

**TITLE:** CONCERNING LIMITATIONS ON THE USE OF CERTAIN PUBLIC LAND FOR AUTOMOTIVE SERVICE STATIONS IN ORDER TO LIMIT GOVERNMENT COMPETITION.

## **Summary of Legislation**

This bill prohibits any public entity from authorizing automotive service stations to be constructed or located on the rights-of-way of the interstate highway system. However, maintenance of existing public rest areas and construction of new public rest areas are allowed. Vending machines dispensing food, drink, or other appropriate items in rest areas and recreation areas are permitted with certain limitations.

The bill prohibits a public entity from directly selling motor fuel for public use at any truck stop, fueling station, convenience store, or other automotive service station; however, a public entity may contract with a private entity to sell motor fuel for public use. The prohibition does not apply to any location that sold motor fuel prior to the bill becoming law. A public entity may provide electric vehicle charging stations.

The bill defines a public entity to mean the Colorado Department of Transportation or any political subdivision of the state, including any county, municipality, the Regional Transportation District, or any other special district. State institutions of higher education and airports are specifically excluded from the bill. The bill takes effect August 7, 2013, assuming the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.

## Assessment

Senate Bill 13-203 is assessed as having no fiscal impact. Current federal law prohibits automotive service stations and other commercial establishments on the rights-of-way of the federal interstate highway system. So long as this prohibition exists in federal law, the Department of Transportation is not able to consider the use of public land near the interstate system for retail development. If federal law is changed to allow such development in the future, this bill would preempt the authority of public entities to construct these types of commercial establishments in Colorado.

## **Departments Contacted**

Local Affairs Regional Transportation District Transportation Local Governments Special District Association