

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0480.01 Jason Gelender x4330

HOUSE BILL 16-1155

HOUSE SPONSORSHIP

Saine and Mitsch Bush, Humphrey, Buck, Priola, Melton, Coram, Becker J., Nordberg

SENATE SPONSORSHIP

Sonnenberg, Marble

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A COUNTY TO DESIGNATE A**
102 **FOUR-LANE CONTROLLED-ACCESS HIGHWAY THAT IS LOCATED**
103 **IN THE COUNTY AS A PRIMARY ROAD OF THE COUNTY HIGHWAY**
104 **SYSTEM, AND, IN CONNECTION THEREWITH, SPECIFYING THE**
105 **JURISDICTION, CONTROL, AND DUTIES OF THE COUNTY AND OF**
106 **A MUNICIPALITY THROUGH WHICH THE HIGHWAY PASSES WITH**
107 **RESPECT TO SUCH A HIGHWAY.**

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://www.leg.state.co.us/bills summaries>.)

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.

The bill authorizes a county to designate a 4-lane controlled-access highway that is located in both unincorporated and incorporated areas of the county as a primary road of the county highway system, and specifies the respective jurisdiction, control, and duties of the county and of a municipality through which the highway passes with respect to such a highway.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-20-302, **amend**
3 (1) (b) as follows:

4 **42-20-302. Application for route designation - procedure -**
5 **approval.** (1) Petitions for new route designations or for a change in an
6 existing route designation may be submitted to the patrol no more than
7 once a year:

8 (b) By a town, city, or city and county, with respect to any public
9 road located within such town, city, or city and county, INCLUDING ANY
10 PORTION OF A COUNTY PRIMARY ROAD DESIGNATED PURSUANT TO SECTION
11 43-2-110 (1.5), C.R.S., THAT IS SUBSEQUENTLY ANNEXED BY A TOWN OR
12 CITY, upon approval of the petition by the governing body of such town,
13 city, or city and county;

14 **SECTION 2.** In Colorado Revised Statutes, 43-2-110, **add** (1.5)
15 as follows:

16 **43-2-110. Selection by county - notice - secondary system.**
17 (1.5) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY WITH A
18 POPULATION OF TWO HUNDRED FIFTY THOUSAND OR MORE MAY
19 DESIGNATE AS A PRIMARY ROAD ANY FOUR-LANE CONTROLLED-ACCESS
20 COUNTY HIGHWAY, THE CONSTRUCTION OF WHICH COMMENCES IN 2016,
21 THAT IS LOCATED WITHIN THE UNINCORPORATED AREA OF THE COUNTY
22 AND THAT INTERSECTS WITH AN INTERSTATE HIGHWAY OR A UNITED

1 STATES NUMBERED HIGHWAY. IF A CITY OR AN INCORPORATED TOWN
2 SUBSEQUENTLY ANNEXES ANY PORTION OF A HIGHWAY THAT HAS BEEN
3 DESIGNATED AS A PRIMARY ROAD, THE RESPECTIVE JURISDICTION,
4 CONTROL, AND DUTY OF THE COUNTY AND OF THE CITY OR INCORPORATED
5 TOWN WITH RESPECT TO THE HIGHWAY IS AS FOLLOWS:

6 (a) THE CITY OR INCORPORATED TOWN SHALL EXERCISE FULL
7 RESPONSIBILITY FOR AND CONTROL OVER THE HIGHWAY BEYOND AND
8 INCLUDING THE CURBS AND, IF NO CURB IS INSTALLED, BEYOND THE
9 TRAVELED WAY, ITS CONTIGUOUS SHOULDERS, AND APPURTENANCES.

10 (b) THE COUNTY HAS THE AUTHORITY TO GRANT OR DENY ACCESS
11 TO THE HIGHWAY AND TO ESTABLISH WEIGHT RESTRICTIONS FOR VEHICLES
12 TRAVELING ON THE HIGHWAY AS AUTHORIZED BY SECTION 42-4-106 (1),
13 (2), AND (3), C.R.S.

14 (c) THE COUNTY HAS THE AUTHORITY TO PROHIBIT THE
15 SUSPENSION OF SIGNS, BANNERS, OR DECORATIONS ABOVE THE PORTION
16 OF THE HIGHWAY BETWEEN THE CURBS OR, IF THE HIGHWAY DOES NOT
17 HAVE CURBS, BETWEEN THE PORTION OF THE HIGHWAY USED FOR
18 VEHICULAR TRAVEL UP TO A VERTICAL HEIGHT OF TWENTY FEET ABOVE
19 THE SURFACE OF THE HIGHWAY.

20 (d) THE CITY OR INCORPORATED TOWN SHALL MAINTAIN ALL OF ITS
21 UNDERGROUND FACILITIES UNDER THE HIGHWAY AT ITS OWN EXPENSE
22 AND HAS THE RIGHT TO CONSTRUCT SUCH UNDERGROUND FACILITIES AS
23 MAY BE NECESSARY UNDER THE HIGHWAY.

24 (e) THE CITY OR INCORPORATED TOWN HAS THE RIGHT TO GRANT
25 THE PRIVILEGE TO OPEN THE SURFACE OF THE HIGHWAY, BUT ALL
26 RESULTING DAMAGES SHALL PROMPTLY BE REPAIRED EITHER BY THE CITY
27 OR INCORPORATED TOWN ITSELF OR AT ITS DIRECTION.

1 (f) THE CITY OR INCORPORATED TOWN SHALL PROVIDE STREET
2 ILLUMINATION AT ITS OWN EXPENSE AND SHALL CLEAN THE HIGHWAY,
3 INCLUDING STORM SEWER INLETS AND CATCH BASINS.

4 (g) THE COUNTY HAS THE RIGHT TO UTILIZE ALL STORM SEWERS ON
5 THE HIGHWAY WITHOUT COST; AND IF NEW STORM SEWER FACILITIES ARE
6 NECESSARY IN CONSTRUCTION OF THE HIGHWAY BY THE COUNTY, THE
7 COUNTY AND THE MUNICIPALITY SHALL BEAR THE COST OF THE FACILITIES
8 AS MUTUALLY AGREED UPON BY THE BOARD OF COUNTY COMMISSIONERS
9 OF THE COUNTY AND THE LOCAL GOVERNING BODY OF THE CITY OR
10 INCORPORATED TOWN.

11 (h) THE CITY OR INCORPORATED TOWN SHALL REGULATE AND
12 ENFORCE ALL TRAFFIC AND PARKING RESTRICTIONS ON THE PORTION OF
13 THE HIGHWAY THAT IS LOCATED WITHIN THE CITY OR INCORPORATED
14 TOWN.

15 (i) THE COUNTY SHALL ERECT, CONTROL, AND MAINTAIN AT
16 COUNTY EXPENSE ALL ROUTE MARKERS AND DIRECTIONAL SIGNS, EXCEPT
17 STREET SIGNS, ON THE PORTION OF THE HIGHWAY LOCATED WITHIN THE
18 CITY OR INCORPORATED TOWN.

19 (j) THE COUNTY SHALL INSTALL, OPERATE, MAINTAIN, AND
20 CONTROL AT COUNTY EXPENSE ALL TRAFFIC CONTROL SIGNALS, SIGNS,
21 AND TRAFFIC CONTROL DEVICES ON THE PORTION OF THE HIGHWAY
22 LOCATED WITHIN THE CITY OR INCORPORATED TOWN. NO LOCAL
23 AUTHORITY SHALL ERECT OR MAINTAIN ANY STOP SIGN OR TRAFFIC
24 CONTROL SIGNAL AT ANY LOCATION THAT REQUIRES THE TRAFFIC ON THE
25 HIGHWAY TO STOP BEFORE ENTERING OR CROSSING ANY INTERSECTING
26 HIGHWAY UNLESS THE LOCAL AUTHORITY FIRST OBTAINS APPROVAL IN
27 WRITING FROM THE COUNTY. FOR THE PURPOSES OF THIS PARAGRAPH (j),

1 "TRAFFIC CONTROL DEVICE" INCLUDES, BUT IS NOT LIMITED TO, STRIPING,
2 LANE-MARKING, AND CHANNELIZATION.

3 (k) EITHER THE CITY OR INCORPORATED TOWN OR THE COUNTY
4 SHALL ACQUIRE RIGHTS-OF-WAY FOR THE HIGHWAY AS MUTUALLY
5 AGREED UPON. COSTS OF ACQUIRING THE RIGHTS-OF-WAY MAY BE THE
6 SOLE EXPENSE OF THE COUNTY OR THE CITY OR INCORPORATED TOWN, OR
7 SHARED BY BOTH, AS MUTUALLY AGREED UPON. TITLE TO ALL
8 RIGHTS-OF-WAY ACQUIRED VEST IN THE CITY OR INCORPORATED TOWN, OR
9 IN THE COUNTY, ACCORDING TO THE AGREEMENT UNDER WHICH THE
10 RIGHTS-OF-WAY WERE SECURED.

11 (l) THE COUNTY IS AUTHORIZED TO ACQUIRE RIGHTS-OF-WAY FOR
12 THE HIGHWAY BY PURCHASE, GIFT, OR CONDEMNATION. ANY
13 CONDEMNATION PROCEEDING SHALL BE CONDUCTED IN THE MANNER
14 PROVIDED BY LAW FOR CONDEMNATION PROCEEDINGS TO ACQUIRE LANDS
15 REQUIRED FOR COUNTY HIGHWAYS. NOTHING IN THIS SUBSECTION (1.5)
16 ABROGATES THE RIGHT OF A HOME RULE CITY TO ACQUIRE LANDS FOR
17 PURPOSES AND IN THE MANNER SET FORTH IN THE CHARTER OF THE CITY.

18 (m) THE COUNTY MAY ENTER INTO AN INTERGOVERNMENTAL
19 AGREEMENT WITH A CITY OR INCORPORATED TOWN LOCATED WITHIN THE
20 COUNTY TO ADD TO THE HIGHWAY SPECIFIED ROADS OR STREETS ANNEXED
21 BY THE CITY OR INCORPORATED TOWN BEFORE THE DESIGNATION OF THE
22 HIGHWAY AS A PRIMARY ROAD. SUCH AN AGREEMENT MUST DEFINE THE
23 RESPECTIVE JURISDICTION, CONTROL, AND DUTY OF THE COUNTY AND THE
24 CITY OR INCORPORATED TOWN WITH RESPECT TO THE HIGHWAY AND MAY
25 MODIFY THE DIVISION OF SUCH JURISDICTION, CONTROL, AND DUTY FROM
26 THE DIVISION SPECIFIED IN PARAGRAPHS (a) TO (l) OF THIS SUBSECTION
27 (1.5).

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.