



**FINAL**  
**FISCAL NOTE**

---

**Drafting Number:** LLS 09-0425**Date:** June 4, 2009**Prime Sponsor(s):** Sen. Brophy  
Rep. Gardner C.**Bill Status:** Postponed Indefinitely**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.

The bill was postponed indefinitely by the Senate Transportation Committee on February 3, 2009.

**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