

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 11-0536  
**Prime Sponsor(s):** Sen. Grantham

**Date:** January 28, 2011  
**Bill Status:** Senate Transportation  
**Fiscal Analyst:** Kurtis Morrison (303-866-3140)

**TITLE:** CONCERNING A REQUIREMENT THAT THE APPROPRIATE LOCAL AUTHORITY CONCUR IN WRITING IN ANY DEPARTMENT OF TRANSPORTATION DECISION TO REQUIRE A PROPERTY OWNER TO PAY THE COSTS OF IMPROVING A STATE HIGHWAY BEFORE OBTAINING AN ACCESS PERMIT FOR THE CONSTRUCTION OF A DRIVEWAY THAT PROVIDES VEHICULAR ACCESS FROM THE PROPERTY TO THE STATE HIGHWAY.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b>		
<b>State Expenditures</b>		
Cash Funds		
State Highway Fund	\$32.5 million	\$32.5 million
<b>FTE Position Change</b>		
<b>Effective Date:</b> August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
<b>Appropriation Summary for FY 2011-2012:</b> None required.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

Senate Bill 11-064 prohibits the Colorado Department of Transportation (CDOT) from requiring a property owner to pay for state highway improvements — such as an auxiliary lane — as a condition of receiving an access permit to construct a driveway (or relocate an existing driveway) providing access between a state highway and an owner's property. Exceptions are provided for when a local authority provides written agreement that:

- the state highway improvement is necessary; and
- the property owner should be required to pay the improvement's costs.

## **Background**

In recent years, approximately 130 permits were granted for access points to state highways that also required state highway safety improvements. Improvement costs averaged about \$500,000 per project. Of the 130 permits granted, about 65 had local government agreement. Under current law, CDOT could require the permit holders to bear the cost of related safety improvements due to construction of the access point.

## **State Expenditures**

There is an implied, but not direct, requirement for CDOT to assume the costs of highway safety projects not borne by property owners. Therefore, **the bill may increase state cash fund expenditures by about \$32.5 million per fiscal year, beginning in FY 2011-12**, assuming that similar trends continue (65 projects not receiving local approval per year at an average cost of \$500,000 per project). Additional costs may be also possible due to additional state highway infrastructure requiring regular maintenance. Expenditures are made from the State Highway Fund, which is continuously appropriated and requires no separate appropriation by the General Assembly.

## **Departments Contacted**

Transportation