

## CHAPTER 136

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**TRANSPORTATION**

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**HOUSE BILL 00-1057**

BY REPRESENTATIVES Swenson and Mitchell;  
also SENATOR Musgrave.

**AN ACT**

CONCERNING AN EXCEPTION TO THE THREE-LANE HIGHWAY AT-GRADE INTERSECTION PROHIBITION IN THE "PUBLIC HIGHWAY AUTHORITY LAW".

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

**SECTION 1.** 43-4-503 (12), Colorado Revised Statutes, is amended to read:

**43-4-503. Definitions.** As used in this part 5, unless the context otherwise requires:

(12) "Public highway" means a beltway or other transportation improvement located in a metropolitan region which shall be an expressway which generally circumscribes a metropolitan region and will be primarily utilized for major traffic movement at higher traffic speeds. ~~Upon completion, no public highway of more than three lanes shall have at-grade intersections.~~ A public highway may, as the board determines, consist of improvements, including, but not limited to, paving, grading, landscaping, curbs, gutters, culverts, sidewalks, bikeways, lighting, bridges, overpasses, underpasses, rail crossings, frontage roads, access roads, interchanges, drainage facilities, mass transit lanes, park-and-ride facilities, toll collection facilities, service areas, administrative or maintenance facilities, gas, electric, water, sewer, and other utilities located or to be located in the right-of-way for a public highway, and other real or personal property, including easements, rights-of-way, and other interests therein, relating to the financing, construction, operation, or maintenance of a public highway.

**SECTION 2.** 43-4-506 (1) (f), Colorado Revised Statutes, is amended to read:

**43-4-506. Powers of the authority - inclusion or exclusion of property - determination of public highway alignment.** (1) In addition to any other powers

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

granted to the authority pursuant to this part 5, the authority has the following powers:

(f) To construct, finance, operate, or maintain public highways within or without the boundaries of the authority; except that:

(I) The authority shall not construct public highways in any territory located outside the boundaries of the authority and within the boundaries of a municipality without the consent of the governing body of such municipality or within the unincorporated boundaries of a county without the consent of the governing body of such county; AND

(II) (A) UPON COMPLETION, NO PUBLIC HIGHWAY OF MORE THAN THREE LANES SHALL HAVE AT-GRADE INTERSECTIONS UNLESS THE AUTHORITY IS CONSTRUCTING A PUBLIC HIGHWAY TO USE OR CONNECT TO EXISTING AT-GRADE INFRASTRUCTURE, THE GOVERNING BODY OF THE MUNICIPALITY, COUNTY, OR ENTITY THAT OWNS THE AT-GRADE INFRASTRUCTURE HAS APPROVED THE USE OF THE EXISTING AT-GRADE INFRASTRUCTURE AS A PART OF THE PUBLIC THREE-LANE HIGHWAY, AND THE AUTHORITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION HAVE EXECUTED AN INTERGOVERNMENTAL AGREEMENT THAT SPECIFIES THE CIRCUMSTANCES UNDER WHICH THE CONSTRUCTION OF AN ABOVE-GRADE OR BELOW-GRADE INTERSECTION IS REQUIRED AND THE ENTITY RESPONSIBLE FOR PAYMENT OF CONSTRUCTION COSTS TO BUILD SUCH INTERSECTION.

(B) IF THE AUTHORITY IS CONNECTING WITH THE AT-GRADE INFRASTRUCTURE OF THE COLORADO DEPARTMENT OF TRANSPORTATION, THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL BE REQUIRED TO GIVE THE APPROVAL REQUIRED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II).

**SECTION 3. 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; 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 28, 2000