

Resolution #TC-2021-08-04

Approval of Updated Policy Directive 1301.0 "Transportation Commission Guidelines to Determine Whether Acquisition of Property for a CDOT Highway Project by a Petition in Condemnation will Serve the Public Interest"

Approved by the Transportation Commission on August 19, 2021.

WHEREAS, pursuant to § 43-1-106(8)(a), C.R.S., the Transportation Commission of Colorado ("Commission") is authorized to formulate general policy with respect to the management, construction, and maintenance of public highways and other transportation system in the State; and

WHEREAS, pursuant to § 43-1-208, C.R.S. and *the Department of Transportation v Amerco Real Estate Co.*, 380 P. 3d 117 (Colo. 2016), the Commission and the Chief Engineer must comply with specific procedures prior to initiating an eminent domain district court action; and

WHEREAS, Policy Directive 1301.0 provides guidance to the Commission in determining whether an acquisition of property for a Colorado Department of Transportation ("CDOT") highway or bridge project will serve the public interest; and

WHEREAS, Policy Directive 1301.0 was scheduled for review in July 2021; and

WHEREAS, the process and type of information that will be presented by CDOT to the Commission to assist members in deciding on whether to authorize eminent domain proceedings remains unchanged; and

WHEREAS, only non-substantive changes, such as formatting and updating the references to the current Colorado Jury Instructions, have been made to Policy Directive 1301.0; and

NOW THEREFORE BE IT RESOLVED, the Commission approves the updated Policy Directive 1301.1 "Transportation Commission Guidelines to Determine Whether Acquisition of Property by a Petition in Condemnation for a CDOT Highway Project will Serve the Public Interest."

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

8/19/2021

Date