

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0815.01 Jason Gelender x4330

HOUSE BILL 14-1219

HOUSE SPONSORSHIP

Rankin,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFICATION THAT THE OBLIGATION OF A LOCAL
102 GOVERNMENT TO MAINTAIN AT ITS OWN EXPENSE A STRUCTURE
103 THAT ALLOWS WATER TO CROSS THE PATH OF A HIGHWAY
104 WITHOUT INTERFERING WITH TRAVEL ON THE HIGHWAY DOES
105 NOT REQUIRE THE LOCAL GOVERNMENT TO BEAR THE COSTS OF
106 CONSTRUCTING ANY NEW STRUCTURE OR COMPLETELY
107 RECONSTRUCTING OR REPLACING ANY EXISTING STRUCTURE.

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

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.

<http://www.leg.state.co.us/billsummaries.>)

Current law requires a person or corporation that owns a ditch, race, drain, or flume to construct a culvert, bridge, or similar structure (structure) when necessary to ensure that water being conveyed by the ditch, race, drain, or flume does not interfere with safe and convenient travel on any highway, or to pay the costs incurred by a local government in constructing a structure. The local government in which the structure is located must then maintain the structure at its own expense. The bill clarifies that the maintenance obligation of a local government does not include construction of a new structure or complete reconstruction or replacement of an existing structure and that any such costs must be paid by the person or corporation that owns the affected ditch, race, drain, or flume.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-5-305, **amend** (1)
3 as follows:

4 **43-5-305. Owners construct culverts - penalty - definition.**

5 (1) (a) Any person or corporation owning or constructing any ditch, race,
6 drain, or flume in, upon, or across any highway shall keep the highway
7 open for safe and convenient travel by constructing culverts, bridges, or
8 similar structures over such ditch, race, drain, or flume. When any ditch
9 is constructed across, in, or upon any highway, the person owning or
10 constructing such ditch shall construct a culvert, bridge, or similar
11 structure long enough to conduct the water from shoulder to shoulder
12 from such road or highway or of such greater length as the board of
13 county commissioners having jurisdiction thereover may require, plans
14 for said culvert, bridge, or similar structure having been approved in
15 advance by said board of county commissioners. The board of county
16 commissioners shall maintain said culvert, bridge, or similar structure
17 after construction, in accordance with the provisions of section

1 37-84-106, C.R.S.

2 (b) AS USED IN THIS SUBSECTION (1), "MAINTAIN" INCLUDES THE
3 PRESERVATION, REPAIR, RECONSTRUCTION, OR REPLACEMENT OF A
4 PORTION OF A CULVERT, BRIDGE, OR SIMILAR STRUCTURE. "MAINTAIN"
5 DOES NOT INCLUDE CONSTRUCTION OF A NEW CULVERT, BRIDGE, OR
6 SIMILAR STRUCTURE OR COMPLETE RECONSTRUCTION OR REPLACEMENT
7 OF AN EXISTING CULVERT, BRIDGE, OR SIMILAR STRUCTURE. NEW
8 CONSTRUCTION OR COMPLETE RECONSTRUCTION OR REPLACEMENT IS THE
9 OBLIGATION OF A PERSON OR CORPORATION AS SPECIFIED IN THIS SECTION.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 37-84-106 as
11 follows:

12 **37-84-106. Bridges over ditch - maintenance.** All bridges
13 constructed over any ditch, race, drain, or flume crossing any public
14 highway, street, or alley, after construction, shall be maintained by and at
15 the expense of the county or municipality in which such ditch, race, drain,
16 or flume may be situated. THE OBLIGATION OF A COUNTY OR
17 MUNICIPALITY TO MAINTAIN A BRIDGE AT ITS OWN EXPENSE DOES NOT
18 INCLUDE CONSTRUCTION OF A NEW BRIDGE OR COMPLETE
19 RECONSTRUCTION OR REPLACEMENT OF AN EXISTING BRIDGE, THE COSTS
20 OF WHICH MUST BE BORNE AS SPECIFIED IN SECTION 37-84-103.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2014 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.