

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB07-1068 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 7-45-101, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **7-45-101. Formation of toll road or toll highway company -**
6 **description of corridor - preliminary evaluation by department of**
7 **transportation.** (3.5) (a) WITHIN ONE HUNDRED TWENTY DAYS
8 FOLLOWING THE FORMATION OF A TOLL ROAD OR TOLL HIGHWAY
9 COMPANY IN A FILED FORMATION DOCUMENT IN ACCORDANCE WITH
10 SUBSECTION (1) OF THIS SECTION, OR, IN THE CASE OF A COMPANY WHOSE
11 FORMATION PREDATES THE EFFECTIVE DATE OF THIS SUBSECTION (3.5),
12 WITHIN ONE HUNDRED TWENTY DAYS OF SAID EFFECTIVE DATE, THE
13 COMPANY SHALL SUBMIT A PROPOSAL FOR A TOLL ROAD, TOLL HIGHWAY,
14 OR TOLL ROAD OR TOLL HIGHWAY PROJECT TO THE DEPARTMENT OF
15 TRANSPORTATION FOR PRELIMINARY EVALUATION. THE PROPOSAL SHALL
16 SPECIFY, AT A MINIMUM, A GENERAL PLAN FOR THE CONSTRUCTION OF THE
17 TOLL ROAD, TOLL HIGHWAY, OR PROJECT THAT ADDRESSES ITS OPERATION,
18 THE TECHNOLOGY EXPECTED TO BE UTILIZED, ALL MODES OF
19 TRANSPORTATION BEING PROPOSED, ITS FEASIBILITY, AND ITS FINANCING.
20 THE PROPOSAL SHALL BE SUFFICIENTLY COMPREHENSIVE AND DETAILED
21 TO ALLOW THE DEPARTMENT TO EVALUATE IT IN AN OBJECTIVE AND
22 TIMELY MANNER AND TO DETERMINE WHETHER THE PROPOSAL BENEFITS
23 THE DEPARTMENT, THE STATE TRANSPORTATION SYSTEM, AND ANY
24 AFFECTED REGIONAL TRANSPORTATION SYSTEM.

1 (b) THE DEPARTMENT OF TRANSPORTATION SHALL EVALUATE A
2 PROPOSAL SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
3 (3.5) WITHIN ONE HUNDRED TWENTY DAYS OF ITS SUBMISSION. UPON
4 COMPLETION OF ITS EVALUATION, THE DEPARTMENT SHALL ISSUE A
5 STATEMENT THAT OUTLINES THE CONCLUSIONS RESULTING FROM THE
6 EVALUATION AND IDENTIFIES ANY DEFICIENCIES IN THE INFORMATION
7 PROVIDED IN THE PROPOSAL. THE DEPARTMENT SHALL MAKE THE
8 STATEMENT AVAILABLE TO THE PUBLIC IN ELECTRONIC FORM ON ITS
9 WEBSITE.

10 (c) UPON THE COMPLETION OF A PRELIMINARY EVALUATION AND
11 ISSUANCE OF A STATEMENT BY THE DEPARTMENT OF TRANSPORTATION
12 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3.5), THE TOLL ROAD
13 OR TOLL HIGHWAY COMPANY THAT SUBMITTED THE EVALUATED PROPOSAL
14 SHALL SUBMIT QUARTERLY STATUS REPORTS REGARDING THE PROGRESS
15 TOWARDS AND, AFTER COMMENCEMENT OF CONSTRUCTION, THE PROGRESS
16 OF, CONSTRUCTION TO THE DEPARTMENT. THE DEPARTMENT SHALL MAKE
17 EACH QUARTERLY REPORT SUBMITTED AVAILABLE TO THE PUBLIC IN
18 ELECTRONIC FORM ON ITS WEBSITE.

19 **SECTION 2.** 7-45-108 (1) (b), Colorado Revised Statutes, is
20 amended to read:

21 **7-45-108. County clerk notification.** (1) Within ninety days of
22 filing a formation document pursuant to section 7-45-101, a toll road or
23 toll highway company shall:

24 (b) (I) File a ~~disclaimer of interest and~~ map of the three-mile
25 corridor with the clerk and recorder's office in the county of residence of
26 each person to whom the TOLL ROAD OR TOLL HIGHWAY company
27 provided written notice pursuant to paragraph (a) of this subsection (1).
28 ~~that expressly states that the filed formation document does not effect an~~
29 ~~interest in the person's real property within the three-mile corridor~~
30 ~~specified in the filed formation document.~~

31 (II) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH
32 (II), A TOLL ROAD OR TOLL HIGHWAY COMPANY SHALL NOT FILE ANY
33 DISCLAIMER OF INTEREST WITH RESPECT TO PROPERTY WITHIN OR OUTSIDE
34 THE THREE-MILE CORRIDOR MAPPED PURSUANT TO SUBPARAGRAPH (I) OF
35 THIS PARAGRAPH (b). IF A COMPANY FILED A DISCLAIMER OF INTEREST
36 BEFORE THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II) AS WAS

1 REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) PRIOR TO SAID
2 EFFECTIVE DATE, AS SOON AS POSSIBLE AFTER SAID EFFECTIVE DATE, THE
3 COMPANY SHALL CONTACT THE CLERK AND RECORDER OF EACH COUNTY
4 IN WHICH THE COMPANY FILED A DISCLAIMER OF INTEREST AND REQUEST
5 THAT THE DISCLAIMER OF INTEREST BE WITHDRAWN. UPON RECEIPT OF
6 THE NOTICE, THE CLERK AND RECORDER SHALL REMOVE THE DISCLAIMER
7 OF INTEREST FROM ALL PROPERTY RECORDS TO WHICH IT HAD APPLIED.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety."

** ** ** ** **