

This does not constitute tax advice. All persons considering use of available incentives should consult with their own tax professional to determine eligibility, specific amount of benefit available, if any, and further details.

STATE OF COLORADO Single Occupancy HOV Lane Exemption

Short Description: Qualified electric vehicles affixed with state issued high occupancy vehicles (HOV) exemption decal may use HOV and high occupancy toll (HOT) lanes.

Beneficiary: Residents of Colorado who purchase or lease an electric vehicle

Type of Incentive: Transportation Benefit

Effective Rates: Current Benefit, No Sunset Date

Value of Benefit: Non-cash benefit, drivers must apply for a permit in order to use the lanes. The application form has been reproduced below.

Full Description: The Colorado Department of Transportation (CDOT) allows hybrid electric vehicles (HEVs) and inherently low emission vehicles (ILEVs) to travel in HOV and high occupancy toll (HOT) lanes. Qualifying vehicles must obtain a permit and display an HOV exemption decal and a toll transponder. CDOT reached its quota of 2,000 permits and will place new applicants on a waiting list

State Statutory References:

Colorado Revised Statutes 42-4-1012: <https://leg.colorado.gov/sites/default/files/images/olls/crs2016-title-42.pdf>

Other Link(s):

Application: <https://www.codot.gov/programs/hybrids/hybridApplication.html>

AFDC Website: <https://www.afdc.energy.gov/laws/4273>

Program Website: <https://www.codot.gov/programs/hybrids>

Contact: For additional information or questions, please contact the Colorado Department of Transportation 303-757-9539

COLORADO DEPARTMENT OF TRANSPORTATION

4201 East Arkansas, Suite 124
Denver, CO 80222
(303) 757-9539

Hybrid HOV/HOT Lane Exemption Application

Complete the following form and return it to the following address or fax to **(303) 300-9808**:

**Mail to: State of Colorado, Department of Transportation
Permit Office, 4201 East Arkansas Avenue, Suite 124, Denver, CO 80222**

Due to the limited number of available HOV Hybrid Exemptions that will be issued, not all applicants may receive an exemption. Only one application per VIN will be accepted.

Do you have an existing EXpressToll Account? Yes No

Name of Primary Account Holder or Applicant

Name of Secondary Account Holder or Applicant

Address

City State Zip

Work Phone

Home Phone

Email Address

License Plate Number State of Registration

Number of Axles

Vehicle Year Vehicle Make Vehicle Model

Vehicle ID Number (VIN)

CDOT is not responsible for applications which are lost and/or not received by the Department.

I declare under penalty in the second degree, and any other applicable state or federal laws, that the statements made on this document are true and complete to the best of my knowledge.

Applicant's signature Date

42-4-1011. Use of runaway vehicle ramps. (1) No person shall use a runaway vehicle ramp unless such person is in an emergency situation requiring use of the ramp to stop such person's vehicle.

(2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

42-4-1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes. (1) (a) The department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, may designate exclusive or preferential lanes for vehicles that carry a specified number of persons. The occupancy level of vehicles and the time of day when lane usage is restricted to high occupancy vehicles, if applicable, shall be designated by official traffic control devices.

(b) (I) On or before July 1, 2001, the department shall issue a request for proposals to private entities for the purpose of entering into a contract with such an entity for the conversion of an existing high occupancy vehicle lane described in paragraph (a) of this subsection (1) to a high occupancy toll lane and for the purpose of entering into a contract for the operation of the high occupancy toll lane by a private entity; except that the department may convert or operate the high occupancy toll lane, or both, in the event that no proposal by a private entity for such conversion or operation, or both, is acceptable.

(II) The high occupancy toll lane shall be a lane for use by vehicles carrying less than the specified number of persons for such high occupancy vehicle lane that pay a specified toll or fee.

(III) Any contract entered into between the department and a private entity pursuant to subparagraph (I) of this paragraph (b) shall:

(A) Authorize the private entity to impose tolls for use of the high occupancy toll lane;

(B) Require that over the term of such contract only toll revenues be applied to payment of the private entity's capital outlay costs for the project, the costs associated with operations, toll collection, administration of the high occupancy toll lane, if any, and a reasonable return on investment to the private entity, as evidenced by and consistent with the returns on investment to private entities on similar public and private projects;

(C) Require that any excess toll revenue either be applied to any indebtedness incurred by the private entity with respect to the project or be paid into the state highway fund created pursuant to section 43-1-219, C.R.S., for exclusive use in the corridor where the high occupancy toll lane is located including for maintenance and enforcement purposes in the high occupancy toll lane and for other traffic congestion relieving options including transit. Such contract shall define or provide a method for calculating excess toll revenues and shall specify the amount of indebtedness that the private entity may incur and apply excess toll revenues to before such revenues must be paid into the state highway fund. It is not the intent of the general assembly that the conversion of a high occupancy vehicle lane to a high occupancy toll lane shall detract in any way from the possible provision of mass transit options by the regional transportation district or any other agency in the corridor where the high occupancy toll lane is located.

(IV) The department shall structure a variable toll or fee to ensure a level of service C and unrestricted access to the lanes at all times by eligible vehicles, including buses, carpools, and EPA certified low-emitting vehicles with a gross vehicle weight rating over ten thousand pounds.

(V) The department shall not enter into a contract for the conversion of a high occupancy vehicle lane to a high occupancy toll lane if such a conversion will result in the loss or refund of federal funds payable, available, or paid to the state for construction, reconstruction, repairs, improvement, planning, supervision, and maintenance of the state highway system and other public highways.

(VI) The department shall require the private entity entering into a contract pursuant to this section to provide such performance bond or other surety for the project as the department may reasonably require.

(c) Whenever practicable, a high occupancy toll lane described in paragraph (b) of this subsection (1) shall be physically separated from the other lanes of a street or highway so as to minimize the interference between traffic in the designated lanes and traffic in the other lanes.

(d) The department shall develop and adopt functional specifications and standards for an automatic vehicle identification system for use on high occupancy vehicle lanes, high occupancy toll lanes, any public highway constructed and operated under the provisions of part 5 of article 4 of title 43, C.R.S., and any other street or highway where tolls or charges are imposed for the privilege of traveling upon such street or highway. The specifications and standards shall ensure that:

(I) Automatic vehicle identification systems utilized by the state, municipality, or other entity having jurisdiction over the street or highway are compatible with one another;

(II) A vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities;

(III) Toll facility operators have the ability to select from different manufacturers and vendors of automatic vehicle identification systems; and

(IV) There is compatibility between any automatic vehicle identification system in operation on August 4, 1999, and any automatic vehicle identification system designed and installed on and after said date; except that the operator of an automatic vehicle identification system in operation on August 4, 1999, may replace such system with a different system that is not compatible with the system in operation on August 4, 1999, subject to the approval of the department. After the department approves such replacement, the specifications and standards developed pursuant to this paragraph (d) shall be amended to require compatibility with the replacement system.

(2) A motorcycle may be operated upon high occupancy vehicle lanes pursuant to section 163 of Public Law 97-424 or upon high occupancy toll lanes, unless prohibited by official traffic control devices.

(2.5) (a) (I) Except as otherwise provided in paragraph (d) of this subsection (2.5), a motor vehicle with a gross vehicle weight of twenty-six thousand pounds or less that is either an inherently low-emission vehicle or a hybrid vehicle may be operated upon high occupancy vehicle lanes without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemption relating to hybrid vehicles shall apply only if such exemption does not affect the receipt of federal funds and does not violate any federal laws or regulations.

(II) As used in this subsection (2.5), "inherently low-emission vehicle" or "ILEV" means:

(A) A light-duty vehicle or light-duty truck, regardless of whether such vehicle or truck is

part of a motor vehicle fleet, that has been certified by the federal environmental protection agency as conforming to the ILEV guidelines, procedures, and standards as published in the federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042 (September 30, 1994), as amended from time to time; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in sub-subparagraph (A) of this subparagraph (II).

(III) As used in this subsection (2.5), "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(b) No person shall operate a vehicle upon a high occupancy vehicle lane pursuant to this subsection (2.5) unless the vehicle:

(I) Meets all applicable federal emission standards set forth in 40 CFR sec. 88.311-93, as amended from time to time, or, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid vehicle; and

(II) Is identified by means of a circular sticker or decal at least four inches in diameter, made of bright orange reflective material, and affixed either to the windshield, to the front of the side-view mirror on the driver's side, or to the front bumper of the vehicle. Said sticker or decal shall be approved by the Colorado department of transportation.

(c) The department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed by September 1, 2003.

(d) (I) In consultation with the regional transportation district, the department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall, in connection with their periodic level-of-service evaluation of high occupancy vehicle lanes, perform a level-of-service evaluation of the use of high occupancy vehicle lanes by ILEVs and hybrid vehicles. If the use of high occupancy vehicle lanes by ILEVs or hybrid vehicles is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the department of transportation or a local authority may restrict or eliminate use of such lanes by ILEVs or hybrid vehicles.

(II) If the United States secretary of transportation makes a formal determination that, by giving effect to paragraph (a) of this subsection (2.5) on a particular highway or lane, the state of Colorado would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then said paragraph (a) shall not be effective as to such highway or lane.

(3) (a) Any person who uses a high occupancy vehicle lane in violation of restrictions imposed by the department of transportation or local authorities commits a class A traffic infraction.

(b) Any person convicted of a third or subsequent offense of paragraph (a) of this subsection (3) committed within a twelve-month period shall be subject to an increased penalty pursuant to

section 42-4-1701 (4) (a) (I) (K).

42-4-1013. Passing lane - definitions - penalty. (1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.

(2) For the purposes of this section:

(a) "Nonpassing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

(b) "Passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

(3) A person who violates this section commits a class A traffic infraction.

PART 11

SPEED REGULATIONS

42-4-1101. Speed limits. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Twenty miles per hour on narrow, winding mountain highways or on blind curves;

(b) Twenty-five miles per hour in any business district, as defined in section 42-1-102 (11);

(c) Thirty miles per hour in any residence district, as defined in section 42-1-102 (80);

(d) Forty miles per hour on open mountain highways;

(e) Forty-five miles per hour for all single rear axle vehicles in the business of transporting trash that exceed twenty thousand pounds, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 42-4-507 (3);

(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101 (2), C.R.S., and are not surfaced, four-lane freeways or expressways;

(g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101 (2), C.R.S., or are freeways or expressways;

(h) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this



**COLORADO DEPARTMENT OF REVENUE
Division of Motor Vehicles**

1 CCR 204-28

**Rules for Establishing and Regulating the Use of
HOV/HOT Lanes for Certain Hybrid Vehicles**

**For the Use and Benefit of the
Colorado Department of Transportation**

Effective April 30, 2008

COLORADO DEPARTMENT OF REVENUE
Division of Motor Vehicles

**RULES FOR ESTABLISHING AND REGULATING THE USE OF HOV/HOT LANES
FOR CERTAIN HYBRID VEHICLES**

1 CCR 204-28

1.0. Statement of Purpose

The Colorado Department of Transportation intends to implement a program that allows owners of qualifying Hybrid Vehicles to apply for a permit to use High Occupancy Vehicle (“HOV”) lanes and High Occupancy Toll (“HOT”) lanes through September 30, 2009 unless federal authorization of Hybrid Vehicle use of HOV and HOT lanes is extended. Federal law currently authorizes use of HOV lanes by qualifying low emission and energy-efficient vehicles through September 30, 2009, unless federal authorization of Hybrid Vehicles use of HOV and HOT lanes is extended. The following rules are for identification of Hybrid Vehicles that may use HOV and HOT lane facilities in Colorado as qualifying Hybrid Vehicles and stating the terms of such use.

2.0. Statement of Basis and Specific Statutory Authority

These rules are adopted pursuant to the authority contained in section 42-4-1012 of the Colorado Revised Statutes, and specifically pursuant to section 42-1-204 of the Colorado Revised Statutes. The purpose of these rules is to adopt necessary provisions and uniform procedures to allow the use of HOV and HOT lanes by qualifying Hybrid Vehicles. The Statement of Basis and Specific Statutory Authority, and Statement of Purpose for the rules are hereby incorporated by this reference and made part of these rules.

3.0 Definitions

As used in these rules, unless the context otherwise requires:

- 3.1 “Alternative Fuel,” as defined under these rules, means compressed natural gas, propane, ethanol, electricity or any other fuel, but excludes those fuels made, in part or in whole, from petroleum products.
- 3.2 “Alternative Fuel Vehicles” are vehicles propelled with a fuel derived solely from resources other than petroleum. No part of an alternative fuel vehicle, as defined under these rules, may be propelled by petroleum products.
- 3.3 “Department of Transportation” is the Colorado Department of Transportation, its departments and divisions, and includes the Colorado Tolling Enterprise.
- 3.4 “Hybrid Vehicle(s)” are light duty vehicles and light duty trucks up to 8500 lbs. Gross Vehicle Weight Rating (“GVWR”). GVWR must be certified by the U.S. Environmental Protection Agency as meeting the criteria of either paragraph 3.4.1 or 3.4.2 of this section:
 - 3.4.1 It is an alternative fuel vehicle meeting the low emission standards set forth in subsection 3.4.2.1 below;
 - 3.4.2 It meets the following criteria in this paragraph:
 - 3.4.2.1 It must be certified by the U.S. Environmental Protection Agency as low emission vehicles meeting emission standards that are as or more stringent

than the tier 2 bin 5 emission standards as defined in Table S04-1 of 40 CFR 86.1811-04; and

- 3.4.2.2 The unadjusted city fuel economy of the vehicle must be at least 50 percent higher than the city fuel economy of a comparable gasoline-fueled vehicle as determined under 40 CFR 600.207-93; or
- 3.4.2.3 The unadjusted combined city-highway fuel economy of the vehicle must be at least 25 percent higher than the unadjusted combined city-highway fuel economy of a comparable gasoline-fueled vehicle as determined under 40 CFR 600.207-93; or
- 3.4.2.4 For Hybrid Vehicles with no similar gasoline counterpart, the Department of Transportation will determine the candidate vehicles by calculating the median unadjusted city fuel economy values for all gasoline vehicles in the same comparable vehicle class as defined in the U.S. Environmental Protection Agency's annual Fuel Economy Guide, jointly published by the U.S. Environmental Protection Agency and the U.S. Department of Energy. The Department of Transportation will compare the unadjusted city fuel economy value of the candidate Hybrid Vehicle, as determined under 40 CFR 600.207-93, to the median unadjusted city fuel economy for the comparison vehicle in the same vehicle class.

4.0 Identification of Hybrid Vehicles

- 4.1 The Department of Transportation shall make available a circular sticker or decal at least four inches in diameter, made of bright orange reflective material, to be affixed either to the windshield, to the front of the side-view mirror on the driver's side, or to the front bumper of the vehicle, that clearly distinguishes the Hybrid Vehicles as defined by these rules, from other vehicles. Stickers may not be sold, assigned, used or moved to a vehicle other than the original Hybrid Vehicle to which the sticker was assigned. Upon transfer of title of the original Hybrid Vehicle to another owner, the sticker must be removed from the vehicle.
- 4.2 The Department of Transportation shall make available transponders as part of the automatic vehicle identification system utilized for HOT lanes. The transponders shall identify Hybrid Vehicles qualifying for use under these rules as part of the automatic vehicle identification system. Transponders may not be sold, assigned, used or moved to a vehicle other than the original Hybrid Vehicle to which the transponder was assigned. Upon transfer of title of the original Hybrid Vehicle to another owner, the transponder must be surrendered to the Department of Transportation.
- 4.3 The Department of Transportation shall publish and maintain a listing of all Hybrid Vehicle makes and models eligible for participation in the programs described in these rules. A list of the eligible Hybrid Vehicle makes and models qualifying under these rules is available at www.dot.state.co.us/hybrids after the effective date of this rule.

5.0 Permitting of Hybrid Vehicles

- 5.1 The owner of a Hybrid Vehicle, as defined under these rules, shall qualify for use of HOV and HOT lanes upon application and receipt of a sticker, a valid permit and transponder from the Department of Transportation.

- 5.2 The Department of Transportation shall issue permits and the associated stickers and transponders that clearly distinguish the Hybrid Vehicles identified as qualifying Hybrid Vehicles under these rules to the first 2000 qualifying applications as set forth in subparagraph 5.3.
- 5.3 The owner of a Hybrid Vehicle must submit an application, approved and issued by the Department of Transportation that contains the Hybrid Vehicle owner's name, the license plate number, the vehicle identification number of the Hybrid Vehicle and the Hybrid Vehicle make and year model as a condition to obtaining a permit, an identifying sticker and a transponder that allows for the use of qualifying Hybrid Vehicles in HOV and HOT lanes. The application must also include a deposit of a valid credit card or debit card by the registered owner of the Hybrid Vehicle. The credit card or debit card may be utilized to implement tolling upon Hybrid Vehicles in the event degradation of service occurs in HOV and HOT lanes.
- 5.4 Upon a determination by the Department of Transportation that permitting of additional qualifying Hybrid Vehicles will not result in the degradation of service in the HOV and HOT lanes, the Department of Transportation may make additional permits available to Hybrid Vehicles qualifying under these rules.

6.0 Duration of Program

- 6.1 The program allowing use of HOV and HOT lanes, by Hybrid Vehicles qualifying for use under these rules, shall operate from the adoption of these rules and terminate on September 30, 2009, unless federal authorization of Hybrid Vehicle use of HOV and HOT lanes is extended.
- 6.2 Upon termination of this program, all current permittees will be required to surrender any outstanding permits to the Department of Transportation and remove identifying stickers from their vehicles. Upon termination of this program, transponders issued to previously qualifying Hybrid Vehicles shall either be surrendered to CDOT or converted to revenue transponders for qualifying use of HOT lanes. No Hybrid Vehicles previously qualifying for use of HOV and HOT lanes under these rules shall be authorized to continue use of HOV and HOT lanes unless otherwise compliant with requirements for HOV and HOT lane use.

7.0 Priority of Vehicles

- 7.1 The Department of Transportation shall restrict access of qualifying Hybrid Vehicles to HOV and HOT lanes, or portions of those lanes, during periods of peak congestion, following findings by the Department of Transportation as follows:
 - 7.1.1 The lane or portion thereof has degraded below a level of service that is required to be maintained for on-time bus performance for the North I-25 facility as agreed with the Regional Transportation District or a level of service C on other facilities;
 - 7.1.2 The operation or projected operation of the qualifying Hybrid Vehicles in these lanes, or portions thereof, will significantly increase congestion.
- 7.2 The Department of Transportation shall reduce congestion by excluding qualifying Hybrid Vehicles during periods of peak congestion or by charging qualifying Hybrid Vehicle users of HOV and HOT lanes, not otherwise qualifying for use of such lanes, a

- toll through use of the credit card or debit card on file for issuance of a transponder. The toll amount shall be determined by the Department of Transportation.
- 7.3 The Department of Transportation may also reduce congestion by other means, including, but not limited to:
- 7.3.1 Reducing the use of the HOV and HOT lanes by non-eligible or nonconforming vehicles;
 - 7.3.2 Increasing the toll amounts charged to users of the HOT lanes;
 - 7.3.3 Any combination of the above as determined necessary and appropriate by the Department of Transportation.
- 7.4 The Department of Transportation shall provide advance notification to qualifying Hybrid Vehicles prior to excluding qualifying Hybrid Vehicles from the HOV and HOT lanes during periods of peak congestion or prior to charging qualifying Hybrid Vehicles a toll due to degraded operation of the lanes.

8.0 Notice and Hearing Requirements

Any denial, suspension, or revocation of the permits as authorized or required by these rules, excepting the termination of the project as set forth in section 6.0, shall be subject to the applicable notice and hearing provisions of sections 24-4-104 and 24-4-105, C.R.S. of the Administrative Procedures Act.