Resolution #TC-2023-02-09

Commence Permanent Rulemaking and Delegate Authority to an Administrative Hearing Officer to Conduct a Public Rulemaking Hearing for the Rules and Regulations for the Colorado State Infrastructure Bank ("the Rules"), 2 CCR 605-1.

Approved by the Transportation Commission on February 16, 2023.

WHEREAS, § 43-1-113.5, C.R.S. authorizes the Transportation Commission to promulgate rules and regulations of the Colorado State Infrastructure Bank; and

WHEREAS, On October 15, 2009, the Commission adopted the Rules; and

WHEREAS, the Colorado Department of Transportation ("Department") reviewed the Rules to assess their effectiveness in carrying out the goal of § 43-1-113.5, C.R.S.; and

WHEREAS, Department staff determined that changing the rule language to allow the Colorado Aeronautical Board to approve State Infrastructure Bank loans for aviation projects directly would improve efficiency; and

WHEREAS, Department staff determined that the Rules required other minor, non-substantive changes; 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 Rules;

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff and to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rulemaking for the purpose of opening and amending the Rules, 2 CCR 605-1.

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

Herman Stockinger
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Herman Stockinger, Secretary   Date
Transportation Commission of Colorado