

CHAPTER 201

PUBLIC UTILITIES

HOUSE BILL 10-1276

BY REPRESENTATIVE(S) Levy, Fischer, Frangas, Labuda, Schafer S., Vigil;
also SENATOR(S) Mitchell, Boyd, Foster, Williams.

AN ACT

**CONCERNING THE SALE BY A RAILROAD COMPANY OF ITS RIGHT-OF-WAY FOR THE OPERATION OF
A PUBLIC PASSENGER RAIL SERVICE.**

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

SECTION 1. 40-20-103, Colorado Revised Statutes, is amended to read:

40-20-103. Right-of-way for changed line - sale of right-of-way for public passenger rail service - definitions. (1) Any railroad company having located its line of road, whether the same is completed or not, may make a new location of its line and may acquire the right-of-way for such new line in the same manner as is now provided for acquiring the right-of-way by the statutes of Colorado; but in acquiring said new right-of-way, the previous right-of-way shall revert to the owner of the land through which said previous right-of-way was granted upon the payment or tendering payment to the railroad company of the amount assessed by the board of appraisers and paid by said railroad company for said previous right-of-way.

(2) (a) ANY RAILROAD COMPANY MAY SELL ITS RIGHT-OF-WAY FOR THE OPERATION OF A PUBLIC PASSENGER RAIL SERVICE. IN SUCH CASE, THE RIGHT-OF-WAY SHALL CONTINUE TO BE USED AS A PUBLIC HIGHWAY ONLY FOR OPERATION OF PUBLIC PASSENGER RAIL SERVICE FOR PURPOSES OF SECTION 4 OF ARTICLE XV OF THE STATE CONSTITUTION IF OWNERSHIP OF THE RIGHT-OF-WAY IS TRANSFERRED TO A PUBLIC PASSENGER RAIL SERVICE PROVIDER, REGARDLESS OF:

(I) WHETHER OR NOT AN ORDER OF ABANDONMENT HAS BEEN ISSUED FOR THE RIGHT-OF-WAY BY THE FEDERAL SURFACE TRANSPORTATION BOARD, ANY SUCCESSOR FEDERAL AGENCY, OR BY ANY COURT OF COMPETENT JURISDICTION;

(II) THE TECHNOLOGY USED TO OPERATE THE PUBLIC PASSENGER RAIL SERVICE;

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

OR

(III) WHETHER OWNERSHIP OF THE RAILROAD IS PUBLIC OR PRIVATE.

(b) NO RAIL SERVICE PROVIDER OPERATING PUBLIC PASSENGER RAIL SERVICE AS AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE REQUIRED TO OFFER ITS RIGHT-OF-WAY FOR USE BY ANY OTHER RAIL SERVICE PROVIDER BY OPERATION OF COLORADO LAW AFTER AN ORDER OF ABANDONMENT HAS BEEN ISSUED.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY VESTED RIGHT OF ANY PARTY.

(4) FOR PURPOSES OF THIS SECTION, "PUBLIC PASSENGER RAIL SERVICE" MEANS ANY PASSENGER SERVICE THAT RUNS ON RAILS OR ELECTROMAGNETIC GUIDEWAYS, INCLUDING BUT NOT LIMITED TO: COMMUTER OR OTHER SHORT-HAUL RAILROAD PASSENGER SERVICE IN A METROPOLITAN OR SUBURBAN AREA; HIGH-SPEED GROUND TRANSPORTATION SYSTEMS THAT CONNECT METROPOLITAN AREAS; OR RAPID TRANSIT OPERATIONS IN AN URBAN AREA THAT ARE NOT CONNECTED TO THE GENERAL RAILROAD SYSTEM OF TRANSPORTATION.

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 (August 11, 2010, if adjournment sine die is on May 12, 2010); 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 shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 5, 2010