

Resolution #TC-2022-07-10

Commence Permanent Rulemaking and Delegate Authority to a Hearing Officer to Conduct a Public Rulemaking Hearing for the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (“the Planning Rules”), 2 CCR 601-22.

Approved by the Transportation Commission on July 21, 2022.

WHEREAS, Senate Bill 21-260 directs the Transportation Commission of Colorado (“the Commission”) to adopt procedures and guidelines requiring CDOT and Metropolitan Planning Organizations (MPOs) to take additional steps in the planning process for regionally significant transportation projects to account for the impacts on the amount of statewide GHG pollution and statewide vehicle miles traveled that are expected to result from those projects; and

WHEREAS, § 43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulations to carry out its authority and duties; and

WHEREAS, § 43-1-1103(5), C.R.S. authorizes the Commission to promulgate rules regarding the formation of the state plan through a statewide planning process; and

WHEREAS, On July 21, 2022, the Commission adopted, through the emergency rulemaking process, revisions to the Planning Rules to clarify language related to the GHG pollution-reduction standard and restrictions on funds; and

WHEREAS, the emergency rules are temporary in nature and expire 120 days after adoption; and

WHEREAS, CDOT staff and staff in the Office of Legislative Legal Services (OLLS) have identified a number of non-substantive and technical corrections to the Planning Rules to be made; and

WHEREAS, the Commission has the authority to conduct a rulemaking hearing or to delegate the authority to a Hearing Officer for the purposes of conducting the rulemaking hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendments to the Planning Rules; and

WHEREAS, the Commission established the Ad Hoc Agency Coordination Committee (“ACC”) in 2021 to act as liaison for the Commission throughout the rulemaking process, work with staff to formulate suggested amendments to the Planning Rules and ensure affected and interested parties are provided with notice and opportunity to comment under the requirements of the State Administrative Procedure Act.

NOW THEREFORE BE IT RESOLVED, the Commission hereby commences permanent rulemaking and authorizes staff and the ACC to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rulemaking for the purpose of opening and amending certain sections of the Planning Rules, 2 CCR 601-22.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission delegates to the ACC the responsibility to review and approve the draft rule prior to the Department’s filing of the proposed rules with the Secretary of State.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the permanent rulemaking hearing to a CDOT Hearing Officer to prepare a complete record of the hearing in

collaboration with the ACC and forward said record and proposed rules to the Commission for consideration and adoption.

**Herman
Stockinger**

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Date: 2022.07.21 11:35:49 -06'00'

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date