

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0747.01 Bob Lackner

HOUSE BILL 10-1276

HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

Mitchell,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE SALE BY A RAILROAD COMPANY OF ITS
102 RIGHT-OF-WAY FOR THE OPERATION OF A PUBLIC PASSENGER
103 RAIL SERVICE.

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/billsummaries>.)

The bill permits any railroad company to sell its right-of-way for the operation of a public passenger rail service, which the bill defines as any passenger service that runs on rails or electromagnetic guideways. The bill specifies that the right-of-way shall continue to be used as a

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.

public highway only for operation of public passenger rail service if ownership of the right-of-way is transferred to a public passenger rail service provider, regardless of:

- ! Whether or not an order of abandonment has been issued for the right-of-way by the federal surface transportation board, any successor federal agency, or by any court of competent jurisdiction;
- ! The technology used to operate the public passenger rail service; or
- ! Whether ownership of the railroad is public or private.

The bill further provides that no rail service provider operating public passenger rail service shall be required to offer its right-of-way for use by any other rail service provider by operation of Colorado law after an order of abandonment has been issued.

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

2 **SECTION 1.** 40-20-103, Colorado Revised Statutes, is amended
3 to read:

4 **40-20-103. Right-of-way for changed line - sale of right-of-way**
5 **for public passenger rail service - definitions.** (1) Any railroad
6 company having located its line of road, whether the same is completed
7 or not, may make a new location of its line and may acquire the
8 right-of-way for such new line in the same manner as is now provided for
9 acquiring the right-of-way by the statutes of Colorado; but in acquiring
10 said new right-of-way, the previous right-of-way shall revert to the owner
11 of the land through which said previous right-of-way was granted upon
12 the payment or tendering payment to the railroad company of the amount
13 assessed by the board of appraisers and paid by said railroad company for
14 said previous right-of-way.

15 (2) (a) ANY RAILROAD COMPANY MAY SELL ITS RIGHT-OF-WAY FOR
16 THE OPERATION OF A PUBLIC PASSENGER RAIL SERVICE. IN SUCH CASE,
17 THE RIGHT-OF-WAY SHALL CONTINUE TO BE USED AS A PUBLIC HIGHWAY

1 ONLY FOR OPERATION OF PUBLIC PASSENGER RAIL SERVICE FOR PURPOSES
2 OF SECTION 4 OF ARTICLE XV OF THE STATE CONSTITUTION IF OWNERSHIP
3 OF THE RIGHT-OF-WAY IS TRANSFERRED TO A PUBLIC PASSENGER RAIL
4 SERVICE PROVIDER, REGARDLESS OF:

5 (I) WHETHER OR NOT AN ORDER OF ABANDONMENT HAS BEEN
6 ISSUED FOR THE RIGHT-OF-WAY BY THE FEDERAL SURFACE
7 TRANSPORTATION BOARD, ANY SUCCESSOR FEDERAL AGENCY, OR BY ANY
8 COURT OF COMPETENT JURISDICTION;

9 (II) THE TECHNOLOGY USED TO OPERATE THE PUBLIC PASSENGER
10 RAIL SERVICE; OR

11 (III) WHETHER OWNERSHIP OF THE RAILROAD IS PUBLIC OR
12 PRIVATE.

13 (b) NO RAIL SERVICE PROVIDER OPERATING PUBLIC PASSENGER
14 RAIL SERVICE AS AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (2)
15 SHALL BE REQUIRED TO OFFER ITS RIGHT-OF-WAY FOR USE BY ANY OTHER
16 RAIL SERVICE PROVIDER BY OPERATION OF COLORADO LAW AFTER AN
17 ORDER OF ABANDONMENT HAS BEEN ISSUED.

18 (c) FOR PURPOSES OF THIS SUBSECTION (2), "PUBLIC PASSENGER
19 RAIL SERVICE" MEANS ANY PASSENGER SERVICE THAT RUNS ON RAILS OR
20 ELECTROMAGNETIC GUIDEWAYS, INCLUDING BUT NOT LIMITED TO:
21 COMMUTER OR OTHER SHORT-HAUL RAILROAD PASSENGER SERVICE IN A
22 METROPOLITAN OR SUBURBAN AREA; HIGH-SPEED GROUND
23 TRANSPORTATION SYSTEMS THAT CONNECT METROPOLITAN AREAS; OR
24 RAPID TRANSIT OPERATIONS IN AN URBAN AREA THAT ARE NOT
25 CONNECTED TO THE GENERAL RAILROAD SYSTEM OF TRANSPORTATION.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 shall take effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part shall not take effect
6 unless approved by the people at the general election to be held in
7 November 2010 and shall take effect on the date of the official
8 declaration of the vote thereon by the governor.