

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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 BOTH UNINCORPORATED AND INCORPORATED AREAS OF THE**
104 **COUNTY AS A PRIMARY ROAD OF THE COUNTY HIGHWAY**
105 **SYSTEM, AND, IN CONNECTION THEREWITH, SPECIFYING THE**
106 **JURISDICTION, CONTROL, AND DUTIES OF THE COUNTY AND OF**
107 **A MUNICIPALITY THROUGH WHICH THE HIGHWAY PASSES WITH**
108 **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

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.

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

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, 43-2-110, **add** (1.5)
3 as follows:

4 **43-2-110. Selection by county - notice - secondary system.**

5 (1.5) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY
6 DESIGNATE AS A PRIMARY ROAD ANY FOUR-LANE CONTROLLED-ACCESS
7 COUNTY HIGHWAY THAT IS LOCATED BOTH WITHIN THE UNINCORPORATED
8 AREA OF THE COUNTY AND WITHIN A CITY OR INCORPORATED TOWN. THE
9 RESPECTIVE JURISDICTION, CONTROL, AND DUTY OF THE COUNTY AND A
10 CITY OR INCORPORATED TOWN WITH RESPECT TO A FOUR-LANE
11 CONTROLLED-ACCESS COUNTY HIGHWAY THAT HAS BEEN DESIGNATED AS
12 A PRIMARY ROAD IS AS FOLLOWS:

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

17 (b) THE COUNTY HAS THE AUTHORITY TO GRANT OR DENY ACCESS
18 TO THE HIGHWAY.

19 (c) THE COUNTY HAS THE AUTHORITY TO PROHIBIT THE
20 SUSPENSION OF SIGNS, BANNERS, OR DECORATIONS ABOVE THE PORTION
21 OF THE HIGHWAY BETWEEN THE CURBS OR, IF THE HIGHWAY DOES NOT

1 HAVE CURBS, BETWEEN THE PORTION OF THE HIGHWAY USED FOR
2 VEHICULAR TRAVEL UP TO A VERTICAL HEIGHT OF TWENTY FEET ABOVE
3 THE SURFACE OF THE HIGHWAY.

4 (d) THE CITY OR INCORPORATED TOWN SHALL MAINTAIN ALL
5 UNDERGROUND FACILITIES IN THE HIGHWAY AT ITS OWN EXPENSE AND HAS
6 THE RIGHT TO CONSTRUCT SUCH UNDERGROUND FACILITIES AS MAY BE
7 NECESSARY IN THE HIGHWAY.

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

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

15 (g) THE COUNTY HAS THE RIGHT TO UTILIZE ALL STORM SEWERS ON
16 THE HIGHWAY WITHOUT COST; AND IF NEW STORM SEWER FACILITIES ARE
17 NECESSARY IN CONSTRUCTION OF THE HIGHWAY BY THE COUNTY, THE
18 COUNTY AND THE MUNICIPALITY SHALL BEAR THE COST OF THE FACILITIES
19 AS MUTUALLY AGREED UPON BY THE BOARD OF COUNTY COMMISSIONERS
20 OF THE COUNTY AND THE LOCAL GOVERNING BODY OF THE CITY OR
21 INCORPORATED TOWN.

22 (h) THE CITY OR INCORPORATED TOWN SHALL REGULATE AND
23 ENFORCE ALL TRAFFIC AND PARKING RESTRICTIONS ON THE PORTION OF
24 THE HIGHWAY THAT IS LOCATED WITHIN THE CITY OR INCORPORATED
25 TOWN.

26 (i) THE COUNTY SHALL ERECT, CONTROL, AND MAINTAIN AT
27 COUNTY EXPENSE ALL ROUTE MARKERS AND DIRECTIONAL SIGNS, EXCEPT

1 STREET SIGNS, ON THE PORTION OF THE HIGHWAY LOCATED WITHIN THE
2 CITY OR INCORPORATED TOWN.

3 (j) THE COUNTY SHALL INSTALL, OPERATE, MAINTAIN, AND
4 CONTROL AT COUNTY EXPENSE ALL TRAFFIC CONTROL SIGNALS, SIGNS,
5 AND TRAFFIC CONTROL DEVICES ON THE PORTION OF THE HIGHWAY
6 LOCATED WITHIN THE CITY OR INCORPORATED TOWN. NO LOCAL
7 AUTHORITY SHALL ERECT OR MAINTAIN ANY STOP SIGN OR TRAFFIC
8 CONTROL SIGNAL AT ANY LOCATION THAT REQUIRES THE TRAFFIC ON THE
9 HIGHWAY TO STOP BEFORE ENTERING OR CROSSING ANY INTERSECTING
10 HIGHWAY UNLESS THE LOCAL AUTHORITY FIRST OBTAINS APPROVAL IN
11 WRITING FROM THE COUNTY. FOR THE PURPOSES OF THIS PARAGRAPH (j),
12 "TRAFFIC CONTROL DEVICE" INCLUDES, BUT IS NOT LIMITED TO, STRIPING,
13 LANE-MARKING, AND CHANNELIZATION.

14 (k) EITHER THE CITY OR INCORPORATED TOWN OR THE COUNTY
15 SHALL ACQUIRE RIGHTS-OF-WAY FOR THE HIGHWAY AS MUTUALLY
16 AGREED UPON. COSTS OF ACQUIRING THE RIGHTS-OF-WAY MAY BE THE
17 SOLE EXPENSE OF THE COUNTY OR THE CITY OR INCORPORATED TOWN, OR
18 SHARED BY BOTH, AS MUTUALLY AGREED UPON. TITLE TO ALL
19 RIGHTS-OF-WAY ACQUIRED VEST IN THE CITY OR INCORPORATED TOWN, OR
20 IN THE COUNTY, ACCORDING TO THE AGREEMENT UNDER WHICH THE
21 RIGHTS-OF-WAY WERE SECURED.

22 (l) THE COUNTY IS AUTHORIZED TO ACQUIRE RIGHTS-OF-WAY FOR
23 THE HIGHWAY BY PURCHASE, GIFT, OR CONDEMNATION. ANY
24 CONDEMNATION PROCEEDING SHALL BE CONDUCTED IN THE MANNER
25 PROVIDED BY LAW FOR CONDEMNATION PROCEEDINGS TO ACQUIRE LANDS
26 REQUIRED FOR COUNTY HIGHWAYS. NOTHING IN THIS SUBSECTION (1.5)
27 ABROGATES THE RIGHT OF A HOME RULE CITY TO ACQUIRE LANDS FOR

1 PURPOSES AND IN THE MANNER SET FORTH IN THE CHARTER OF THE CITY.

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