

CHAPTER 178

TRANSPORTATION

SENATE BILL 09-078

BY SENATOR(S) Newell, Foster, Heath, Romer, Williams;
also REPRESENTATIVE(S) Rice, Kagan, Todd.

AN ACT

CONCERNING THE ABANDONMENT OF PORTIONS OF THE STATE HIGHWAY SYSTEM TO LOCAL JURISDICTIONS.

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

SECTION 1. 43-2-106 (1), Colorado Revised Statutes, is amended to read:

43-2-106. Abandoned state highways. (1) (a) When a portion of a state highway is relocated and, because of the relocation, a portion of the route as it existed before the relocation is, in the opinion of the transportation commission, no longer necessary as a state highway, ~~such~~ THE portion shall be considered as abandoned. ~~Such~~ THE TRANSPORTATION COMMISSION MAY ALSO DETERMINE THAT ALL OR A PORTION OF A STATE HIGHWAY NO LONGER FUNCTIONS AS A PART OF THE STATE HIGHWAY SYSTEM, AND, WITH THE AGREEMENT OF EACH AFFECTED COUNTY OR MUNICIPALITY, THE STATE HIGHWAY OR PORTION THEREOF SHALL BE CONSIDERED AS ABANDONED. AN abandoned STATE HIGHWAY OR portion THEREOF shall become a county highway, upon the adoption of a resolution to that effect by the board of county commissioners OF AN AFFECTED COUNTY, or a city street, upon the adoption of an ordinance to that effect by the governing body of any ~~city or town~~ AFFECTED MUNICIPALITY, within ninety days after the official notification of ~~such~~ abandonment by the transportation commission. If the county ~~city, or town~~ OR MUNICIPALITY ceases to use the abandoned portion of the highway for the purpose of a county highway or a city street, title to ~~such~~ THE abandoned STATE HIGHWAY OR portion THEREOF shall revert to the department of transportation.

(b) WHEN THE DEPARTMENT OF TRANSPORTATION MAKES A PAYMENT TO A COUNTY OR MUNICIPALITY AS COMPENSATION FOR THE TRANSFER OF OWNERSHIP TO THE COUNTY OR MUNICIPALITY OF ALL OR A PORTION OF A STATE HIGHWAY ABANDONED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) AS A RESULT OF

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

THE GRANTING OF AN APPLICATION FOR SUCH A TRANSFER OF OWNERSHIP FILED ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE COUNTY OR MUNICIPALITY SHALL CREDIT THE PAYMENT TO A SPECIAL FUND TO BE USED ONLY FOR TRANSPORTATION-RELATED EXPENDITURES.

(c) FOR PURPOSES OF THIS SUBSECTION (1), ALL OR A PORTION OF A STATE HIGHWAY SHALL BE CONSIDERED TO FUNCTION AS PART OF THE STATE HIGHWAY SYSTEM, AND SHALL NOT BE DETERMINED BY THE TRANSPORTATION COMMISSION TO NO LONGER FUNCTION AS A PART OF THE STATE HIGHWAY SYSTEM, UNLESS THE COMMISSION AND EACH COUNTY OR MUNICIPALITY THAT WOULD BE AFFECTED BY THE ABANDONMENT OF THE STATE HIGHWAY OR PORTION OF A STATE HIGHWAY AGREE THAT THE STATE HIGHWAY OR PORTION OF A STATE HIGHWAY NO LONGER SERVES THE ONGOING PURPOSES OF THE STATE HIGHWAY SYSTEM.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 22, 2009