

Resolution #TC-2023-04-12

Adopt Proposed Changes to the Rules Governing the State Highway Access Category Assignment Schedule (“Access Category Rules”), 2 CCR 601-1A.

Approved by the Transportation Commission on April 20, 2023.

WHEREAS, § 43-1-106 (8)(k), C.R.S. directs the Transportation Commission of Colorado (“Commission”) to make all necessary and reasonable orders, rules, and regulations in order to carry out its authority and duties; and

WHEREAS, § 43-2-147(1)(a), C.R.S. directs the Commission to adopt by rule a state highway access code concerning the regulation “of vehicular access to and from any public highway from or to property adjoining a public highway in order to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage, and to protect the functional level of public highways”; and

WHEREAS, the State Highway Access Category Assignment Schedule Rules were last adopted on September 13, 2013; and

WHEREAS, the Department seeks to amend the existing Access Category Rules based on requests from local governments for category changes; and

WHEREAS, the Department is required to update the Rules to reflect the relinquishment of highway segments no longer owned by the State; and

WHEREAS, the Department seeks to update the Rules to reflect additional highway segments owned by the State; and

WHEREAS, the requested modifications are consistent with the intent of § 43-2-147(4), C.R.S.; and

WHEREAS, the Commission passed Resolution No. TC-2023-02-10 on February 16, 2023, authorizing a Hearing Officer to conduct a hearing on the proposed changes to the Access Category Rules; and

WHEREAS, pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and Commission Resolution No. TC-2023-02-10, the Department opened the rulemaking process; and

WHEREAS, the Hearing Officer held a virtual public hearing on April 7, 2023 to receive public comment on the proposed changes to the Access Category Rules; and

WHEREAS, the Hearing Officer reviewed the entire record consisting of 12 exhibits and found that staff complied with the State Administrative Procedure Act; and

WHEREAS, the Hearing Officer recommends to the Commission that the proposed changes to the Access Category Rules be adopted.

NOW THEREFORE BE IT RESOLVED, after review and consideration of the proposed changes to the rules, the Commission adopts the proposed changes to the Access Category Rules, 2 CCR 601-1A attached as Exhibit A.

Herman
Stockinger

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Herman Stockinger
Date: 2023.04.25
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Herman Stockinger, Secretary
Transportation Commission of Colorado

Date