

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject RULE MAKING POLICY		Number 20.0
Effective 4/21/11	Supersedes 08/15/02	Originating Office Office of Policy & Government Relations

PURPOSE

The purpose of this directive is to establish a policy concerning the promulgation of rules and regulations by the Colorado Department of Transportation (CDOT) and the Transportation Commission (TC).

AUTHORITY

Transportation Commission, § 43-1-106, C.R.S.
Colorado Governor's Executive Order, D2011-005
Administrative Procedures Act, § 24-4-103, C.R.S.

APPLICABILITY

This directive shall apply to all Offices, Branches and Divisions within CDOT that create, revise, amend or repeal Rules affecting the Colorado Department of Transportation.

POLICY

The Colorado Department of Transportation and the Transportation Commission of Colorado shall adopt all rules and regulations in accordance with § 24-4-103 C.R.S. of the Administrative Procedure Act (APA). Legal advice from the Attorney General's Office will be sought whenever rules are being promulgated. All rules developed by the Department and Commission shall be consistent with the enabling legislation, any existing rule and in compliance with state statutes and Executive Orders. A program manager must be assigned for each rule and will be listed as such on the Department's websites. The CDOT employee identified as the Rule Making Coordinator within the Office of Policy and Government Relations shall ensure CDOT's compliance with the requirements of the APA.

Any new rule or edit to existing rule must follow Executive Order D2011-005 incorporating instruction allowing for local governments to have more flexibility to design solutions to problems without excessive interference or oversight, or unnecessary regulation, from state government.

Rules and regulations shall reflect the goals and objectives of the Transportation Commission and the Department, and shall be implemented in accordance with Procedural Directive 20.1. The Procedural Directive shall include a process to actively solicit the meaningful and timely input of elected officials and other representatives of

local governments into the development of regulatory proposals affecting local government, and CDOT shall include those procedures on its website.

The Executive Management Team Member whose division or office is responsible for the rule shall be the signer of the request to the Transportation Commission or Executive Director to initiate a formal rulemaking process.

The process, steps and rules calendar shall be maintained on the Department website.

IMPLEMENTATION PLAN

This policy directive shall be effective immediately upon adoption by the Commission. The Office of Policy and Government Relations will disseminate a copy to the Colorado Municipal League, Colorado Counties, Inc., Program Managers responsible for existing CDOT rules, and CDOT Hearing Officers that assist in rule making. Additionally, the policy directive shall be posted on CDOT Public Announcements and e-mailed to all EMT members.

REVIEW DATE

This policy will be reviewed by August 2016.

Herman J. Stockinger III

4/21/11

Secretary, Transportation Commission

Date of Approval