

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0739.01 Duane Gall

HOUSE BILL 01-1285

HOUSE SPONSORSHIP

Jameson, Kester, Larson, Miller, Webster, and Weddig

SENATE SPONSORSHIP

Matsunaka, and Taylor

House Committees

Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RIGHT OF GOVERNMENTAL ENTITIES TO PURCHASE**
102 **RAILROAD PROPERTY UPON NOTICE OF INTENDED DISPOSAL BY**
103 **THE OWNER.**

Bill Summary

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

Extends the period within which state agencies, metropolitan or regional transportation authorities, cities, counties, and towns affected by the intended disposal by the owner of a rail line or rail right-of-way may give notice of their interest in acquiring the property or preserving rail service. Allows 180 days for such notice rather than the current 90 days. In addition, allows up to a full year after the owner's announcement of intended disposal for such governmental entity or entities to obtain

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.

funding and enter into a contract for the purchase of the property.

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

2 **SECTION 1.** 43-1-1304, Colorado Revised Statutes, is amended
3 to read:

4 **43-1-1304. Notice of rail line or right-of-way availability.**

5 (1) Whenever an owner of a rail line or railroad right-of-way intends to
6 dispose of such property, the owner shall notify the executive director of
7 such intention in writing. The executive director shall, within thirty days
8 after the receipt of such notice, inform all departments of the state of
9 Colorado, the metropolitan or regional transportation authorities, and
10 cities, counties, and towns where the property or a portion thereof is
11 located of the owner's intention to dispose of the rail line or right-of-way.
12 The state and any metropolitan or regional transportation authority, cities,
13 counties, and towns affected by the intended disposal shall have ~~ninety~~
14 ONE HUNDRED EIGHTY days after the announcement of the intended
15 disposal in which to contact the owner in writing to express an interest in
16 acquiring the property or preserving rail service.

17 (2) If the owner receives written notice AS PROVIDED IN
18 SUBSECTION (1) OF THIS SECTION within the ~~ninety-day~~
19 ONE-HUNDRED-EIGHTY-DAY period after the announcement of the intended
20 disposal, the owner shall provide such public entities the opportunity to
21 purchase the rail line or right-of-way. SUCH OPPORTUNITY SHALL INCLUDE
22 AN ADDITIONAL PERIOD OF TIME, TO AND INCLUDING THE THREE HUNDRED
23 SIXTY-SIXTH DAY AFTER THE ANNOUNCEMENT OF THE INTENDED DISPOSAL,
24 IN WHICH TO OBTAIN FUNDING AND ENTER INTO A CONTRACT WITH THE
25 OWNER FOR PURCHASE OF THE RAIL LINE OR RIGHT-OF-WAY.

1 **SECTION 2. Effective date - applicability.** (1) This act shall
2 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 that is
4 allowed for submitting a referendum petition pursuant to article V, section
5 1 (3) of the state constitution; except that, if a referendum petition is filed
6 against this act or an item, section, or part of this act within such period,
7 then the act, item, section, or part, if approved by the people, shall take
8 effect on the date of the official declaration of the vote thereon by
9 proclamation of the governor.

10 (2) The provisions of this act shall apply to the disposal of rail
11 lines and rights-of-way in which the announcement of intended disposal
12 occurs on or after the applicable effective date of this act.