

**Resolution #TC-2023-02-10**

Commence Permanent Rulemaking and Delegate Authority to a Hearing Officer to Conduct a Public Rulemaking Hearing for the Rules Governing the State Highway Access Category Assignment Schedule (“Access Category Rules”), 2 CCR 601-1A.

**Approved by the Transportation Commission on February 16, 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 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 Access Category Rules.

**NOW THEREFORE BE IT RESOLVED**, the Commission hereby commences permanent rulemaking and authorizes staff to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rulemaking for the purpose of opening and amending the Access Category Rules, 2 CCR 601-1A.

**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 Stocking, Secretary  
Transportation Commission of Colorado

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Date