

Resolution #TC20-03-02

Approve Referral of CDOT Region 3 Access Appeal to the Office of Administrative Courts, 2 CCR 601-1 (2.9).

Approved by the Transportation Commission on March 19, 2020.

WHEREAS, in accordance with the State Highway Access Code, 2 CCR 601-1, and in the course of reconstruction of State Highway 340A, it is necessary for CDOT to close the existing access from Mulberry Street to the State Highway in the interests of public health, safety and welfare; and

WHEREAS, appropriate notice of the closure was provided to affected property owners pursuant to CDOT Permit No. 319181. Contained in the Permit was direction regarding appealing the decision to close the Mulberry Street access to State Highway 340A; and

WHEREAS, Alex Arevian, 714 38 % RD, Palisade, Colorado 81526, has filed a timely written appeal objecting to and contesting the decision to close the present access from Mulberry Street directly to State Highway 340A. Mr Arevian has requested a hearing before the Office of Administrative Courts to take place in Grand Junction, Colorado, as he is disabled and unable to easily travel; and

WHEREAS, CDOT anticipates construction of the project to begin in summer, 2021.

WHEREAS, Mr. Arevian's objection is the only written objection regarding this CDOT project requesting a hearing before the Office of Administrative Courts.

NOW THEREFORE BE IT RESOLVED, the Commission directs the hearing for Mr. Arevian's appeal be heard before an administrative law judge in Grand Junction, Colorado. The Office of Attorney General is requested to facilitate the appeal hearing pursuant to 2 CCR 601-1, 2.9 and take all necessary actions to accommodate Mr. Arevian's request for a hearing.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date