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Wiens, Owens reach agreement on eminent domain for toll roads

DENVER -- Sen. Tom Wiens and Gov. Bill Owens reached an agreement Thursday that eliminates the use of eminent domain to condemn private property for private toll roads while preserving and clarifying the statutory authority of the state to enter into an agreement for privately funded roads.

Senate Bill 78 will protect the private property rights of all Coloradans and preserve CDOT's opportunity to work in private-public partnerships to provide transportation solutions for Colorado. The agreement was inserted into the bill as a second-reading amendment Friday in the Senate.

"I've worked for nearly two years to protect private property rights against the threat of private condemnation," Wiens said. "The governor and I both agree that protecting private property rights should be high on the list of government priorities, and I am extremely pleased we found a solution to our differences. I'm proud to have carried this bill two years in a row and that we were able to craft a solution that will benefit every Coloradan."

Owens' spokesman Dan Hopkins said that the amended language in the Wiens bill addressed the Governor's concerns and, in the future, would allow private investment to be made in toll roads in Colorado.

"The Governor felt it was very important to assure that future governors and future legislatures would have the ability to consider options such as private investment in our highway system," Hopkins said. "The language proposed for this year's bill protects that option while also protecting property owners."

Wiens carried a similar bill last year, which passed the Senate 34-1 and the House 49-15 before being vetoed by Owens. Last year's committee hearing brought a record number of citizens to the Capitol in support of last year's legislation.

This year's bill has the bipartisan support of the Transportation Legislation Review Committee. It cleared the Senate Transportation Committee on a unanimous vote and received preliminary approval from the Senate as amended on Friday.

"Once this bill earns the governor's signature, it will remove the cloud that's been hanging over all of Colorado, especially the nearly 100,000 property owners who live along the 12-mile-wide path that is Super Slab," said Wiens, a Republican from Castle Rock.

Super Slab is the name of the proposal that would build a private toll road from Fort Collins to Pueblo through the eastern plains. While Super Slab is not specifically targeted in the bill, it came to exemplify the need for the legislation, Wiens said.

"The legislature has overwhelmingly supported this bill since I first introduced it in 2005," Wiens said. "Now with the governor on board, all Coloradans can claim victory over private threats of condemnation and know that in Colorado the fundamental private property rights we all deserve will be protected."

The bill needs final Senate approval before moving to the House.

Senator Tom Wiens, R-Castle Rock, is the caucus chairman. He represents Senate District 4, which includes Lake, Douglas, Teller, El Paso and Park Counties. He serves on the Senate Business, Labor & Technology Committee, the Senate Transportation Committee, and the Homeland Security & Emergency Preparedness Committee. His address during the session: Landowners must wait for rights vote

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