

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0536.01 Jason Gelender

SENATE BILL 11-064

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SENATE SPONSORSHIP

Grantham,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Transportation

House Committees

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A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE APPROPRIATE LOCAL  
102 AUTHORITY CONCUR IN WRITING IN ANY DEPARTMENT OF  
103 TRANSPORTATION DECISION TO REQUIRE A PROPERTY OWNER  
104 TO PAY THE COSTS OF IMPROVING A STATE HIGHWAY BEFORE  
105 OBTAINING AN ACCESS PERMIT FOR THE CONSTRUCTION OF A  
106 DRIVEWAY THAT PROVIDES VEHICULAR ACCESS FROM THE  
107 PROPERTY TO THE STATE HIGHWAY.

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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*

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/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

Unless otherwise required by federal law or regulation, the bill prohibits the department of transportation from requiring a property owner who applies for an access permit to construct, reconstruct, or relocate a driveway that provides vehicular access to or from any state highway to pay for the costs of making any improvement to the state highway as a condition of receiving an access permit unless the appropriate local authority concurs in writing that the improvement is necessary and that the property owner should be required to pay such costs.

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

2 **SECTION 1.** 43-2-147, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **43-2-147. Access to public highways.** (7.7) NOTWITHSTANDING  
5 ANY PROVISION OF THIS SECTION OR OF THE STATE HIGHWAY ACCESS CODE  
6 TO THE CONTRARY, UNLESS OTHERWISE REQUIRED BY FEDERAL LAW OR  
7 REGULATION, THE DEPARTMENT OF TRANSPORTATION SHALL NOT REQUIRE  
8 A PROPERTY OWNER WHO APPLIES FOR AN ACCESS PERMIT TO CONSTRUCT  
9 A NEW DRIVEWAY PROVIDING VEHICULAR ACCESS TO OR FROM ANY STATE  
10 HIGHWAY OR RECONSTRUCT OR RELOCATE AN EXISTING DRIVEWAY  
11 PROVIDING SUCH ACCESS TO PAY FOR THE COSTS OF MAKING ANY  
12 IMPROVEMENT TO THE STATE HIGHWAY, INCLUDING BUT NOT LIMITED TO  
13 ANY AUXILIARY LANE, AS A CONDITION OF RECEIVING AN ACCESS PERMIT  
14 UNLESS THE APPROPRIATE LOCAL AUTHORITY CONCURS IN WRITING THAT  
15 THE IMPROVEMENT IS NECESSARY AND THAT THE PROPERTY OWNER  
16 SHOULD BE REQUIRED TO PAY SUCH COSTS.

17 **SECTION 2. Act subject to petition - effective date.** This act  
18 shall take effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August

1 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part shall not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2012 and shall take effect on the date of the official  
7 declaration of the vote thereon by the governor.