

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0876.01 Rebecca Bayetti x4348

HOUSE BILL 25-1292

HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCESS TO ALLOW A TRANSMISSION DEVELOPER**
102 **TO LOCATE HIGH VOLTAGE TRANSMISSION LINES WITHIN A**
103 **STATE HIGHWAY RIGHT-OF-WAY.**

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 allows a transmission developer to locate high voltage transmission lines within a state highway right-of-way, according to a process developed by rule by the department of transportation (department). The department may impose surcharges on a transmission developer for its co-location of high voltage lines in a state highway

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

right-of-way, including a one-time surcharge to cover the costs of a permit for the use of the state highway right-of-way and an annual use surcharge. Upon the request of a transmission developer, the department is required to provide to the transmission developer the best available information on potential future state highway development projects that could impact the placement of a high voltage line within a state highway right-of-way. In assessing potential sites for the placement of high voltage lines, a transmission developer is required to consider development sites in the following order of priority: First, existing utility corridors; second, state highway rights-of-way; and last, new utility corridors.

The bill also requires the Colorado energy office and the Colorado electric transmission authority, through a public-private partnership and in collaboration with the department, the Colorado public utilities commission, and other state agencies, to study state highway corridors to identify potential corridors that may be suitable for high voltage transmission line development.

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

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

4 (a) Colorado will need to expand electric transmission to meet its
5 clean energy and greenhouse gas reduction targets and reliability and
6 affordability obligations;

7 (b) It is the policy of the state that high voltage transmission lines
8 may be constructed or maintained within the access control lines of
9 highway, freeway, and interstate highway rights-of-way unless the
10 executive director of the Colorado department of transportation,
11 consulting with appropriate state agencies, disapproves of this co-location
12 to protect public safety, communities, and wildlife habitat, crossings, and
13 migratory corridors or to ensure the proper functioning of a state
14 highway, freeway, or interstate highway. If the installation is on an
15 interstate highway, the express approval of the federal highway
16 administration is required and the project may be required to undergo the

1 review process required by the federal "National Environmental Policy
2 Act of 1969", 42 U.S.C. sec. 4321, et seq.

3 (c) Co-locating transmission lines along highways can
4 significantly reduce impacts on wildlife and habitat compared to building
5 new lines through greenfield areas. The impacts on communities,
6 including disproportionately impacted communities, must be evaluated
7 and mitigated through the use of approaches like those outlined in the
8 Colorado electric transmission authority's 2024 "Principles of Community
9 Engagement" and the Colorado environmental justice action task force's
10 2022 "Final Report of Recommendations".

11 **SECTION 2.** In Colorado Revised Statutes, **add** 43-1-228 as
12 follows:

13 **43-1-228. High voltage lines in state highway right-of-way -**
14 **development projects and priorities - surcharge - study - rules -**
15 **definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (a) "HIGH VOLTAGE LINE" MEANS ANY LINE FOR THE
18 TRANSMISSION OF ELECTRIC CURRENT WITH A NOMINAL VOLTAGE IN
19 EXCESS OF SIXTY-NINE KILOVOLTS THAT IS CO-LOCATED LONGITUDINALLY
20 IN A STATE HIGHWAY RIGHT-OF-WAY, AND ALL SUPPORTING STRUCTURES
21 AND ACCESSORIES NECESSARY FOR SUCH LINE. "HIGH VOLTAGE LINE"
22 DOES NOT INCLUDE ANY LINE FOR THE TRANSMISSION OF ELECTRIC
23 CURRENT THAT CROSSES A STATE HIGHWAY RIGHT-OF-WAY.

24 (b) "RULE" HAS THE SAME MEANING AS SET FORTH IN SECTION
25 24-4-102 (15).

26 (c) "STATE HIGHWAY" MEANS ANY HIGHWAY OWNED,
27 CONTROLLED, OR MAINTAINED BY THE STATE, INCLUDING FEDERAL-AID

1 PRIMARY OR SECONDARY SYSTEMS OR THE INTERSTATE SYSTEM. "STATE
2 HIGHWAY" DOES NOT INCLUDE A PUBLIC HIGHWAY OPERATED BY A PUBLIC
3 HIGHWAY AUTHORITY IN ACCORDANCE WITH THE "PUBLIC HIGHWAY
4 AUTHORITY LAW", PART 5 OF ARTICLE 4 OF THIS TITLE 43.

5 (d) "TRANSMISSION DEVELOPER" MEANS:

6 (I) A TRANSMISSION UTILITY, AS DEFINED IN SECTION 40-5-108
7 (1)(b);

8 (II) THE COLORADO ELECTRIC TRANSMISSION AUTHORITY
9 CREATED IN SECTION 40-42-103;

10 (III) A GENERATION AND TRANSMISSION COOPERATIVE OR
11 ASSOCIATION;

12 (IV) AN INDEPENDENT TRANSMISSION DEVELOPER, WHICH IS AN
13 ENTITY NOT OWNED BY A PUBLIC OR INVESTOR-OWNED UTILITY AND
14 WHICH DEVELOPS TRANSMISSION LINES AND INFRASTRUCTURE; AND

15 (V) ANY OF THE FOLLOWING ENTITIES THAT HAVE VOTED TO
16 EXEMPT THEMSELVES FROM THE "PUBLIC UTILITIES LAW", ARTICLES 1 TO
17 7 OF TITLE 40, PURSUANT TO SECTION 40-9.5-103:

18 (A) A MUNICIPALLY OWNED UTILITY;

19 (B) A POWER AUTHORITY ESTABLISHED PURSUANT TO SECTION
20 29-1-204 (1); OR

21 (C) A COOPERATIVE ELECTRIC ASSOCIATION, AS DEFINED IN
22 SECTION 40-9.5-102 (1).

23 (2) **State highway high voltage line co-location projects.**

24 (a) (I) UPON THE REQUEST OF A TRANSMISSION DEVELOPER, THE
25 DEPARTMENT SHALL PROVIDE TO THE TRANSMISSION DEVELOPER THE BEST
26 AVAILABLE INFORMATION ON POTENTIAL FUTURE STATE HIGHWAY
27 DEVELOPMENT PROJECTS, AS INCLUDED IN THE STATEWIDE

1 TRANSPORTATION PLAN, THAT COULD IMPACT THE PLACEMENT OF A HIGH
2 VOLTAGE LINE WITHIN A STATE HIGHWAY RIGHT-OF-WAY.

3 (II) THE DEPARTMENT SHALL PROCESS SUCH A REQUEST FOR
4 INFORMATION IN THE ORDER THAT IT WAS RECEIVED, IN ACCORDANCE
5 WITH THE DEPARTMENT'S SPECIAL USE PERMITTING PROCESS.

6 (b) (I) IF THE DEPARTMENT AND A TRANSMISSION DEVELOPER
7 AGREE THAT AN IDENTIFIED SITE MAY BE SUITABLE FOR DEVELOPMENT OR
8 CONSTRUCTION OF A HIGH VOLTAGE LINE WITHIN A STATE HIGHWAY
9 RIGHT-OF-WAY, THE DEPARTMENT SHALL DEVELOP A PRECONSTRUCTION
10 PLAN REVIEW SCHEDULE THAT INCLUDES ALL APPLICABLE SECTIONS OF
11 THE STATE HIGHWAY UTILITY ACCOMMODATION CODE, 2 CCR 601-18, OR
12 ANY SUCCESSOR CODE.

13 (II) UPON APPROVAL OF THE PRECONSTRUCTION REQUIREMENTS
14 OUTLINED IN A PRECONSTRUCTION PLAN, THE TRANSMISSION DEVELOPER
15 SHALL PROVIDE A CONSTRUCTABILITY, ACCESS, AND MAINTENANCE
16 REPORT TO BE UTILIZED WHEN TRANSMISSION LINE CO-LOCATION PROJECTS
17 IN A STATE HIGHWAY RIGHT-OF-WAY ARE BEING PLANNED AND APPROVED.
18 THE CONSTRUCTABILITY, ACCESS, AND MAINTENANCE REPORT MUST
19 OUTLINE MITIGATION STRATEGIES NEEDED TO EFFECTIVELY AVOID OR
20 ADDRESS POTENTIAL TRANSMISSION LINE IMPACTS TO COMMUNITIES,
21 INCLUDING DISPROPORTIONATELY IMPACTED COMMUNITIES, AND TO
22 HABITATS, WILDLIFE, AND WILDLIFE CROSSINGS.

23 (III) A CONSTRUCTABILITY, ACCESS, AND MAINTENANCE REPORT
24 MUST BE APPROVED BY THE DEPARTMENT BEFORE THE DEPARTMENT
25 ISSUES A PERMIT FOR THE USE OF A STATE HIGHWAY RIGHT-OF-WAY.

26 (c) ALL WORK PERFORMED UNDER A CONTRACT FOR THE LOCATION
27 OF A HIGH VOLTAGE LINE WITHIN A STATE HIGHWAY RIGHT-OF-WAY, AS

1 ALLOWED PURSUANT TO THIS SECTION, THAT IS AN ENERGY SECTOR PUBLIC
2 WORKS PROJECT, AS DEFINED IN SECTION 24-92-303 (5)(a), MUST COMPLY
3 WITH THE REQUIREMENTS OF SECTION 24-92-115 (7) AND PART 2 OF
4 ARTICLE 92 OF TITLE 24. ANY CONTRACTOR HIRED TO PERFORM SUCH
5 WORK SHALL COMPLY WITH THE LABOR STANDARDS DESCRIBED IN
6 SECTION 40-42-107.

7 **(3) High voltage line or facility site priorities - reports.**

8 (a) BEGINNING ON JANUARY 1, 2027, WITHIN THIRTY CALENDAR DAYS OF
9 FILING FOR A LOCAL PERMIT FOR THE CONSTRUCTION OR DEVELOPMENT OF
10 HIGH VOLTAGE LINES OR FACILITIES NECESSARY FOR HIGH VOLTAGE
11 TRANSMISSION, A TRANSMISSION DEVELOPER SHALL MAKE AVAILABLE ON
12 A PUBLIC-FACING PROJECT WEBSITE OR UTILITY WEBSITE A REPORT THAT:

13 (I) DESCRIBES THE ANALYSIS UNDERTAKEN FOR ROUTE SELECTION;

14 (II) DEMONSTRATES THAT THE TRANSMISSION DEVELOPER
15 CONSIDERED OR IS CONSIDERING DEVELOPMENT SITES IN THE FOLLOWING
16 ORDER OF PRIORITY:

17 (A) FIRST, EXISTING UTILITY CORRIDORS, WHERE ADDING NEW
18 LINES OR MAKING IMPROVEMENTS TO EXISTING LINES CAN ACHIEVE
19 EXPANDED ELECTRIC CAPACITY AT THE LOWEST POSSIBLE COST;

20 (B) SECOND, STATE HIGHWAY RIGHTS-OF-WAY; AND

21 (C) LAST, NEW UTILITY CORRIDORS; AND

22 (III) INCLUDES AN EVALUATION OF THE ECONOMIC IMPACTS,
23 ENGINEERING CONSIDERATIONS, AND RELIABILITY OF THE ELECTRIC
24 SYSTEM.

25 (b) A TRANSMISSION DEVELOPER SHALL UPDATE THE REPORT
26 DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION IF THE TRANSMISSION
27 DEVELOPER MATERIALLY CHANGES THE TRANSMISSION ROUTE BEYOND

1 MINOR ROUTE ADJUSTMENTS AND SHALL MAKE THE UPDATED REPORT
2 AVAILABLE ON THE SAME PUBLIC-FACING PROJECT WEBSITE OR UTILITY
3 WEBSITE.

4 (c) NOTHING IN THIS SUBSECTION (3) REQUIRES A TRANSMISSION
5 DEVELOPER TO SELECT AN EXISTING UTILITY CORRIDOR OR A STATE
6 HIGHWAY RIGHT-OF-WAY FOR DEVELOPMENT OF HIGH VOLTAGE LINES OR
7 FACILITIES.

8 (4) **Compensation to department for right-of-way access.**

9 (a) (I) A TRANSMISSION DEVELOPER SHALL COMPENSATE THE
10 DEPARTMENT FOR ITS CO-LOCATION OF HIGH VOLTAGE LINES IN A STATE
11 HIGHWAY RIGHT-OF-WAY. A TRANSMISSION DEVELOPER MAY
12 COMPENSATE THE DEPARTMENT THROUGH SURCHARGES AS PROVIDED IN
13 SUBSECTION (4)(b) OF THIS SECTION OR THROUGH A PUBLIC-PRIVATE
14 INITIATIVE AS PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION.

15 (II) THE SURCHARGES FOR A TRANSMISSION DEVELOPER'S USE OF
16 A STATE HIGHWAY RIGHT-OF-WAY IS AN ALTERNATIVE METHOD TO
17 COMPENSATING THE STATE THROUGH IN-KIND INFRASTRUCTURE
18 EXCHANGE IN A PUBLIC-PRIVATE INITIATIVE, AS DEFINED IN SECTION
19 43-1-1201 (3). THE ENTITY REQUESTING ACCESS TO THE RIGHT-OF-WAY
20 HAS THE DISCRETION TO CHOOSE WHICH PROCESS IT WILL USE TO
21 COMPENSATE THE STATE FOR ITS USE OF THE RIGHT-OF-WAY.

22 (III) A TRANSMISSION DEVELOPER MAY ENTER INTO A
23 PUBLIC-PRIVATE INITIATIVE TO COMPENSATE THE DEPARTMENT FOR
24 ACCESS TO THE STATE HIGHWAY RIGHT-OF-WAY AFTER RULEMAKING
25 PURSUANT TO SUBSECTION (6) OF THIS SECTION IS COMPLETE. THE OPTION
26 TO COMPENSATE THE DEPARTMENT FOR ACCESS TO THE STATE HIGHWAY
27 RIGHT-OF-WAY BY PAYING SURCHARGES IS AVAILABLE BEGINNING ON

1 JULY 1, 2027.

2 (b) THE DEPARTMENT MAY IMPOSE SURCHARGES ON A
3 TRANSMISSION DEVELOPER FOR ITS ACCESS TO A STATE HIGHWAY
4 RIGHT-OF-WAY, INCLUDING A ONE-TIME SURCHARGE TO COVER THE COSTS
5 OF A PERMIT FOR THE USE OF THE RIGHT-OF-WAY AND AN ANNUAL USE
6 SURCHARGE FOR THE USE OF THE RIGHT-OF-WAY. THE DEPARTMENT SHALL
7 ESTABLISH THE SURCHARGES BY RULE PURSUANT TO SUBSECTION
8 (6)(b)(IV) OF THIS SECTION.

9 (c) A TRANSMISSION DEVELOPER MAY COMPENSATE THE
10 DEPARTMENT FOR ITS ACCESS TO A STATE HIGHWAY RIGHT-OF-WAY
11 THROUGH IN-KIND INFRASTRUCTURE EXCHANGE IN A PUBLIC-PRIVATE
12 INITIATIVE, AS DEFINED IN SECTION 43-1-1201 (3).

13 (5) **State highway corridor study - report.** (a) THROUGH A
14 PUBLIC-PRIVATE PARTNERSHIP, WHERE FUNDING IS PROVIDED BY PRIVATE
15 PARTNERS, THE COLORADO ELECTRIC TRANSMISSION AUTHORITY
16 CREATED IN SECTION 40-42-103, IN COLLABORATION WITH THE
17 DEPARTMENT, THE COLORADO ENERGY OFFICE CREATED IN SECTION
18 24-38.5-101, THE COLORADO PUBLIC UTILITIES COMMISSION CREATED IN
19 SECTION 40-2-101, AND OTHER STATE AGENCIES, INCLUDING THE DIVISION
20 OF PARKS AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES
21 CREATED IN SECTION 33-9-104, SHALL STUDY STATE HIGHWAY CORRIDORS
22 TO IDENTIFY POTENTIAL CORRIDORS THAT MAY BE SUITABLE FOR HIGH
23 VOLTAGE TRANSMISSION LINE DEVELOPMENT. THE STUDY MUST IDENTIFY
24 ALL PRIVATE ENTITIES PROVIDING FUNDING.

25 (b) THE COLORADO ENERGY OFFICE AND THE COLORADO ELECTRIC
26 TRANSMISSION AUTHORITY SHALL COMPLETE THE STUDY REQUIRED BY
27 THIS SUBSECTION (5) NO LATER THAN EIGHTEEN MONTHS AFTER THE DATE

1 THAT FUNDING IS SECURED FROM PRIVATE PARTNERS.

2 (c) THE COLORADO ENERGY OFFICE AND THE COLORADO ELECTRIC
3 TRANSMISSION AUTHORITY SHALL PUBLISH A REPORT ON THE FINDINGS OF
4 THE STUDY REQUIRED BY THIS SUBSECTION (5) ON THEIR WEBSITES AND
5 SHALL SHARE THE REPORT WITH THE DEPARTMENT, THE COLORADO PUBLIC
6 UTILITIES COMMISSION, THE DIVISION OF PARKS AND WILDLIFE IN THE
7 DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 33-9-104,
8 AND, AS APPROPRIATE, OTHER STATE AGENCIES.

9 (6) **Rules.** (a) THE DEPARTMENT SHALL UPDATE ITS RULES
10 CONCERNING ACCESS TO STATE HIGHWAY RIGHTS-OF-WAY TO
11 ACCOMMODATE HIGH VOLTAGE LINES PURSUANT TO THE STATE HIGHWAY
12 UTILITY ACCOMMODATION CODE, 2 CCR 601-18, OR ANY SUCCESSOR
13 CODE.

14 (b) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES AS NECESSARY
15 TO IMPLEMENT THIS SECTION. THE RULES MUST:

16 (I) CLARIFY THAT LONGITUDINAL HIGH VOLTAGE LINES MAY BE
17 PERMITTED IN STATE HIGHWAY RIGHTS-OF-WAY IF IDENTIFIED CRITERIA
18 ARE MET;

19 (II) CREATE A PROCESS THROUGH WHICH A TRANSMISSION
20 DEVELOPER MUST SUBMIT A REQUEST TO THE DEPARTMENT FOR A PERMIT
21 FOR THE USE OF A STATE HIGHWAY RIGHT-OF-WAY TO CONSTRUCT A HIGH
22 VOLTAGE LINE;

23 (III) ESTABLISH THE PROCESS FOR THE DENIAL OF A PERMIT
24 REQUEST SUBMITTED BY A TRANSMISSION DEVELOPER FOR A HIGH
25 VOLTAGE LINE IF THE PROPOSED PROJECT PRESENTS A RISK TO PUBLIC
26 SAFETY OR PREVENTS THE PROPER FUNCTIONING OF THE STATE HIGHWAY;
27 AND

1 (IV) SET THE SURCHARGES FOR A TRANSMISSION DEVELOPER'S
2 ACCESS TO A STATE HIGHWAY RIGHT-OF-WAY, AS DESCRIBED IN
3 SUBSECTION (4) OF THIS SECTION, AS FOLLOWS:

4 (A) SURCHARGES MUST BE PAID AT A RATE OF SIX HUNDRED
5 DOLLARS PER MILE;

6 (B) SURCHARGES COVER A TWENTY-YEAR ACCESS TERM AND MAY
7 BE PAID AS A LUMP SUM ONE-TIME PAYMENT OF TWELVE THOUSAND
8 DOLLARS PER MILE OR AS AN ANNUAL PAYMENT OF SIX HUNDRED DOLLARS
9 PER MILE FOR EACH YEAR OF THE TWENTY-YEAR ACCESS TERM;

10 (C) BEGINNING ON JULY 1, 2028, AND ON EVERY JULY 1
11 THEREAFTER, THE DEPARTMENT MAY ADJUST THE AMOUNT OF THE
12 DOLLAR-PER-MILE SURCHARGE FOR INFLATION IN ACCORDANCE WITH THE
13 AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
14 DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
15 NATIONAL HIGHWAY CONSTRUCTION COST INDEX OR ITS APPLICABLE
16 PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING
17 ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN
18 INFLATION ADJUSTMENT TO THE SURCHARGE IS MADE TO BEGIN;

19 (D) THE TWENTY-YEAR ACCESS TERM COVERED BY THE
20 SURCHARGES MAY BE RENEWED EVERY TWENTY YEARS; AND

21 (E) THE DEPARTMENT SHALL ESTABLISH PRORATED SURCHARGES
22 FOR HIGH VOLTAGE LINE TRANSMISSION DEVELOPMENT PROJECTS WITH
23 INSTALLATIONS OF LESS THAN THREE HUNDRED FEET.

24 (c) THE DEPARTMENT SHALL UPDATE ITS RULES AS REQUIRED BY
25 SUBSECTION (6)(a) OF THIS SECTION AND ADOPT THE RULES REQUIRED BY
26 SUBSECTION (6)(b) OF THIS SECTION NO LATER THAN JANUARY 1, 2027.

27 **SECTION 3.** In Colorado Revised Statutes, 12-10-602, **amend**

1 (9)(b)(VI) as follows:

2 **12-10-602. Definitions.** As used in this part 6, unless the context
3 otherwise requires:

4 (9) (b) "Real estate appraiser" or "appraiser" does not include:

5 (VI) A right-of-way acquisition agent, an appraiser who is
6 licensed and certified pursuant to this part 6, or any other individual who
7 has sufficient understanding of the local real estate market to be qualified
8 to make a waiver valuation when the agent, appraiser, or other qualified
9 individual is employed by or contracts with a public entity and provides
10 an opinion of value that is not represented as an appraisal and when, for
11 any purpose, the property or portion of property being valued is valued at
12 ~~twenty-five thousand dollars or less, as~~ NOT MORE THAN THE SPECIFIED
13 AMOUNT permitted by federal law and 49 CFR 24.102 (c)(2), as amended;

14 **SECTION 4. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2026 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.