

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0934.01 Jason Gelender

HOUSE BILL 08-1343

HOUSE SPONSORSHIP

Stafford,

SENATE SPONSORSHIP

Wiens,

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON THE DEVELOPMENT OF
102 TRANSPORTATION INFRASTRUCTURE BY NONGOVERNMENTAL
103 ENTITIES.

Bill Summary

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

Prohibits a private toll road or toll highway company (company) from specifying and mapping a transportation corridor in its filed formation document, and voids any 3-mile corridor specified and mapped in a filed formation document filed before the effective date of the act. Allows a company to construct a toll road or toll highway only pursuant to a public-private initiative and in accordance with the terms 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.

conditions specified in a public-private initiative agreement (agreement) entered into by the company and the department of transportation (department).

Requires specified provisions, including provisions that clarify that existing planning, right-of-way acquisition, project review, and environmental requirements continue to apply to toll roads or toll highways to be constructed by companies pursuant to public-private initiatives and subject to terms and conditions of agreements, to be included in agreements. Specifies that the provisions of the act describing agreements shall not be deemed to require the department to agree to enter into an agreement or to require a metropolitan planning organization, a regional planning commission, or the transportation commission to include any toll road or toll highway in a regional transportation plan or in the statewide transportation plan.

Eliminates the existing statutory requirements that a company send notice of its intent to construct a toll road, toll highway, or toll road or toll highway project (notice) to the county clerk and recorder of each county that includes territory within the 3-mile corridor in which the company intends to construct the road, highway, or project and that the county clerk and recorder record the notice, retaining only the existing statutory requirement that notice be mailed to each property owner within the corridor. Prohibits a company from filing with any county clerk and recorder either the notice or the disclaimer of interest and map currently required to be filed.

Declares that a disclaimer of interest, map, or notice properly authorized and legally filed or recorded by a company before the effective date of the act is void and of no effect. Specifies that the voiding of a disclaimer of interest, map, or notice conclusively establishes that the disclaimer of interest, map, or notice does not affect the title to any property or have any other legal effect. Requires a title insurance company to exclude a void disclaimer of interest, map, or notice from any documents it prepares after the effective date of the act. Prohibits a corporation formed for the purposes of constructing a railroad line from exercising the power of eminent domain unless:

- ! The corporation was operating rolling stock, carrying passengers or property, and maintaining track on the effective date of the act; or
- ! The real estate, right-of-way, or easement or other right condemned is necessary solely for the construction of a light rail system.

Defines terms. Makes conforming amendments.

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

1 **SECTION 1.** 7-45-101 (1), (3), and (4), Colorado Revised
2 Statutes, are amended to read:

3 **7-45-101. Formation of toll road or toll highway company -**
4 **description of corridor.** (1) A toll road or toll highway company shall
5 be formed under Colorado law, and, BEFORE THE EFFECTIVE DATE OF THIS
6 SUBSECTION (1), AS AMENDED, ONLY, its filed formation document shall
7 specify and map a three-mile corridor within which a toll road or toll
8 highway or a toll road or toll highway project will be located and identify
9 the general location of the termini within the corridor. ON AND AFTER
10 THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, A TOLL ROAD
11 OR TOLL HIGHWAY COMPANY MAY NOT SPECIFY AND MAP A
12 TRANSPORTATION CORRIDOR IN ITS FILED FORMATION DOCUMENT, AND
13 ANY THREE-MILE CORRIDOR SPECIFIED AND MAPPED IN A FILED FORMATION
14 DOCUMENT FILED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (1),
15 AS AMENDED, IS VOID. If a toll road or toll highway company complies
16 with the provisions of this article, it shall have the power to erect toll
17 gates and set and collect tolls.

18 (3) ~~Nothing in articles 30 to 52, 101 to 117, or 121 to 137 of this~~
19 ~~title shall be construed to authorize a toll road or toll highway company~~
20 ~~to locate all or any part of its three-mile corridor, as described in~~
21 ~~subsection (1) of this section, upon any existing toll road, toll highway,~~
22 ~~or public highway that is, at the time of the formation of the company,~~
23 ~~used as such, or within five miles of the route or corridor for a future toll~~
24 ~~road, toll highway, or toll road or toll highway project that has been~~
25 ~~designated in any previously filed formation document except as~~
26 ~~necessary to cross the toll road, toll highway, project, route, or corridor.~~

27 (4) ~~On June 6, 2006, any toll road or toll highway company whose~~

1 ~~existing certificate of incorporation specifies the route of a future toll~~
2 ~~road or toll highway or the location of a future toll road or toll highway~~
3 ~~project, or any affiliate of such a company, shall have the exclusive right~~
4 ~~for a period of ninety days to file new or amended formation documents~~
5 ~~that encompass land within the specified route.~~

6 **SECTION 2.** Article 45 of title 7, Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW SECTION to read:

8 **7-45-101.5. Public-private initiatives - exclusive means of toll**
9 **road or toll highway construction.** (1) ON AND AFTER THE EFFECTIVE
10 DATE OF THIS SUBSECTION (1), A TOLL ROAD OR TOLL HIGHWAY COMPANY
11 MAY ONLY CONSTRUCT A TOLL ROAD PURSUANT TO A PUBLIC-PRIVATE
12 INITIATIVE AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS
13 SPECIFIED IN A PUBLIC-PRIVATE INITIATIVE AGREEMENT. A
14 PUBLIC-PRIVATE INITIATIVE AGREEMENT FOR THE CONSTRUCTION OF A
15 TOLL ROAD OR TOLL HIGHWAY SHALL INCLUDE:

16 (a) A SPECIFICATION AND MAP OF A CORRIDOR, NO MORE THAN
17 THREE MILES IN WIDTH, WITHIN WHICH THE TOLL ROAD OR TOLL HIGHWAY
18 WILL BE LOCATED, INCLUDING IDENTIFICATION OF THE GENERAL LOCATION
19 OF THE TERMINI OF THE TOLL ROAD OR TOLL HIGHWAY;

20 (b) A PROVISION THAT INDICATES THAT IMPLEMENTATION OF THE
21 AGREEMENT IS CONTINGENT UPON SATISFACTION OF ALL PREREQUISITES
22 TO THE CONSTRUCTION OF A TOLL ROAD OR TOLL HIGHWAY, INCLUDING
23 BUT NOT LIMITED TO PLANNING, PROJECT REVIEW, AND ENVIRONMENTAL
24 REQUIREMENTS, SPECIFIED IN SECTIONS 7-45-105 AND 7-45-106;

25 (c) A PROVISION THAT PROHIBITS THE COMMENCEMENT OF WORK
26 ON ANY ELEMENT OF THE TOLL ROAD OR TOLL HIGHWAY UNTIL ALL
27 REQUIREMENTS, INCLUDING BUT NOT LIMITED TO PLANNING, PROJECT

1 REVIEW, AND ENVIRONMENTAL REQUIREMENTS, SPECIFIED IN SECTIONS
2 7-45-105 AND 7-45-106 HAVE BEEN MET AND THE TOLL ROAD OR TOLL
3 HIGHWAY COMPANY HAS OBTAINED FINANCING DEEMED SATISFACTORY BY
4 THE DEPARTMENT OF TRANSPORTATION FOR THE COMPANY'S OBLIGATIONS
5 UNDER THE AGREEMENT;

6 (d) A PROVISION THAT SPECIFIES THAT RIGHT-OF-WAY FOR THE
7 TOLL ROAD OR TOLL HIGHWAY SHALL BE OBTAINED IN ACCORDANCE WITH
8 THE REQUIREMENTS OF SECTIONS 7-45-104 AND 38-2-101, C.R.S.; AND

9 (e) A PROVISION THAT SPECIFIES, IN ACCORDANCE WITH SECTION
10 7-45-103, THAT THE COMPANY MUST COMMENCE THE WORK IT IS
11 OBLIGATED TO DO UNDER THE AGREEMENT, INCLUDING BUT NOT LIMITED
12 TO PLANNING, DESIGN, ENVIRONMENTAL MITIGATION, AND OTHER
13 PRECONSTRUCTION WORK, WITHIN ONE YEAR OF RECEIVING ALL
14 NECESSARY APPROVALS FOR THE CONSTRUCTION OF THE TOLL ROAD OR
15 TOLL HIGHWAY AND THAT IF THE COMPANY FAILS TO DO SO THE
16 AGREEMENT, INCLUDING THE CORRIDOR SPECIFIED AND MAPPED IN THE
17 AGREEMENT, IS VOID.

18 (2) NOTHING IN SUBSECTION (1) OF THIS SECTION SHALL BE
19 DEEMED TO REQUIRE:

20 (a) THE DEPARTMENT OF TRANSPORTATION TO AGREE TO A
21 PUBLIC-PRIVATE INITIATIVE FOR OR ENTER INTO A PUBLIC-PRIVATE
22 INITIATIVE AGREEMENT REGARDING THE CONSTRUCTION OF ANY TOLL
23 ROAD OR TOLL HIGHWAY;

24 (b) A METROPOLITAN PLANNING ORGANIZATION, A REGIONAL
25 PLANNING COMMISSION, OR THE TRANSPORTATION COMMISSION TO
26 INCLUDE ANY TOLL ROAD OR TOLL HIGHWAY IN A REGIONAL
27 TRANSPORTATION PLAN REQUIRED BY SECTION 43-1-1103 (1), C.R.S., OR

1 IN THE STATEWIDE TRANSPORTATION PLAN REQUIRED BY SECTION
2 43-1-1103 (5), C.R.S. A DECISION TO INCLUDE A TOLL ROAD OR TOLL
3 HIGHWAY IN A REGIONAL OR STATEWIDE TRANSPORTATION PLAN SHALL BE
4 GOVERNED BY THE REQUIREMENTS OF SECTIONS 7-45-105 AND 7-45-106
5 AND THE RECORD OF PROCEEDINGS CONCERNING THE TOLL ROAD OR TOLL
6 HIGHWAY BEFORE THE METROPOLITAN PLANNING ORGANIZATION,
7 REGIONAL PLANNING COMMISSION, OR TRANSPORTATION COMMISSION.

8 **SECTION 3.** 7-45-102, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
10 read:

11 **7-45-102. Definitions.** As used in this article, unless the context
12 otherwise requires:

13 (7.5) "PUBLIC-PRIVATE INITIATIVE" MEANS A PUBLIC-PRIVATE
14 INITIATIVE AGREED TO BY A TOLL ROAD OR TOLL HIGHWAY COMPANY AND
15 THE DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH THE
16 PROVISIONS OF PART 12 OF ARTICLE 1 OF TITLE 43, C.R.S.

17 (7.7) "PUBLIC-PRIVATE INITIATIVE AGREEMENT" MEANS AN
18 AGREEMENT FOR A PUBLIC-PRIVATE INITIATIVE ENTERED INTO BY A TOLL
19 ROAD OR TOLL HIGHWAY COMPANY AND THE DEPARTMENT OF
20 TRANSPORTATION PURSUANT TO SECTION 43-1-1204, C.R.S.

21 **SECTION 4.** 7-45-103, Colorado Revised Statutes, is amended
22 to read:

23 **7-45-103. Deadline to commence work - maintenance of effort**
24 **requirement.** A toll road or toll highway company shall commence
25 work, including but not limited to planning, design, environmental
26 mitigation, and other preconstruction work, on the toll road or toll
27 highway ~~proposed in the filed formation document~~ TO BE CONSTRUCTED

1 PURSUANT TO A PUBLIC-PRIVATE INITIATIVE AND UNDER THE TERMS AND
2 CONDITIONS OF A PUBLIC-PRIVATE INITIATIVE AGREEMENT no later than
3 ~~three years after the filing of the document, or within~~ one year after
4 receiving all necessary approvals for construction. If any necessary
5 approval is the subject of administrative or judicial review, then the
6 one-year period shall be automatically extended until one year after all
7 administrative or judicial review has been concluded. The toll road or toll
8 highway company and any successor toll road or toll highway company
9 shall continue the work from day to day until at least five hundred
10 thousand dollars have been expended on the toll road or toll highway. If
11 the toll road or toll highway company fails to perform the required work,
12 ~~it shall forfeit all rights acquired under its filed formation document and~~
13 ~~be administratively dissolved~~ THE PUBLIC-PRIVATE INITIATIVE
14 AGREEMENT, INCLUDING THE CORRIDOR SPECIFIED AND MAPPED IN THE
15 AGREEMENT, IS VOID. If the toll road or toll highway company performs
16 the required work, it shall ~~have the exclusive right to develop or seek~~
17 ~~approval to develop a toll road or toll highway within the three-mile~~
18 ~~corridor specified in its filed formation document as required by section~~
19 ~~7-45-101 (1)~~ CONTINUE TO HAVE ALL RIGHTS AND DUTIES SPECIFIED IN
20 THE PUBLIC-PRIVATE INITIATIVE AGREEMENT.

21 **SECTION 5.** 7-45-104 (1), Colorado Revised Statutes, is
22 amended to read:

23 **7-45-104. Acquisition of right-of-way.** (1) Notwithstanding the
24 provisions of section 38-2-101, C.R.S., on and after June 6, 2006, a toll
25 road or toll highway company shall not have the power to exercise the
26 right of eminent domain to acquire any part of the right-of-way of the
27 ~~three-mile~~ corridor of a proposed toll road or toll highway specified in ~~the~~

1 ~~filed formation document of the company~~ A PUBLIC-PRIVATE INITIATIVE
2 AGREEMENT as required by section 7-45-101 (1). ~~Nothing herein shall~~
3 ~~prohibit~~ If a toll road or toll highway company ~~from entering~~ ENTERS
4 into a public-private initiative AGREEMENT with the department of
5 transportation in accordance with the provisions of part 12 of article 1 of
6 title 43, C.R.S., and as authorized in ~~section 7-45-111~~ SECTION 7-45-101.5
7 for the purpose of enabling the construction of such a toll road or toll
8 highway, ~~but in such a case~~ the power of eminent domain shall not be
9 exercised by the toll road or toll highway company and may be exercised
10 by the department only for purposes of acquiring property and
11 rights-of-way necessary for the completion of a THE toll road or toll
12 highway open to the public that is incorporated into the comprehensive
13 statewide transportation plan prepared pursuant to section 43-1-1103 (5),
14 C.R.S., AND IS THE SUBJECT OF THE PUBLIC-PRIVATE INITIATIVE
15 AGREEMENT. The department may not use the power of eminent domain
16 provided in this section to acquire a cemetery, as defined in section
17 10-15-102 (2), C.R.S., or property owned by or primarily used by a
18 religious organization. In exercising the power of eminent domain, the
19 department shall comply with all laws and administrative rules that
20 govern the department's use of eminent domain for state highway
21 projects, and the rights-of-way acquired shall form a corridor no larger
22 than that approved by all affected metropolitan planning organizations,
23 regional planning commissions, and the transportation commission
24 pursuant to sections 7-45-105 and 7-45-106. In accordance with section
25 43-1-1204 (3) (b), C.R.S., the department may not sell or otherwise
26 transfer ownership of property or rights-of-way acquired through the
27 exercise of the power of eminent domain as authorized by this section to

1 a toll road or toll highway company.

2 **SECTION 6.** 7-45-108 (1) and (2), Colorado Revised Statutes,
3 are amended, and the said 7-45-108 is further amended BY THE
4 ADDITION OF A NEW SUBSECTION, to read:

5 **7-45-108. County clerk notification.** (1) Within ~~ninety~~ THIRTY
6 days of ~~filing a formation document pursuant to section 7-45-101~~
7 ENTERING INTO A PUBLIC-PRIVATE INITIATIVE AGREEMENT AS AUTHORIZED
8 BY SECTION 7-45-101.5, a toll road or toll highway company shall:

9 (a) ~~Cause~~ MAIL written notice ~~to be sent to and recorded by the~~
10 ~~clerk and recorder of each county that includes territory that is included~~
11 ~~within the three-mile corridor specified in the filed formation document~~
12 of the intent of the toll road or toll highway company to construct a toll
13 road, toll highway, or toll road or toll highway project within ~~that corridor~~
14 ~~and shall mail the written notice~~ THE CORRIDOR SPECIFIED IN THE
15 AGREEMENT to each person who owns real property within the ~~three-mile~~
16 corridor. The toll road or toll highway company shall send the notice by
17 certified mail and shall generally describe the proposed toll road, toll
18 highway, or project, including its location, termini, improvements, and
19 operation. The notice shall also explain that the project may not go
20 forward until the process for approving the project required by this article
21 has been completed, summarize the approval process, identify
22 opportunities during the process for public involvement, and provide a
23 contact for additional information.

24 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS
25 SECTION, file a disclaimer of interest and map of the ~~three-mile~~ corridor
26 with the clerk and recorder's office in the county of residence of each
27 person to whom the company provided written notice pursuant to

1 paragraph (a) of this subsection (1) that expressly states that the filed
2 formation document OR AGREEMENT does not effect an interest in the
3 person's real property within the ~~three-mile~~ corridor specified in the ~~filed~~
4 ~~formation document~~ AGREEMENT.

5 (1.5) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
6 (1.5), A PRIVATE TOLL ROAD OR TOLL HIGHWAY COMPANY MAY NOT FILE
7 A DISCLAIMER OF INTEREST AND MAP AS OTHERWISE REQUIRED BY
8 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION AND MAY NOT FILE
9 WITH THE CLERK AND RECORDER OF ANY COUNTY THE WRITTEN NOTICE
10 REQUIRED TO BE MAILED TO PERSONS WHO OWN REAL PROPERTY IN ITS
11 CORRIDOR PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS
12 SECTION. ANY PROPERLY AUTHORIZED AND LEGALLY FILED DISCLAIMER
13 OF INTEREST, MAP, OR WRITTEN NOTICE FILED OR RECORDED BY A PRIVATE
14 TOLL ROAD OR TOLL HIGHWAY COMPANY BEFORE THE EFFECTIVE DATE OF
15 THIS SUBSECTION (1.5) IS HEREBY DECLARED VOID AND OF NO EFFECT.
16 THE VOIDING OF A DISCLAIMER OF INTEREST, MAP, OR WRITTEN NOTICE
17 PURSUANT TO THIS SUBSECTION (1.5) CONCLUSIVELY ESTABLISHES THAT
18 THE DISCLAIMER OF INTEREST, MAP, OR WRITTEN NOTICE DOES NOT AFFECT
19 THE TITLE TO ANY PROPERTY OR HAVE ANY OTHER LEGAL EFFECT, AND A
20 TITLE INSURANCE COMPANY SHALL EXCLUDE A VOID DISCLAIMER OF
21 INTEREST, MAP, OR WRITTEN NOTICE FROM ANY DOCUMENTS IT PREPARES
22 ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.5).

23 (2) ~~A toll road or toll highway company that has filed a formation~~
24 ~~document prior to June 6, 2006, and that has not satisfied the notice~~
25 ~~requirements of subsection (1) of this section shall file a new or amended~~
26 ~~formation document within ninety days of June 6, 2006, that includes the~~
27 ~~information required by section 7-45-101 (1) and that certifies that the~~

1 company has ~~complied with or will comply with the requirements of said~~
2 ~~subsection (1) within ninety days of June 6, 2006.~~

3 **SECTION 7.** 7-45-109, Colorado Revised Statutes, is amended
4 to read:

5 **7-45-109. Use of land by toll road or toll highway company -**
6 **right to repurchase unneeded condemned property.** Any interest in
7 real property that is obtained by a toll road or toll highway company,
8 other than a leasehold interest in property or rights-of-way acquired and
9 owned by the department of transportation as authorized in section
10 7-45-104, within the ~~three-mile~~ corridor specified ~~AND MAPPED in its filed~~
11 ~~formation document~~ A PUBLIC-PRIVATE INITIATIVE AGREEMENT and that
12 is not used for a toll road or toll highway project shall not be used for
13 commercial, residential, or industrial development; except that this
14 limitation on use shall apply only during the period in which the toll road
15 or toll highway company is developing or operating a toll road or toll
16 highway within the corridor. If the development or operation of a toll
17 road or toll highway ceases after the department has exercised the power
18 of eminent domain to acquire property deemed at the time of acquisition
19 to be necessary for the completion of the toll road or toll highway as
20 authorized in section 7-45-104, a person from whom the department
21 acquired property through the exercise of eminent domain has an
22 exclusive option to repurchase the property acquired at the price paid for
23 the property as just compensation by the department. The person may
24 exercise the option within eighteen months following the cessation of the
25 development or operation of the toll road or toll highway.

26 **SECTION 8.** 7-45-110 (2), Colorado Revised Statutes, is
27 amended to read:

1 **7-45-110. Sale of interest in or assets of a toll road or toll**
2 **highway company.** (2) If a toll road or toll highway company sells or
3 transfers any interest in its real property within the ~~three-mile~~ corridor
4 specified AND MAPPED in ~~its filed formation document~~ A PUBLIC-PRIVATE
5 INITIATIVE AGREEMENT that is not used for the toll road or toll highway,
6 then the purchaser shall comply with the limitations set forth in section
7 7-45-109.

8 **SECTION 9. Repeal.** 7-45-111, Colorado Revised Statutes, is
9 repealed as follows:

10 **7-45-111. Public-private initiatives.** ~~Nothing contained in this~~
11 ~~article shall prohibit a toll road or toll highway company from entering~~
12 ~~into a public-private initiative with the department of transportation in~~
13 ~~accordance with the provisions of part 12 of article 1 of title 43, C.R.S.,~~
14 ~~for the purpose of enabling the construction of a toll road, toll highway,~~
15 ~~or project. Any such project shall comply with the requirements of this~~
16 ~~article.~~

17 **SECTION 10.** 38-2-101 (1) and (2), Colorado Revised Statutes,
18 are amended to read:

19 **38-2-101. Who may condemn real estate, rights-of-way, or**
20 **other rights - additional requirements for private toll roads and toll**
21 **highways.** (1) (a) If any corporation formed for the purpose of
22 constructing a road, ditch, reservoir, pipeline, bridge, ferry, tunnel,
23 telegraph line, railroad line, electric line, electric plant, telephone line, or
24 telephone plant is unable to agree with the owner for the purchase of any
25 real estate or right-of-way or easement or other right necessary or
26 required for the purpose of any such corporation for transacting its
27 business or for any lawful purpose connected with the operations of the

1 company, the corporation may acquire title to such real estate or
2 right-of-way or easement or other right in the manner provided by law for
3 the condemnation of real estate or right-of-way; EXCEPT THAT A
4 CORPORATION FORMED FOR THE PURPOSES OF CONSTRUCTING A RAILROAD
5 LINE MAY NOT EXERCISE THE POWER OF EMINENT DOMAIN FOR ANY
6 PURPOSE UNLESS:

7 (I) THE CORPORATION WAS OPERATING ROLLING STOCK, CARRYING
8 PASSENGERS OR PROPERTY, AND MAINTAINING TRACK ON THE EFFECTIVE
9 DATE OF THIS SUBPARAGRAPH (I); OR

10 (II) THE REAL ESTATE, RIGHT-OF-WAY, OR EASEMENT OR OTHER
11 RIGHT IS NECESSARY SOLELY FOR THE CONSTRUCTION OF A LIGHT RAIL
12 SYSTEM.

13 (b) Any ditch, reservoir, or pipeline company, in the ~~same~~ manner
14 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), may condemn and
15 acquire the right to take and use any water not previously appropriated.

16 (2) Notwithstanding the provisions of subsection (1) of this
17 section, a toll road or toll highway company may not condemn real estate
18 or right-of-way, but the department of transportation may exercise,
19 subject to the conditions and limitations set forth in sections 7-45-104 and
20 43-1-1202 (1) (f), C.R.S., the power of eminent domain for purposes of
21 acquiring property and rights-of-way necessary for the completion of a
22 toll road or toll highway open to the public that is incorporated into the
23 comprehensive statewide transportation plan prepared pursuant to section
24 43-1-1103 (5), C.R.S., and is being undertaken as a public-private
25 initiative between the department and the company. Such a toll road or
26 toll highway company shall, within ~~six months~~ THIRTY DAYS after the date
27 of ~~filing of its filed formation document~~ ENTERING INTO A

1 PUBLIC-PRIVATE INITIATIVE AGREEMENT, AS DEFINED IN SECTION 7-45-102
2 (7.7), C.R.S., AS AUTHORIZED BY SECTION 7-45-101.5, C.R.S., file and
3 record with the county clerk and recorder of each county through which
4 any portion of the proposed toll road or toll highway will pass a map or
5 survey of the proposed route of the toll road or toll highway. The toll
6 road or toll highway company shall include with the map or survey a
7 statement of the proposed route of the toll road or toll highway, within
8 three miles, and a listing of all property over or across which the proposed
9 toll road or toll highway will be constructed, and shall file and record
10 supplementary maps, surveys, statements, and listings upon any lawful
11 change of the proposed route of the toll road or toll highway.

12 **SECTION 11.** The introductory portion to 40-20-102 (1),
13 Colorado Revised Statutes, is amended to read:

14 **40-20-102. Powers of corporation.** (1) Every such corporation,
15 in addition to the powers conferred in articles 101 to 117 of title 7,
16 C.R.S., has the power, SUBJECT TO THE LIMITATIONS ON THE POWER TO
17 EXERCISE EMINENT DOMAIN SPECIFIED IN SECTION 38-2-101 (1) (a),
18 C.R.S., AND ANY OTHER LIMITATIONS ON SAID POWER SPECIFIED IN LAW:

19 **SECTION 12. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.