



**FINAL
FISCAL NOTE**

Drafting Number: LLS 12-0203
Prime Sponsor(s): Rep. Ramirez
Sen. Roberts

Date: June 14, 2012
Bill Status: Postponed Indefinitely
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TITLE: CONCERNING A PROHIBITION ON THE USE OF PUBLIC LAND FOR RETAIL SALES.

Summary of Legislation

The bill prohibits any public entity from authorizing automotive service stations or other commercial establishments to be constructed or located on the rights-of-way of the interstate system. However, maintenance of existing public rest areas and construction of new public rest areas are allowed. Vending machines operated by the state in rest areas and recreation areas are permitted with certain limitations.

The bill prohibits a public entity from selling motor fuel for public use, or for contracting with a private entity to sell motor fuel for public use, at any truck stop, fueling station, convenience store, or other automotive service station. The prohibition does not apply to any location that sold motor fuel prior to the bill becoming law.

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 was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on May 2, 2012.

Background

Current federal law prohibits automotive service stations and other commercial establishments from being constructed or located on the rights-of-way of the interstate highway system. However, the federal highway program is presently operating on its ninth temporary extension. The current extension will expire June 30, 2012. Since there are major differences in the House and Senate bills, a conference committee will be established. At this time, the outcome of the federal highway bill reauthorization is uncertain.

Assessment

Since current federal law prohibits automotive service stations and other commercial establishments on the rights-of-way of the interstate system, HB12-1136 is assessed as no fiscal impact. So long as the 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 for the construction of these types of commercial establishments in Colorado.

Departments Contacted

Transportation

Local Affairs