Second Regular Session Sixty-seventh General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House HOUSE BILL 10-1276

LLS NO. 10-0747.01 Bob Lackner

HOUSE SPONSORSHIP

Levy,

Mitchell,

SENATE SPONSORSHIP

House Committees Judiciary Senate Committees Transportation

A BILL FOR AN ACT

101	CONCERNING	THE	SALE	BY	Α	RAILROAD	D	COMPANY	OF	ITS
102	RIGHT-0)F-WA	Y FOR	THE	OPE	RATION OI	F A	PUBLIC P	ASSEN	GER
103	RAIL SE	RVICE	•							

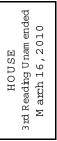
Bill Summary

(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

SENATE 3rd Reading Unam ended April5, 2010

SENATE Am ended 2nd Reading April1,2010





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 SELLITS 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

ONLY FOR OPERATION OF PUBLIC PASSENGER RAIL SERVICE FOR PURPOSES
 OF SECTION 4 OF ARTICLE XV OF THE STATE CONSTITUTION IF OWNERSHIP
 OF THE RIGHT-OF-WAY IS TRANSFERRED TO A PUBLIC PASSENGER RAIL
 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.

(b) NO RAIL SERVICE PROVIDER OPERATING PUBLIC PASSENGER
RAIL SERVICE AS AUTHORIZED BY PARAGRAPH (a) OF THIS SUBSECTION (2)
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.

18 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT

19

ANY VESTED RIGHT OF ANY PARTY.

20 (4) FOR PURPOSES OF THIS SECTION, "PUBLIC PASSENGER RAIL 21 SERVICE" MEANS ANY PASSENGER SERVICE THAT RUNS ON RAILS OR 22 ELECTROMAGNETIC GUIDEWAYS, INCLUDING BUT NOT LIMITED TO: 23 COMMUTER OR OTHER SHORT-HAUL RAILROAD PASSENGER SERVICE IN A 24 METROPOLITAN OR SUBURBAN AREA; HIGH-SPEED GROUND 25 TRANSPORTATION SYSTEMS THAT CONNECT METROPOLITAN AREAS; OR 26 RAPID TRANSIT OPERATIONS IN AN URBAN AREA THAT ARE NOT 27 CONNECTED TO THE GENERAL RAILROAD SYSTEM OF TRANSPORTATION.

-3-

SECTION 2. Act subject to petition - effective date. This act 1 2 shall take effect at 12:01 a.m. on the day following the expiration of the 3 ninety-day period after final adjournment of the general assembly (August 4 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the 5 6 state constitution against this act or an item, section, or part of this act 7 within such period, then the act, item, section, or part shall not take effect 8 unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official 9 declaration of the vote thereon by the governor. 10