

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0424.01 Jason Gelender

HOUSE BILL 08-1012

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HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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House Committees

Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT THE TRANSPORTATION  
102 COMMISSION EVALUATE THE STATE HIGHWAY SYSTEM, AND, IN  
103 CONNECTION THEREWITH, REQUIRING THE COMMISSION TO  
104 REMOVE ROADS FROM THE SYSTEM IF IT DETERMINES THAT IT IS  
105 FEASIBLE AND APPROPRIATE TO DO SO.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the transportation commission to evaluate the state highway system and remove roads from the system if it determines that it is feasible and appropriate to do so. Makes legislative findings and

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.*

declarations.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) The state highway system currently includes over nine  
5 thousand two hundred centerline miles of roads, and over one thousand  
6 one hundred fifty of the centerline miles are located within the  
7 jurisdiction of municipalities.

8 (b) Colorado law specifies that construction and maintenance of  
9 the state highway system, including those portions of the system that are  
10 within the boundaries of municipalities, is an obligation of the department  
11 of transportation.

12 (c) Because the department of transportation therefore must  
13 construct and maintain, as part of the state highway system, not only  
14 highways that connect different regions of the state, but also regional and  
15 local roads that are used for travel in only one area of the state, local and  
16 regional governments and transportation funding and planning entities are  
17 insulated from many of the costs of funding local and regional  
18 transportation needs.

19 (d) The costs of construction and maintaining the state highway  
20 system are increasing faster than revenues from sources dedicated to  
21 transportation funding, and reducing the size of the state highway system  
22 is likely to encourage more cost-effective transportation funding by  
23 requiring local and regional funding of local and regional transportation  
24 needs and allowing the department of transportation to focus its limited  
25 resources on state highways and projects that provide benefits in multiple

1 regions of the state.

2 (2) The general assembly further finds and declares that it is  
3 necessary and appropriate to require the transportation commission to  
4 evaluate the state highway system, determine the extent to which  
5 reduction of the state highway system is feasible and appropriate,  
6 consider removing roads and portions of roads that do not fill statewide  
7 or multi-regional transportation needs from the system, and recommend  
8 to the general assembly any statutory changes regarding transportation  
9 planning or the allocation of transportation funding that should  
10 accompany such a reduction.

11 **SECTION 2.** 43-2-101 (1) and (3), Colorado Revised Statutes,  
12 are amended, and the said 43-2-101 is further amended BY THE  
13 ADDITION OF A NEW SUBSECTION, to read:

14 **43-2-101. State highway system.** (1) There shall be established  
15 in this state a system of roads known as "the state highway system".  
16 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, the  
17 state highway system shall consist of the federal-aid primary roads, the  
18 federal-aid secondary roads, and the interstate system, including  
19 extensions thereof within urban areas, plus an amount not to exceed five  
20 percent of the mileage of such systems which may be declared to be state  
21 highways by the transportation commission while not being any part of  
22 any federal system.

23 (3) Nothing in this section shall be construed as limiting the  
24 mileage of the state highway system to the total mileage constituting the  
25 system as of December 31, 1953, but federal-aid primary roads and  
26 federal-aid secondary roads may be added or deleted by the department  
27 of transportation according to need as determined by said department.

1 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION,  
2 deletions from the federal-aid secondary system shall be mutually decided  
3 by the federal government, the state, and the affected county.

4 (5) (a) DURING THE 2008-09 STATE FISCAL YEAR, THE  
5 TRANSPORTATION COMMISSION SHALL EVALUATE THE ENTIRE STATE  
6 HIGHWAY SYSTEM FOR THE PURPOSE OF DETERMINING WHETHER IT IS  
7 FEASIBLE AND APPROPRIATE TO REDUCE THE SIZE OF THE SYSTEM BY  
8 REMOVING ROADS OR PORTIONS OF ROADS FROM THE SYSTEM. IN  
9 CONDUCTING THE EVALUATION, THE COMMISSION SHALL IDENTIFY EACH  
10 STATE HIGHWAY SYSTEM ROAD OR PORTION OF A ROAD THAT MEETS ONLY  
11 LOCAL OR REGIONAL TRANSPORTATION DEMANDS OR PROVIDES MINIMAL  
12 STATEWIDE OR MULTI-REGIONAL BENEFITS AND DETERMINE THE  
13 FEASIBILITY AND APPROPRIATENESS OF REMOVING EACH IDENTIFIED ROAD  
14 OR PORTION OF A ROAD FROM THE STATE HIGHWAY SYSTEM. THE  
15 COMMISSION SHALL ALSO SPECIFICALLY DETERMINE THE FEASIBILITY AND  
16 APPROPRIATENESS OF REMOVING ANY ROAD OR PORTION OF A ROAD THAT  
17 IS LOCATED WITHIN THE JURISDICTION OF A MUNICIPALITY FROM THE  
18 STATE HIGHWAY SYSTEM EVEN IF THE ROAD OR PORTION OF THE ROAD  
19 MEETS STATEWIDE OR MULTI-REGIONAL TRANSPORTATION NEEDS OR  
20 PROVIDES SUBSTANTIAL STATEWIDE OR MULTI-REGIONAL BENEFITS. THE  
21 COMMISSION SHALL REMOVE ANY ROAD OR PORTION OF A ROAD FROM THE  
22 STATEWIDE TRANSPORTATION SYSTEM THAT IT BELIEVES CAN FEASIBLY  
23 AND APPROPRIATELY BE REMOVED.

24 (b) NO LATER THAN OCTOBER 1, 2009, THE TRANSPORTATION  
25 COMMISSION SHALL REPORT TO THE TRANSPORTATION LEGISLATION  
26 REVIEW COMMITTEE CREATED IN SECTION 43-2-145 REGARDING THE  
27 RESULTS OF ITS EVALUATION. THE REPORT SHALL IDENTIFY ANY ROAD OR

1 PORTION OF A ROAD REMOVED FROM THE STATE HIGHWAY SYSTEM BY THE  
2 COMMISSION AND SHALL ALSO INCLUDE ANY PROPOSED LEGISLATION  
3 REGARDING TRANSPORTATION PLANNING OR THE ALLOCATION OF  
4 TRANSPORTATION FUNDING DEEMED NECESSARY OR APPROPRIATE BY THE  
5 COMMISSION.

6 **SECTION 3. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.