

CHAPTER 134

TRANSPORTATION

HOUSE BILL 16-1155

BY REPRESENTATIVE(S) Saine and Mitsch Bush, Humphrey, Buck, Priola, Melton, Coram, Becker J., Nordberg, Brown, Klingenschmitt, Neville P.;

also SENATOR(S) Sonnenberg, Marble, Baumgardner, Cooke, Heath, Scott, Todd, Woods.

AN ACT

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

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

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

42-20-302. Application for route designation - procedure - approval.

(1) Petitions for new route designations or for a change in an existing route designation may be submitted to the patrol no more than once a year:

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

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

43-2-110. Selection by county - notice - secondary system. (1.5) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY THOUSAND OR MORE MAY DESIGNATE AS A PRIMARY ROAD ANY FOUR-LANE CONTROLLED-ACCESS COUNTY HIGHWAY, THE CONSTRUCTION OF WHICH COMMENCES IN 2016, THAT IS LOCATED WITHIN THE UNINCORPORATED AREA OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved: April 22, 2016