

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0082.01 Jason Gelender x4330

HOUSE BILL 17-1166

HOUSE SPONSORSHIP

Navarro,

SENATE SPONSORSHIP

Grantham,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PRIORITIZATION OF ACCESS TO AND FROM PUBLIC
102 HIGHWAYS AND ADJOINING BUSINESSES.

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 adds public convenience and the provision of reasonable access to and from public highways and adjoining businesses to the existing purposes for which the department of transportation (CDOT) and local governments are authorized to regulate access to public highways and specifically requires the provision of reasonable access to and from public highways and adjoining businesses to be considered in the

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.

development by CDOT of a state highway access code (code). The bill also specifies that if failure to grant a variance from the code would deny reasonable access to or from a business adjoining a divided state highway and the far side of the divided state highway, the denial may amount to a taking that requires just compensation under constitutional and statutory provisions pertaining to eminent domain.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-2-147, **amend**
3 (1)(a), (4), and (7.5) as follows:

4 **43-2-147. Access to public highways - definitions.** (1) (a) The
5 department of transportation and local governments are authorized to
6 regulate vehicular access to ~~or~~ AND from any public highway under their
7 respective jurisdiction from or to property adjoining a public highway in
8 order to protect the public health, safety, ~~and~~ welfare, ~~to~~ AND
9 CONVENIENCE, maintain smooth traffic flow, ~~to~~ PROVIDE REASONABLE
10 ACCESS TO AND FROM PUBLIC HIGHWAYS AND ADJOINING BUSINESSES,
11 maintain highway right-of-way drainage, and ~~to~~ protect the functional
12 level of public highways. In furtherance of these purposes, all state
13 highways are hereby declared to be controlled-access highways, as
14 defined in section 42-1-102 (18). ~~C.R.S.~~

15 (4) The commission shall adopt a state highway access code, by
16 rule, ~~and regulation~~ for the implementation of this section on or after
17 March 16, 1980. The access code ~~shall~~ MUST address the design and
18 location of driveways and other points of access to public highways. The
19 access code ~~shall~~ MUST be consistent with the authority granted in this
20 section and ~~shall~~ MUST be based upon consideration of existing and
21 projected traffic volumes, the functional classification of public
22 highways, THE PROVISION OF REASONABLE ACCESS TO AND FROM STATE

1 HIGHWAYS AND ADJOINING BUSINESSES, adopted local transportation plans
2 and needs, drainage requirements, the character of lands adjoining the
3 highway, adopted local land use plans and zoning, the type and volume
4 of traffic to use the driveway, other operational aspects of the driveway,
5 the availability of vehicular access from local streets and roads rather than
6 a state highway, and reasonable access by city streets and county roads.

7 (7.5) The issuing authority shall grant a variance from the state
8 highway access code if such variance would not be inconsistent with
9 ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section and if
10 ~~such~~ THE variance is reasonably necessary for the convenience, safety,
11 and welfare of the public. If failure to grant a variance would deny
12 reasonable access to the general street system ~~such~~ OR REASONABLE
13 ACCESS TO OR FROM A BUSINESS ADJOINING A DIVIDED STATE HIGHWAY
14 AND THE FAR SIDE OF THE DIVIDED STATE HIGHWAY, THE denial may be
15 subject to the provisions of section 43-1-208 and section 15 of article II
16 of the state constitution.

17 **SECTION 2. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.