

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0123.01 Jason Gelender

HOUSE BILL 10-1088

HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DEVOLUTION OF STATE HIGHWAYS THAT ARE
102 COMMUTER HIGHWAYS TO LOCAL GOVERNMENTS.

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://www.leg.state.co.us/billssummaries>.)

The bill requires the department of transportation, using existing or easily obtainable data, to determine which state highways and portions of state highways located within metropolitan planning areas are commuter highways and to report the determination to the transportation commission by a specified date. The bill requires the commission to

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.

adopt a resolution that removes all of the highways and portions of highways that the department has determined to be commuter highways from the state highway system as of a specified date. The bill defines "commuter highway" as a highway or a portion of a highway that is:

- ! Part of the state highway system;
- ! Located within the territory of a metropolitan planning organization;
- ! Not an interstate highway; and
- ! Determined by the traffic study conducted by the department to be used at least a specified percentage of the time, measured as a percentage of total trips on the highway or portion of a highway, for travel within the territory of the metropolitan planning organization.

The bill specifies that the removal of a highway or a portion of a highway from the state highway system shall not be deemed to require the department to cease working on or funding an uncompleted highway project.

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

2 **SECTION 1.** 43-2-101 (1), Colorado Revised Statutes, is
3 amended to read:

4 **43-2-101. State highway system.** (1) There shall be established
5 in this state a system of roads known as "the state highway system".
6 EXCEPT AS OTHERWISE PROVIDED IN SECTION 43-2-101.5, the state
7 highway system shall consist of the federal-aid primary roads, the
8 federal-aid secondary roads, and the interstate system, including
9 extensions thereof within urban areas, plus an amount not to exceed five
10 percent of the mileage of such systems ~~which~~ THAT may be declared to be
11 state highways by the transportation commission while not being any part
12 of any federal system.

13 **SECTION 2.** Part 1 of article 2 of title 43, Colorado Revised
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
15 read:

16 **43-2-101.5. Devolution of commuter highways to counties and**

1 **municipalities - definitions.** (1) NO LATER THAN MARCH 1, 2011, THE
2 DEPARTMENT OF TRANSPORTATION SHALL, USING EXISTING OR EASILY
3 OBTAINABLE DATA, DETERMINE WHICH HIGHWAYS AND PORTIONS OF
4 HIGHWAYS THAT ARE PART OF THE STATE HIGHWAY SYSTEM AND ARE
5 LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING
6 ORGANIZATION ARE COMMUTER HIGHWAYS. THE DEPARTMENT SHALL
7 REPORT TO THE TRANSPORTATION COMMISSION REGARDING ITS
8 DETERMINATION NO LATER THAN APRIL 1, 2011, AND THE COMMISSION
9 SHALL ADOPT A RESOLUTION THAT REMOVES ALL OF THE HIGHWAYS AND
10 PORTIONS OF HIGHWAYS THAT THE DEPARTMENT HAS DETERMINED TO BE
11 COMMUTER HIGHWAYS FROM THE STATE HIGHWAY SYSTEM, EFFECTIVE
12 JULY 1, 2011. A COMMUTER HIGHWAY OR PORTION OF A COMMUTER
13 HIGHWAY REMOVED FROM THE STATE HIGHWAY SYSTEM PURSUANT TO
14 THIS SUBSECTION (1) SHALL BECOME PART OF THE COUNTY SYSTEM OF THE
15 COUNTY IN WHICH IT IS LOCATED IF IT IS LOCATED IN AN UNINCORPORATED
16 AREA OF THE COUNTY AND SHALL BECOME PART OF THE CITY STREET
17 SYSTEM OF THE MUNICIPALITY IN WHICH IT IS LOCATED IF IT IS LOCATED IN
18 A MUNICIPALITY.

19 (2) FOR PURPOSES OF THIS SECTION:

20 (a) "COMMUTER HIGHWAY" MEANS A HIGHWAY OR A PORTION OF
21 A HIGHWAY THAT:

22 (I) BEFORE JULY 1, 2011, IS PART OF THE STATE HIGHWAY SYSTEM;

23 (II) IS LOCATED WITHIN THE TERRITORY OF A METROPOLITAN
24 PLANNING ORGANIZATION;

25 (III) IS NOT AN INTERSTATE HIGHWAY; AND

26 (IV) IS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION AS
27 REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE USED AT LEAST

1 EIGHTY PERCENT OF THE TIME, MEASURED AS A PERCENTAGE OF TOTAL
2 TRIPS ON THE HIGHWAY OR PORTION OF A HIGHWAY, FOR TRAVEL WITHIN
3 THE TERRITORY OF THE METROPOLITAN PLANNING ORGANIZATION.

4 (b) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
5 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
6 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

7 (3) THE REMOVAL OF A STATE HIGHWAY OR A PORTION OF A STATE
8 HIGHWAY FROM THE STATE HIGHWAY SYSTEM PURSUANT TO SUBSECTION
9 (1) OF THIS SECTION SHALL NOT BE DEEMED TO REQUIRE THE DEPARTMENT
10 OF TRANSPORTATION TO CEASE WORKING ON OR FUNDING ANY
11 UNCOMPLETED HIGHWAY PROJECT ON WHICH CONSTRUCTION COMMENCED
12 BEFORE JULY 1, 2011.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 shall take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part shall not take effect
20 unless approved by the people at the general election to be held in
21 November 2010 and shall take effect on the date of the official
22 declaration of the vote thereon by the governor.