

First Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 05-0958.05 Jason Gelender

SENATE BILL 05-230

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SENATE SPONSORSHIP

Wiens,

HOUSE SPONSORSHIP

(None),

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Senate Committees

House Committees

Transportation

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A BILL FOR AN ACT

101 CONCERNING PRIVATE TOLL ROADS, AND, IN CONNECTION  
102 THEREWITH, PROHIBITING A PRIVATE CORPORATION FROM  
103 ACQUIRING RIGHTS-OF-WAY FOR A TOLL ROAD OR TOLL  
104 HIGHWAY THROUGH THE EXERCISE OF EMINENT DOMAIN AND  
105 REQUIRING THE TRANSPORTATION LEGISLATION REVIEW  
106 COMMITTEE TO RECOMMEND A PROCESS BY WHICH A PRIVATE  
107 TOLL ROAD OR A TOLL HIGHWAY MAY BE CONSTRUCTED.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Specifies that a corporation formed for the purposes of

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

constructing a private toll road or toll highway (corporation) shall not have the power to use eminent domain to acquire right-of-way for the toll road or toll highway, but that a corporation may enter into an agreement with a public entity to enable the construction of a toll road or toll highway.

Requires the transportation legislation review committee to examine and take testimony regarding existing laws that allow the construction of private toll roads and toll highways and propose legislation for the 2006 legislative session that will more clearly define the rights and responsibilities of a corporation in planning, constructing, operating, and maintaining a toll road or toll highway and the process by which a toll road or toll highway may be constructed.

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

2           **SECTION 1.** Article 45 of title 7, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF THE FOLLOWING NEW  
4 SECTIONS to read:

5           **7-45-104. Acquisition of right-of-way.** NOTWITHSTANDING THE  
6 PROVISIONS OF SECTION 38-2-101, C.R.S., ON AND AFTER THE EFFECTIVE  
7 DATE OF THIS SECTION, A CORPORATION FORMED UNDER THIS ARTICLE  
8 SHALL NOT HAVE THE POWER TO EXERCISE THE RIGHT OF EMINENT DOMAIN  
9 TO ACQUIRE ANY PART OF THE RIGHT-OF-WAY OF THE LINE OF A PROPOSED  
10 TOLL ROAD OR TOLL HIGHWAY SPECIFIED IN THE CERTIFICATE OF  
11 INCORPORATION OF THE CORPORATION AS REQUIRED BY SECTION 7-45-101  
12 (1). NOTHING HEREIN SHALL PROHIBIT A CORPORATION FROM ENTERING  
13 INTO AN AGREEMENT WITH A PUBLIC ENTITY TO ENABLE THE  
14 CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY.

15           **7-45-105. Transportation legislation review committee - review**  
16 **private toll road or toll highway laws.** FOR THE PURPOSE OF ALLOWING  
17 THE STATE TO REAP THE BENEFITS OF PRIVATE CONSTRUCTION OF TOLL  
18 ROADS OR TOLL HIGHWAYS WHILE PROTECTING THE RIGHTS OF THE  
19 PROPERTY OWNERS AND TAXPAYERS OF THE STATE AND MINIMIZING THE

1 ADVERSE ENVIRONMENTAL IMPACTS RESULTING FROM THE CONSTRUCTION  
2 AND OPERATION OF A TOLL ROAD OR TOLL HIGHWAY, THE  
3 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION  
4 43-2-145, C.R.S., SHALL EXAMINE THE PROVISIONS OF THIS ARTICLE, PART  
5 3 OF ARTICLE 3 OF TITLE 43, C.R.S., AND OTHER PROVISIONS OF LAW, TAKE  
6 TESTIMONY REGARDING THE SAME, AND PROPOSE LEGISLATION FOR THE  
7 SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY THAT  
8 WILL MORE CLEARLY DEFINE THE RIGHTS AND RESPONSIBILITIES OF A  
9 CORPORATION IN PLANNING, CONSTRUCTING, OPERATING, AND  
10 MAINTAINING A TOLL ROAD OR TOLL HIGHWAY AND THE PROCESS BY  
11 WHICH A TOLL ROAD OR TOLL HIGHWAY MAY BE CONSTRUCTED.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.