

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0876.01 Rebecca Bayetti x4348

HOUSE BILL 25-1292

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HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

(None),

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House Committees

Transportation, Housing & Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROCESS TO ALLOW A TRANSMISSION DEVELOPER  
102 TO LOCATE HIGH VOLTAGE TRANSMISSION LINES WITHIN A  
103 STATE HIGHWAY RIGHT-OF-WAY.

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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 allows a transmission developer to locate high voltage transmission lines within a state highway right-of-way, according to a process developed by rule by the department of transportation (department). The department may impose surcharges on a transmission developer for its co-location of high voltage lines in a state highway

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

right-of-way, including a one-time surcharge to cover the costs of a permit for the use of the state highway right-of-way and an annual use surcharge. Upon the request of a transmission developer, the department is required to provide to the transmission developer the best available information on potential future state highway development projects that could impact the placement of a high voltage line within a state highway right-of-way. In assessing potential sites for the placement of high voltage lines, a transmission developer is required to consider development sites in the following order of priority: First, existing utility corridors; second, state highway rights-of-way; and last, new utility corridors.

The bill also requires the Colorado energy office and the Colorado electric transmission authority, through a public-private partnership and in collaboration with the department, the Colorado public utilities commission, and other state agencies, to study state highway corridors to identify potential corridors that may be suitable for high voltage transmission line development.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Colorado will need to expand electric transmission to meet its  
5 clean energy and greenhouse gas reduction targets and reliability and  
6 affordability obligations;

7 (b) It is the policy of the state that high voltage transmission lines  
8 may be constructed or maintained within the access control lines of  
9 highway, freeway, and interstate highway rights-of-way unless the  
10 executive director of the Colorado department of transportation,  
11 consulting with appropriate state agencies, disapproves of this co-location  
12 to protect public safety, communities, and wildlife habitat, crossings, and  
13 migratory corridors or to ensure the proper functioning of a state  
14 highway, freeway, or interstate highway. If the installation is on an  
15 interstate highway, the express approval of the federal highway  
16 administration is required and the project may be required to undergo the

1 review process required by the federal "National Environmental Policy  
2 Act of 1969", 42 U.S.C. sec. 4321, et seq.

3 (c) Co-locating transmission lines along highways can  
4 significantly reduce impacts on wildlife and habitat compared to building  
5 new lines through greenfield areas. The impacts on communities,  
6 including disproportionately impacted communities, must be evaluated  
7 and mitigated through the use of approaches like those outlined in the  
8 Colorado electric transmission authority's 2024 "Principles of Community  
9 Engagement" and the Colorado environmental justice action task force's  
10 2022 "Final Report of Recommendations".

11 **SECTION 2.** In Colorado Revised Statutes, **add** 43-1-228 as  
12 follows:

13 **43-1-228. High voltage lines in state highway right-of-way -**  
14 **development projects and priorities - surcharge - study - rules -**  
15 **definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE  
16 CONTEXT OTHERWISE REQUIRES:

17 (a) "HIGH VOLTAGE LINE" HAS THE SAME MEANING AS SET FORTH  
18 IN SECTION 29-7.5-103 (1).

19 (b) "RULE" HAS THE SAME MEANING AS SET FORTH IN SECTION  
20 24-4-102 (15).

21 (c) "STATE HIGHWAY" MEANS ANY HIGHWAY OWNED,  
22 CONTROLLED, OR MAINTAINED BY THE STATE, INCLUDING FEDERAL-AID  
23 PRIMARY OR SECONDARY SYSTEMS OR THE INTERSTATE SYSTEM. "STATE  
24 HIGHWAY" DOES NOT INCLUDE A PUBLIC HIGHWAY OPERATED BY A PUBLIC  
25 HIGHWAY AUTHORITY IN ACCORDANCE WITH THE "PUBLIC HIGHWAY  
26 AUTHORITY LAW", PART 5 OF ARTICLE 4 OF THIS TITLE 43.

27 (d) "TRANSMISSION DEVELOPER" MEANS:

1 (I) A TRANSMISSION UTILITY, AS DEFINED IN SECTION 40-5-108  
2 (1)(b);

3 (II) THE COLORADO ELECTRIC TRANSMISSION AUTHORITY  
4 CREATED IN SECTION 40-42-103;

5 (III) A GENERATION AND TRANSMISSION COOPERATIVE OR  
6 ASSOCIATION; AND

7 (IV) ANY OF THE FOLLOWING ENTITIES THAT HAVE VOTED TO  
8 EXEMPT THEMSELVES FROM THE "PUBLIC UTILITIES LAW", ARTICLES 1 TO  
9 7 OF TITLE 40, PURSUANT TO SECTION 40-9.5-103:

10 (A) A MUNICIPALLY OWNED UTILITY;

11 (B) A POWER AUTHORITY ESTABLISHED PURSUANT TO SECTION  
12 29-1-204 (1); OR

13 (C) A COOPERATIVE ELECTRIC ASSOCIATION, AS DEFINED IN  
14 SECTION 40-9.5-102 (1).

15 (2) **State highway high voltage line co-location projects.**

16 (a) (I) UPON THE REQUEST OF A TRANSMISSION DEVELOPER, THE  
17 DEPARTMENT SHALL PROVIDE TO THE TRANSMISSION DEVELOPER THE BEST  
18 AVAILABLE INFORMATION ON POTENTIAL FUTURE STATE HIGHWAY  
19 DEVELOPMENT PROJECTS, AS INCLUDED IN THE STATEWIDE  
20 TRANSPORTATION PLAN, THAT COULD IMPACT THE PLACEMENT OF A HIGH  
21 VOLTAGE LINE WITHIN A STATE HIGHWAY RIGHT-OF-WAY.

22 (II) THE DEPARTMENT SHALL PROCESS SUCH A REQUEST FOR  
23 INFORMATION IN THE ORDER THAT IT WAS RECEIVED, IN ACCORDANCE  
24 WITH THE DEPARTMENT'S SPECIAL USE PERMITTING PROCESS.

25 (b) (I) IF THE DEPARTMENT AND A TRANSMISSION DEVELOPER  
26 AGREE THAT AN IDENTIFIED SITE MAY BE SUITABLE FOR DEVELOPMENT OR  
27 CONSTRUCTION OF A HIGH VOLTAGE LINE WITHIN A STATE HIGHWAY

1 RIGHT-OF-WAY, THE DEPARTMENT SHALL DEVELOP A PRECONSTRUCTION  
2 PLAN REVIEW SCHEDULE THAT INCLUDES ALL APPLICABLE SECTIONS OF  
3 THE STATE HIGHWAY UTILITY ACCOMMODATION CODE, 2 CCR 601-18, OR  
4 ANY SUCCESSOR CODE.

5 (II) UPON APPROVAL OF THE PRECONSTRUCTION REQUIREMENTS  
6 OUTLINED IN A PRECONSTRUCTION PLAN, THE TRANSMISSION DEVELOPER  
7 SHALL PROVIDE A CONSTRUCTABILITY, ACCESS, AND MAINTENANCE  
8 REPORT TO BE UTILIZED WHEN TRANSMISSION LINE CO-LOCATION PROJECTS  
9 IN A STATE HIGHWAY RIGHT-OF-WAY ARE BEING PLANNED AND APPROVED.  
10 THE CONSTRUCTABILITY, ACCESS, AND MAINTENANCE REPORT MUST  
11 OUTLINE MITIGATION STRATEGIES NEEDED TO EFFECTIVELY AVOID OR  
12 ADDRESS POTENTIAL IMPACTS TO COMMUNITIES, INCLUDING  
13 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND TO HABITATS,  
14 WILDLIFE, AND WILDLIFE CROSSINGS.

15 (III) A CONSTRUCTABILITY, ACCESS, AND MAINTENANCE REPORT  
16 MUST BE APPROVED BY THE DEPARTMENT BEFORE THE DEPARTMENT  
17 ISSUES A PERMIT FOR THE USE OF A STATE HIGHWAY RIGHT-OF-WAY.

18 (3) **High voltage line or facility site priorities and evaluation by**  
19 **public utilities commission.** (a) (I) IN THE CONSTRUCTION OR  
20 DEVELOPMENT OF HIGH VOLTAGE LINES OR FACILITIES NECESSARY FOR  
21 HIGH VOLTAGE TRANSMISSION, A TRANSMISSION DEVELOPER SHALL  
22 CONSIDER DEVELOPMENT SITES IN THE FOLLOWING ORDER OF PRIORITY:

23 (A) FIRST, EXISTING UTILITY CORRIDORS, WITH A PREFERENCE FOR  
24 USING ADVANCED TRANSMISSION TECHNOLOGIES, INCLUDING  
25 GRID-ENHANCING TECHNOLOGIES; RECONDUCTORING WITH ADVANCED  
26 CONDUCTORS; OR MAKING OTHER IMPROVEMENTS TO EXISTING  
27 INFRASTRUCTURE THAT ACHIEVE EXPANDED ELECTRIC CAPACITY AT THE

1       LOWEST POSSIBLE COST;

2               (B) SECOND, STATE HIGHWAY RIGHTS-OF-WAY; AND

3               (C) LAST, NEW UTILITY CORRIDORS.

4               (II) IN ASSESSING POTENTIAL HIGH VOLTAGE TRANSMISSION LINE  
5       DEVELOPMENT SITES IN ACCORDANCE WITH THIS SUBSECTION (3)(a), A  
6       TRANSMISSION DEVELOPER SHALL EVALUATE THE ECONOMIC IMPACTS,  
7       ENGINEERING CONSIDERATIONS, AND RELIABILITY OF THE ELECTRIC  
8       SYSTEM.

9               (b) (I) IF REQUIRED TO FILE AN APPLICATION FOR A CERTIFICATE OF  
10       PUBLIC CONVENIENCE AND NECESSITY WITH THE PUBLIC UTILITIES  
11       COMMISSION CREATED IN SECTION 40-2-101, A TRANSMISSION DEVELOPER  
12       SHALL DEMONSTRATE THAT IT HAS CONSIDERED POTENTIAL SITES FOR  
13       HIGH VOLTAGE TRANSMISSION LINE DEVELOPMENTS IN THE ORDER OF  
14       PRIORITY LISTED IN SUBSECTION (3)(a) OF THIS SECTION. THE  
15       TRANSMISSION DEVELOPER SHALL INCLUDE ITS ASSESSMENT OF POTENTIAL  
16       SITES AND THE UNDERLYING DATA USED IN THE ASSESSMENT AS PART OF  
17       ITS APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND  
18       NECESSITY.

19              (II) IN EVALUATING AN APPLICATION FOR A CERTIFICATE OF PUBLIC  
20       CONVENIENCE AND NECESSITY FROM A TRANSMISSION DEVELOPER, THE  
21       PUBLIC UTILITIES COMMISSION SHALL ASSESS WHETHER THE  
22       TRANSMISSION DEVELOPER HAS PROVIDED THE INFORMATION REQUIRED  
23       BY SUBSECTION (3)(b)(I) OF THIS SECTION.

24              (4) **Surcharges for right-of-way access for transmission**  
25       **developer.** (a) THE DEPARTMENT MAY IMPOSE SURCHARGES ON A  
26       TRANSMISSION DEVELOPER FOR ITS CO-LOCATION OF HIGH VOLTAGE LINES  
27       IN A STATE HIGHWAY RIGHT-OF-WAY, INCLUDING A ONE-TIME SURCHARGE

1 TO COVER THE COSTS OF A PERMIT FOR THE USE OF THE STATE HIGHWAY  
2 RIGHT-OF-WAY AND AN ANNUAL USE SURCHARGE FOR THE USE OF THE  
3 STATE HIGHWAY RIGHT-OF-WAY.

4 (b) (I) THE DEPARTMENT SHALL ESTABLISH THE SURCHARGES BY  
5 RULE PURSUANT TO SUBSECTION (6) OF THIS SECTION.

6 (II) THE SURCHARGES FOR A TRANSMISSION DEVELOPER'S USE OF  
7 A STATE HIGHWAY RIGHT-OF-WAY MUST BE IN ADDITION TO AMOUNTS  
8 PAYABLE BY THE TRANSMISSION DEVELOPER UNDER THE TERMS OF A  
9 PUBLIC-PRIVATE INITIATIVE, AS DEFINED IN SECTION 43-1-1201 (3),  
10 ENTERED INTO ACCORDING TO PART 12 OF THIS ARTICLE 1.

11 (5) **State highway corridor study - report.** (a) THROUGH A  
12 PUBLIC-PRIVATE PARTNERSHIP, WHERE FUNDING IS PROVIDED BY PRIVATE  
13 PARTNERS, THE COLORADO ENERGY OFFICE CREATED IN SECTION  
14 24-38.5-101 AND THE COLORADO ELECTRIC TRANSMISSION AUTHORITY  
15 CREATED IN SECTION 40-42-103, IN COLLABORATION WITH THE  
16 DEPARTMENT, THE COLORADO PUBLIC UTILITIES COMMISSION CREATED IN  
17 SECTION 40-2-101, AND OTHER STATE AGENCIES, SHALL STUDY STATE  
18 HIGHWAY CORRIDORS TO IDENTIFY POTENTIAL CORRIDORS THAT MAY BE  
19 SUITABLE FOR HIGH VOLTAGE TRANSMISSION LINE DEVELOPMENT.

20 (b) THE COLORADO ENERGY OFFICE AND THE COLORADO ELECTRIC  
21 TRANSMISSION AUTHORITY SHALL COMPLETE THE STUDY REQUIRED BY  
22 THIS SUBSECTION (5) NO LATER THAN EIGHTEEN MONTHS AFTER THE DATE  
23 THAT FUNDING IS SECURED FROM PRIVATE PARTNERS.

24 (c) THE COLORADO ENERGY OFFICE AND THE COLORADO ELECTRIC  
25 TRANSMISSION AUTHORITY SHALL PUBLISH A REPORT ON THE FINDINGS OF  
26 THE STUDY REQUIRED BY THIS SUBSECTION (5) ON THEIR WEBSITES AND  
27 SHALL SHARE THE REPORT WITH THE DEPARTMENT, THE COLORADO PUBLIC

1 UTILITIES COMMISSION, THE DIVISION OF PARKS AND WILDLIFE IN THE  
2 DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 33-9-104,  
3 AND, AS APPROPRIATE, OTHER STATE AGENCIES.

4 (6) **Rules.** (a) THE DEPARTMENT SHALL UPDATE ITS RULES  
5 CONCERNING ACCESS TO STATE HIGHWAY RIGHTS-OF-WAY TO  
6 ACCOMMODATE HIGH VOLTAGE LINES PURSUANT TO THE STATE HIGHWAY  
7 UTILITY ACCOMMODATION CODE, 2 CCR 601-18, OR ANY SUCCESSOR  
8 CODE.

9 (b) THE EXECUTIVE DIRECTOR MAY ADOPT RULES AS NECESSARY  
10 TO IMPLEMENT THIS SECTION. THE RULES MUST:

11 (I) CLARIFY THAT LONGITUDINAL HIGH VOLTAGE LINES MAY BE  
12 PERMITTED IN STATE HIGHWAY RIGHTS-OF-WAY IF IDENTIFIED CRITERIA  
13 ARE MET;

14 (II) CREATE A PROCESS THROUGH WHICH A TRANSMISSION  
15 DEVELOPER MUST SUBMIT A REQUEST TO THE DEPARTMENT FOR A PERMIT  
16 FOR THE USE OF A STATE HIGHWAY RIGHT-OF-WAY TO CONSTRUCT A HIGH  
17 VOLTAGE LINE;

18 (III) ESTABLISH CRITERIA FOR THE DENIAL OF A PERMIT REQUEST  
19 SUBMITTED BY A TRANSMISSION DEVELOPER FOR A HIGH VOLTAGE LINE IF  
20 THE PROPOSED PROJECT PRESENTS A RISK TO PUBLIC SAFETY OR PREVENTS  
21 THE PROPER FUNCTIONING OF THE STATE HIGHWAY; AND

22 (IV) SET THE SURCHARGES AS DESCRIBED IN SUBSECTION (4) OF  
23 THIS SECTION.

24 (c) THE DEPARTMENT SHALL UPDATE ITS RULES AS REQUIRED BY  
25 SUBSECTION (6)(a) OF THIS SECTION AND ADOPT THE RULES REQUIRED BY  
26 SUBSECTION (6)(b) OF THIS SECTION NO LATER THAN JANUARY 1, 2027.

27 **SECTION 3. Act subject to petition - effective date.** This act



1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2026 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.