



Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 09-0425**Date:** January 21, 2009**Prime Sponsor(s):** Sen. Brophy
Rep. Gardner C.**Bill Status:** Senate Transportation**Fiscal Analyst:** Harry Zeid (303-866-4753)

TITLE: CONCERNING LIMITATIONS ON THE EXERCISE OF THE POWER OF EMINENT DOMAIN BY RAILROADS.**Summary of Legislation**

With certain exceptions, SB09-063 prohibits a corporation formed for the purpose of constructing or operating a railroad line from condemning real estate or rights-of-way. The bill also prohibits a railroad from transferring ownership of property or rights-of-way acquired through the exercise of eminent domain to any other person or entity. To the extent practicable, the bill requires a railroad to comply with all laws that govern the use of eminent domain by the Department of Transportation for state highway purposes. Finally, the bill requires the railroad to reimburse the owner whose property is being acquired or condemned for the owner's reasonable attorney fees and court costs.

Unless a referendum petition is filed, the bill takes effect September 1, 2009, and applies to condemnation proceedings filed on or after that date.

Assessment

The bill does not affect state or local revenue or expenditures, and is therefore assessed as having no fiscal impact.

The bill does not create a new cause of action for the courts. Although the bill does allow for the reimbursement of reasonable attorney fees and court costs, any impact this may cause on the Judicial Branch is absorbable within existing resources.

Departments Contacted

Judicial

Transportation

Local Affairs