1, 2022.

20 (V) IN AWARDING GRANTS UNDER THIS SUBSECTION (5)(a), THE  
21 TRANSIT ASSOCIATION SHALL:

22 (A) ALLOCATE MONEY AMONG APPLICANTS WITH THE GOALS OF  
23 REDUCING OZONE FORMATION, INCREASING RIDERSHIP ON TRANSIT, AND  
24 REDUCING VEHICLE MILES TRAVELED IN THE STATE; AND

25 (B) CONSIDER THE EXTENT TO WHICH THE APPLICANT WILL MATCH  
26 GRANT MONEY WITH OTHER MONEY.

27 (VI) EACH ELIGIBLE TRANSIT AGENCY THAT RECEIVES A GRANT

1 SHALL REPORT ON THE USE OF THE MONEY TO THE TRANSIT ASSOCIATION  
2 IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE TRANSIT  
3 ASSOCIATION AND THE OFFICE. THE REPORT MUST INCLUDE, AT A  
4 MINIMUM, INFORMATION ON HOW THE GRANT MONEY WAS SPENT; THE  
5 FREE SERVICES THAT WERE OFFERED USING THE GRANT MONEY; AND  
6 ESTIMATES OF THE CHANGE IN RIDERSHIP DURING THE PERIOD THAT FREE  
7 SERVICES WERE OFFERED COMPARED TO PREVIOUS MONTHS, THE SAME  
8 MONTH IN PREVIOUS YEARS, AND THE MONTHS AFTER THE PROGRAM  
9 CONCLUDED. THE REPORT MAY INCLUDE ADDITIONAL INFORMATION,  
10 INCLUDING A NARRATIVE ANALYSIS, TO PROVIDE CONTEXT ON THE  
11 RIDERSHIP DATA INCLUDED IN THE REPORT. ON OR BEFORE DECEMBER 1  
12 OF EACH YEAR OF THE GRANT PROGRAM, THE TRANSIT ASSOCIATION SHALL  
13 SUBMIT A REPORT TO THE OFFICE COMPILING AND SUMMARIZING THE  
14 REPORTED INFORMATION FOR ALL ELIGIBLE TRANSIT AGENCIES THAT  
15 RECEIVED A GRANT THROUGH THE TRANSIT ASSOCIATION.

16 (VII) A TRANSIT ASSOCIATION RECEIVING A GRANT SHALL  
17 DEVELOP AND PUBLICIZE POLICIES FOR THE GRANT, INCLUDING THE  
18 PROCESS AND DEADLINES FOR AN ELIGIBLE TRANSIT AGENCY TO APPLY FOR  
19 AND RECEIVE A GRANT, THE INFORMATION AND DOCUMENTATION  
20 REQUIRED FOR THE APPLICATION, REPORTING REQUIREMENTS AND  
21 DEADLINES, AND ANY ADDITIONAL REQUIREMENTS NECESSARY TO  
22 ADMINISTER THE GRANT.

23 (b) (I) THE REGIONAL TRANSPORTATION DISTRICT MAY USE GRANT  
24 MONEY TO COVER UP TO EIGHTY PERCENT OF THE COSTS OF PROVIDING AT  
25 LEAST THIRTY DAYS OF FREE TRANSIT ON ALL SERVICES OFFERED BY THE  
26 REGIONAL TRANSPORTATION DISTRICT. GRANT MONEY MAY BE USED TO  
27 REPLACE FARE BOX REVENUE AND TO PAY FOR OTHER EXPENSES

1 NECESSARY TO IMPLEMENT THE PROGRAM, INCLUDING EXPENSES  
2 ASSOCIATED WITH AN INCREASE IN RIDERSHIP AS A RESULT OF THE  
3 PROGRAM.

4 (II) ON OR BEFORE DECEMBER 1 OF EACH YEAR FOR WHICH THE  
5 REGIONAL TRANSPORTATION DISTRICT RECEIVES A GRANT, THE REGIONAL  
6 TRANSPORTATION DISTRICT SHALL SUBMIT A REPORT TO THE OFFICE ON  
7 THE IMPLEMENTATION OF THE PROGRAM IN ACCORDANCE WITH THE  
8 POLICIES ESTABLISHED BY THE OFFICE. AT A MINIMUM, THE REPORT MUST  
9 INCLUDE INFORMATION ON HOW THE GRANT MONEY WAS SPENT; THE FREE  
10 SERVICES THAT WERE OFFERED USING THE GRANT MONEY; AND ESTIMATES  
11 OF THE CHANGE IN RIDERSHIP DURING THE PERIOD THAT FREE SERVICES  
12 WERE OFFERED COMPARED TO PREVIOUS MONTHS, THE SAME MONTH IN  
13 PREVIOUS YEARS, AND THE MONTHS AFTER THE PROGRAM CONCLUDED.  
14 THE REPORT MAY INCLUDE ADDITIONAL INFORMATION, INCLUDING A  
15 NARRATIVE ANALYSIS, TO PROVIDE CONTEXT ON THE RIDERSHIP DATA  
16 INCLUDED IN THE REPORT.

17 (III) THE STATE AUDITOR SHALL AUDIT THE REGIONAL  
18 TRANSPORTATION DISTRICT'S USE OF THE GRANT MONEY AS PART OF ITS  
19 NEXT PERFORMANCE AUDIT OF THE REGIONAL TRANSPORTATION DISTRICT  
20 CONDUCTED PURSUANT TO SECTION 32-9-115 (3).

21 (6) THE OFFICE SHALL ESTABLISH AND PUBLICIZE POLICIES FOR THE  
22 PROGRAM. AT A MINIMUM, THE POLICIES MUST ADDRESS THE PROCESS AND  
23 ANY DEADLINES FOR APPLYING FOR AND RECEIVING A GRANT UNDER THE  
24 PROGRAM, THE INFORMATION AND DOCUMENTATION REQUIRED FOR THE  
25 APPLICATION, REPORTING REQUIREMENTS AND DEADLINES, AND ANY  
26 ADDITIONAL POLICIES NECESSARY TO ADMINISTER THE PROGRAM.

27 (7) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,

1 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
2 THIS SECTION. THE OFFICE SHALL TRANSMIT ALL MONEY RECEIVED  
3 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO  
4 SHALL CREDIT THE MONEY TO THE FUND.

5 (8) (a) THE OZONE SEASON TRANSIT GRANT PROGRAM FUND IS  
6 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF  
7 MONEY TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTION  
8 (8)(d) OF THIS SECTION, ANY OTHER MONEY THAT THE GENERAL ASSEMBLY  
9 APPROPRIATES OR TRANSFERS TO THE FUND, AND ANY GIFTS, GRANTS, OR  
10 DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS  
11 SECTION.

12 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
13 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
14 FUND TO THE FUND.

15 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
16 OFFICE FOR THE PURPOSES SPECIFIED IN THIS SECTION.

17 (d) THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
18 (8)(d), THE STATE TREASURER SHALL TRANSFER TWENTY-EIGHT MILLION  
19 DOLLARS FROM THE GENERAL FUND TO THE FUND.

20 (9) ON OR BEFORE DECEMBER 31 OF EACH YEAR OF THE PROGRAM,  
21 THE OFFICE SHALL SUBMIT A REPORT ON THE IMPLEMENTATION OF THE  
22 PROGRAM TO THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND  
23 LOCAL GOVERNMENT COMMITTEE AND THE SENATE TRANSPORTATION AND  
24 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT  
25 MUST SUMMARIZE AND COMPILE THE INFORMATION SUBMITTED TO THE  
26 OFFICE PURSUANT TO SUBSECTIONS (5)(a)(VI) AND (5)(b) OF THIS SECTION.

27 (10) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

1           **SECTION 3.** In Colorado Revised Statutes, 43-1-117.5, **add** (4)  
2 as follows:

3           **43-1-117.5. Transit and rail division - created - powers and**  
4 **duties - pilot project to expand transit - repeal.** (4) (a) THE TRANSIT  
5 AND RAIL DIVISION SHALL ESTABLISH A PILOT PROJECT, BEGINNING NO  
6 LATER THAN JULY 1, 2022, AND CONCLUDING ON JUNE 30, 2025, FOR THE  
7 EXTENSION OF STATE-RUN TRANSIT SYSTEMS. THE GOALS OF THE PILOT  
8 PROJECT ARE TO INCREASE RIDERSHIP ON STATE-RUN TRANSIT, REDUCE  
9 VEHICLE MILES TRAVELED IN THE STATE, AND REDUCE GROUND LEVEL  
10 OZONE IN THE STATE.

11           (b) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE  
12 DECEMBER 1 OF EACH YEAR THROUGH 2025, THE TRANSIT AND RAIL  
13 DIVISION SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW  
14 COMMITTEE CREATED IN SECTION 43-2-145 ON THE IMPLEMENTATION OF  
15 THE PILOT PROJECT, INCLUDING INFORMATION ON THE SERVICES THAT ARE  
16 EXPANDED OR EXTENDED AND ESTIMATES OF THE INCREASED RIDERSHIP  
17 AS A RESULT OF THE PILOT PROJECT.

18           (c) THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
19 (4), THE STATE TREASURER SHALL TRANSFER THIRTY MILLION DOLLARS  
20 FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND CREATED IN  
21 SECTION 43-1-219 FOR USE BY THE TRANSIT AND RAIL DIVISION FOR THE  
22 PURPOSES SPECIFIED IN THIS SUBSECTION (4).

23           (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2026.

24           **SECTION 4. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety.