

Colorado Parks and Wildlife

Local Government: State Park Access Fee

Petition Packet



Last Updated: 2024

Colorado Parks and Wildlife's Local Access Funding Petition Process

This packet was created as a resource for local governments who may be considering submitting a rulemaking petition to the Parks and Wildlife Commission. In this packet, you will find the following useful information:

- A brief explanation of the petition process.
- Frequently Asked Questions.
- Suggested Data Sources for completing the petition.
- An example of the Local Access Petition Form.
- An example of the Local Access Reporting Form.

Background information

Local governments¹ may petition the Parks and Wildlife Commission to initiate rulemaking pursuant to [SB23-059](#), codified in § 33-10-117, to impose a state park access fee on daily vehicle passes for visitors to a state park located within the local government's geographic boundaries, provided the requested fee:

- 1) does not exceed two dollars
- 2) is rounded to the nearest dollar and
- 3) does not apply to visitors to the state park holding an annual or lifetime pass.²

The local government shall use any fee revenue received to support access to state parks. Supporting access may include maintaining and constructing local roads, bicycle lanes, shuttle operations, and multimodal access routes.

Petition Requirements

Local governments must submit their petition for the state park access fee per the requirements and within the timeframes listed below.

- Petitions are due by May 31st annually to be considered during the same year, and if approved, implemented by January 1st the following year. Any petitions submitted after this date will not be considered until the next petition cycle the following year.
- If CPW staff determine that a petition meets the standing requirements to file a petition, the petition will be presented to the Commission at the August Commission meeting of the same year (Step 1 of 2). Based on the totality of the information provided by the petitioner, the Commission shall grant or deny the petition. If the Commission grants the petition, the Commission will approve the state park access fee at the November Commission meeting of the same year (Step 2 of 2).
- Any approved state park access fee will then go into effect by January 1st of the following year.

¹ Defined in [SB 23-059](#) as a city, county, city and county, or special district of Colorado.

² The Commission shall adjust the fee every five years to account for inflation or deflation, which may allow the fee to exceed two dollars. Additionally, CPW may retain a portion of the fee to cover the cost of collecting and administering the fee, not to exceed 3.33 percent of the fee.

- Imposing the fee is at the discretion of the Commission and is not legally required. However, the Commission shall not unreasonably withhold approval of a request to create the fee.

Application cycles will be available on an annual basis. If a new state park is established after the application period, the petitioner with the new state park within their geographic boundaries must wait until the next application period to petition for the fee.

The state park access fee shall apply to the entire state park within the petitioner's geographic boundaries, and shall not differ in price based on park entrance station location.

When a daily vehicle pass is purchased at a state park, it is valid at any state park until noon the following day. However, any state park access fee revenue will be tied to the park where the daily vehicle pass was purchased.

If a state park has multiple local access routes that are maintained by multiple local governments, all of which request the state park access fee, the petitioner shall determine by agreement in writing how the fee revenue is to be apportioned if the state park access fee is granted; this agreement shall be provided to CPW prior to any fund disbursement to the petitioner(s).

If a local government that was not a party listed in the initial petition or in the fee apportionment agreement wants to apply for the state park access fee after it has been approved by the Commission, the local government may enter into discussions with the local government(s) who were part of the initial petition and fee apportionment agreement in order to revise the fee apportionment agreement to attain a portion of the originally approved fee. CPW must be provided with the revised fee agreement before any funds will be disbursed to the additional local government.

Reporting Requirements

The Commission shall adjust the fee every five years to account for inflation or deflation. The first fee adjustment will occur in 2030 and will repeat every 5 years. Reporting is required to be submitted by September 2nd at the end of every 5-year cycle. Reporting should include at a minimum:

(I) Expenditure details

(II) A description of the project(s) that the local government is currently or is planning to use the disbursed funds on. The local government should demonstrate how the disbursed funds are being used or will be used to support access to state parks within their geographic boundaries, which may include maintaining and constructing local roads, bicycle lanes, shuttle operations, and multimodal access routes.

(III) A description of how state park access has benefited or will benefit from the existing or proposed project(s).

Inflation Adjustments

Any local governments that petitioned for and were granted the state park access fee prior to the first fee adjustment will automatically receive the inflation-adjusted fee at the start of the next 5-year cycle, rounded to the nearest whole number.

Any local governments that petition for and are granted the fee after the first fee adjustment period will automatically receive the inflation-adjusted fee.

Fund Disbursements

CPW shall disburse any funds collected to the appropriate local governments on a quarterly basis from the Local Access Route Cash Fund, minus the administrative cost of collecting the fee, as established by CPW.

There is no deadline within which the local government must utilize the disbursed funds. However, the local government's five-year report must demonstrate how the local government anticipates using the disbursed funds to support access to state parks within a reasonable period.

Petition Process

Initiating the Process. The first step to starting the petition rule-making process is to contact CPW's Regulations Manager. The Regulations Manager will assist you through every step of the citizen petition process and will be your main point of contact within the agency. Please direct any inquiries to:

Hilary Hernandez
CPW Regulations Manager
6060 Broadway
Denver, CO 80216
303-291-7226
hilary.hernandez@state.co.us

How to Submit a Petition: All petitions must be written and submitted on a Local Access Funding Petition Form. An example of the form is included in this packet and can be obtained electronically from the Regulations Manager. Any additional or supporting information may also be included along with this form. All documents received will become public records, so refrain from including any sensitive information on the form that you are not willing to share with the public. The Regulations Manager will need adequate contact information from you including your name, phone number, address and email address. Petitions are due by May 31st annually to be considered during the same year, and if approved, implemented by January 1st

the following year. Any petitions submitted after this date will not be considered until the next petition cycle the following year.

Staff Review of Petitions: After submission, the Regulations Manager will review your petition for completeness. A complete petition will be posted online to CPW's Citizen Petition Page, indicating the petition has been received by CPW and is under consideration. The petition will then be reviewed and discussed by upper-level CPW managers at an internal Regulation Review Meeting. This is when staff's position on or response to your petition is formulated. Staff's position on your petition will be shared with you by the Regulations Manager, shared with the Commission, and posted online after the internal Regulation Review meeting.

Presenting to the Commission: If staff supports your petition and/or at the direction of the Chair of the Commission, your petition will be placed on the main agenda of the August Commission meeting for discussion. If directed by the Chair of the Commission, you will be asked to present your petition to the Commission. The Regulations Manager will provide you with all the Commission Meeting logistics including the meeting location and the date/time your petition is scheduled on the agenda. The Regulations Manager will also ensure that all of your documents are provided to the Commission before the meeting and that any presentation materials are uploaded and ready for viewing on the day of the meeting. Immediately following your presentation, staff will be asked by the Commission to respond and provide staff recommendations. The Regulations Manager typically presents the staff's recommendation. After both presentations, public testimony is accepted. The Commission will then vote to grant or deny the petition. Denying the petition constitutes final agency action, whereas granting the petition triggers the filing of appropriate rulemaking notices with the Secretary of State's Office and the Department of Regulatory Agencies. The Commission typically supports staff's recommendations, but this is not always the case. The Commission could also direct staff and the petitioner to continue working out a possible solution or compromise.

If staff does not support your petition and/or at the direction of the Chair of the Commission, your petition will be placed on the consent agenda for denial. Items on the consent agenda, such as Division-opposed petitions, do not have corresponding agenda time for specific discussion unless a Commissioner removes the item from the consent agenda. Accordingly, petitions that are opposed by the Division do not allow the local government to make a specific presentation to the Commission unless the petition is removed from the consent agenda. Any Commissioner has the opportunity to remove items from the consent agenda and ask that the petition be placed on the main agenda for discussion at a subsequent Commission meeting if desired. A vote to deny a petition is considered final action.

Reporting Process

How to Submit Reporting Documentation: At the end of the 5 year cycle when the fees are to be increased or decreased with the inflation adjustment local governments are required to

submit reporting information. All reports should be written and submitted on a Local Access Reporting Form. An example of the form is included in this packet and can be obtained electronically from the Regulations Manager. Any additional or supporting information may also be included along with this form. All documents received will become public records, so refrain from including any sensitive information on the form that you are not willing to share with the public. Reports are due by September 2nd annually to be considered during the November Commission Meeting when the fee may be adjusted.

Local Access Funding Frequently Asked Questions

- 1. How much revenue might local governments expect to receive from a state park access fee if the Commission approves such a fee?** To calculate how much fee revenue a local government might collect from a state park access fee from a state park in its jurisdiction, refer to the table [here](#).

*If a state park has multiple local access routes that are maintained by multiple local governments, all of which request the additional fee, the local governments shall determine by agreement how the fee revenue is to be apportioned, and CPW shall not distribute the fee revenue to the local governments until the local governments have provided CPW with the agreement.

- 2. How can a local government qualify for the fee?** A local government's petition must meet specific requirements, as outlined below. We have included a list of **suggested data sources for local governments** to rely on to demonstrate satisfaction with the requirements of § 33-10-117.
- 3. How do I submit a petition?** Petitions must be written on a Local Access Funding Petition Form and submitted to the CPW Regulations Manager. Petitions can be emailed (preferred) to hilary.hernandez@state.co.us or mailed to Hilary Hernandez at 6060 Broadway, Denver, CO 80216.
- 4. What should or shouldn't I include in my petition? Is there a length requirement?** There is no minimum or maximum length requirement for petitions. However, the ideal length is just long enough to adequately and concisely explain your request, provide proper justification, cite relevant information, and answer any required questions. Verifiable facts carry greater weight than personal opinions. Unlike a petition for a ballot measure, signatures of support are not a necessary component of a Parks and Wildlife petition. (See below for Suggested Data Sources for Local Governments.)
- 5. How much supporting information or scientific evidence must I include in my petition?** The burden of proof lies with the petitioner for getting any request approved, not with staff. Therefore, enough supporting information or data should be included to make a convincing argument and "prove" your case.

6. **Can I attend the agency's Regulation Review meeting when my petition is discussed?** No, Regulation Review is for agency staff only.
7. **How much time do I get to present my petition at the Commission meeting?** Petitioners get a maximum of fifteen minutes to present their petition. Let the Regulations Manager know if you do not need the entire fifteen minutes so the agenda can be modified prior to the meeting.
8. **If I have presented and the Commission grants my petition, do I need to attend any more meetings?** No. While you are always welcome to attend any Commission Meeting, the subsequent meeting after you have presented your petition is generally just used for approving specific regulatory language written to make your request effective and enforceable. You can view the proposed language a week prior to the meeting on our Commission webpage:
<http://www.cpw.state.co.us/aboutus/pages/commission.aspx>.
9. **What is the reporting cycle?** Every 5-years beginning in 2030, the local access funding fee will be adjusted with the construction cost index published by the Colorado Department of Transportation. Reporting is due September 2nd to the Regulation Manager to be added to the commission mailing documents for the November Commission Meeting when the fees will be reviewed.
10. **What needs to be submitted during the reporting process?** Reporting should include at a minimum:
 - (I) Expenditure details
 - (II) A description of the project(s) that the local government is currently or is planning to use the disbursed funds on. The local government should demonstrate how the disbursed funds are being used or will be used to support access to state parks within their geographic boundaries, which may include maintaining and constructing local roads, bicycle lanes, shuttle operations, and multimodal access routes.
 - (III) A description of how state park access has benefited or will benefit from the existing or proposed project(s).

Suggested Data Sources for Local Governments

The Commission will consider granting the state park access fee if the petitioner is able to meet the standing requirements and is able to:

(I) identify the existing local access route(s) within the petitioner’s geographic boundaries in need of funding for maintenance, including the current and anticipated costs and benefits of such route(s), and prioritize the existing local access route(s) in terms of most urgent need of funding; or

(II) identify the need for financial assistance to support additional access to state parks within the petitioner’s geographic boundaries (supporting access may include maintaining and constructing local roads, bicycle lanes, shuttle operations, and multimodal access routes).

CPW will coordinate with the petitioner to provide access to relevant information and/or data as appropriate.

Standing Requirements	Evaluation Metrics	Suggested Information/Data Source(s)
(I) it is responsible for an existing local access route(s) that provides access to a state park within the petitioner’s geographic boundaries	A “local access route” pursuant to SB23-059 is defined as a right-of-way, including a bike or pedestrian path, that is normally used to travel to or from a state park.	Photographs of the local access route(s) Detailed description of the local access route(s) (length of route(s), location of route(s), etc.) Map(s) of the route(s)
(II) the existing local access route(s) is located within a 3-mile radius to a state park entrance within the petitioner’s geographic boundaries.	N/A	GIS layer displaying local access route’s distance from the nearest state park’s entrance(s) and total length.

<p>(III) 50% or more of the traffic on the existing local access route(s) in the petitioner’s geographic boundaries is directly tied to park visitation during one week not including a major holiday weekend.</p>	<p>N/A</p>	<p>Visitor surveys, mobile location data analysis, and/or traffic count monitoring plans.</p>
<p>Petition Requirements</p>	<p>Evaluation Metrics</p>	<p>Suggested Information/Data Source(s)</p>
<p>Identify the existing local access route(s) within the petitioner’s geographic boundaries in need of funding for maintenance, including the current and anticipated costs and benefits of such route(s), and prioritize the existing local access route(s) in terms of most urgent need of funding; or</p>	<p>N/A</p>	<p>Photographs of the local access route(s)</p> <p>Description of the conditions of the local access route(s) based on existing Level of Service assessments. If these assessments are unavailable/not applicable, petitioners may rate their local access route(s) using the rating scale outlined below.</p> <p>Route conditions may be rated as:</p> <ul style="list-style-type: none"> ● <u>Poor</u>: extremely deteriorated roadways, may only be passable at reduced speeds; deep cracks, large potholes, and other signs of distress cover 50-75% of the route. ● <u>Mediocre</u>: Noticeably inferior both in ride quality and appearance; distress and defects are obvious. ● <u>Fair</u>: Mostly smooth ride, few signs of distress, some cracks and patches, small potholes visible. ● <u>Good</u>: New or nearly new roadways, smooth ride, distress-free, minimal cracks and patches.

<p>Identify the need for financial assistance to support additional access to state parks within the petitioner's geographic boundaries (supporting access may include maintaining and constructing local roads, bicycle lanes, shuttle operations, and multimodal access routes) through a state park access fee.</p> <p>Petitioners may provide information and/or data on any combination of the following metrics to demonstrate the need for financial assistance.</p>	<p>1) Existing infrastructure costs incurred by the petitioner in supporting access to the state park.</p>	<p>Quantitative data on infrastructure costs available to support this criteria</p>
	<p>2) Existing deficits with local transportation infrastructure and services within the petitioner's geographic boundaries to the state park.</p>	<p>Quantitative data and/or detailed descriptions of existing deficits available to support this criteria (existing roadway funding, current maintenance budgets, etc.)</p>
	<p>3) Quantitative data demonstrating how traffic from state park visitors negatively impacts the local access route(s).</p>	<p>Quantitative financial data available to support this criteria</p>
	<p>4) A brief narrative description of the economic and community benefits provided by state parks to businesses and communities within the petitioner's boundaries.</p>	<p>Brief descriptive narrative on the economic and community benefits provided by the state park based on available information. If quantitative data is available to support this criteria, include as appropriate.</p>
	<p>5) A comparison of the petitioner's financial demands of maintaining transportation infrastructure and services needed to access state parks in relation to the</p>	<p>Quantitative financial data available to support this criteria (existing roadway funding, current maintenance budgets, etc.)</p>

	<p>financial demands of maintaining other local transportation infrastructure and services within the petitioner's geographic boundaries.</p>	
	<p>6) Existing local government revenue, including fees, assessments, and taxes (including payments in lieu of taxes (PILT)) that are available to (1) develop and maintain transportation infrastructure; or (2) provide transportation services related to recreation, within the petitioner's geographic boundaries.</p>	<p>Federal PILT financial data</p> <p>Impact Assistance Grants financial data (Colorado's equivalent of PILT)</p> <p>May include an evaluation in coordination with CPW of the costs incurred by CPW to maintain internal state park roads that are being used by local, non-park visitor traffic as a pass-through to get from one side of a park to the other.</p>
	<p>7) Current resources available for and dedicated to local transportation infrastructure and services for a baseline of existing maintenance budgets and the predictability and reliability of these sources.</p>	<p>Detailed descriptions of current resources available (existing roadway funding, current maintenance budgets, etc.)</p>
	<p>8) Any existing sources of funding, agreements, and/or partnerships with CPW and/or</p>	<p>Funding agreements, partnership agreements, etc.</p>

	<p>other government agencies to provide maintenance for local transportation routes and the type(s) of maintenance performed on an annual basis. If any such sources of funding, agreements, and/or partnerships exist, outline the amount of money/resources CPW and/or other agencies allocate towards maintenance of the local transportation route(s) on an annual basis.</p>	
	<p>9) If applicable, detailed examples of past issues with providing local transportation infrastructure and services used to access state parks within the petitioner's geographic boundaries.</p>	<p>Brief descriptive narrative of past issues</p>

LOCAL ACCESS FUNDING PETITION FORM

Date:

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Issue:

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Documentation showing the standing requirements have been met. (Regulation #1608.A.1.)

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Demonstrate how a state park access fee would improve state park access and/or alleviate existing access issues. (Regulation #1608.A.2.c.)

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Which rule are you seeking to create or revise? Please include a copy of the rule you propose to create or change, preferably with the change made in redline format. (Regulation #1608.A.2.a.)

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Local Government: (Regulation 1608.A.2.b.)	
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***The following information will not be posted publicly.**

Petitioner's name and Title:	
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*Petitioner's email address:	
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*Petitioner's address:	
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*Petitioner's telephone number:	
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LOCAL ACCESS FUNDING REPORTING FORM

Date:

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Fund Expenditure details. (Reuglation #1608.B.1.a.)

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Description of the project(s) that the local government is currently or is planning to use the disbursed funds on. (Regulation #1608.B.1.b.)

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A description of how state park access has benefited or will benefit from the existing or proposed project(s). (Regulation #1608.B.1.c.)

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Local Government:	
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***The following information will not be posted publicly.**

Petitioner's name and Title:	
*Petitioner's email address:	
*Petitioner's address:	
*Petitioner's telephone number:	