

**Resolution #TC-2024-01-08**

Commence Permanent Rulemaking and Delegate Authority to an Administrative 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 January 18, 2024.**

**Whereas**, House Bill 23-1101 directed the Colorado Department of Transportation (CDOT) to complete a study and study report of the boundaries of the Transportation Planning Regions (TPRs), as defined in Section 43-1-1102(8); the membership of the Transportation Advisory Committee created in section 43-1-1104(1)(a); the Transit and Rail Advisory Committee appointed pursuant to Section 43-1-1104(1)(b); and the consistency and transparency of the transportation planning process across the TPRs; and

**Whereas**, House Bill 23-1101 further requires that following the completion of the study and before June 1, 2024, the Commission shall initiate updates to its Planning Rules; and

**Whereas**, § 43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulation 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 statewide transportation plan through a statewide and regional planning process, and the boundaries of the TPRs pursuant to §43-1-1102(8)(a); and

**Whereas**, CDOT completed “HB 23-1101: Transportation Planning Region Study” (the Report) and presented the Report and the Report’s recommendations to the Commission on November 15, 2023; and

**Whereas**, the Planning Rules makes use of the statutory definition of Disproportionately Impacted Communities (DIC) and that definition has changed in state statute; and

**Whereas**, the Commission has the authority to conduct a rulemaking hearing or to delegate the authority to an Administrative 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 has established the Planning Rules Coordination Committee (PRCC) to act as liaison for the Commission throughout the rulemaking process, consider the proposed 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 authorizes staff and the PRCC to take all necessary actions in accordance with the State Administrative Procedure Act to initiate

rulemaking for the purpose of considering amendments to Section 1.11, Section 2 and Section 3 of the Planning Rules, 2 CCR 601-22.

**Now Therefore Be It Further Resolved**, the Commission delegates its authority to conduct the permanent rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing in collaboration with the PRCC and forward said record and proposed rules to the Commission for consideration and adoption.

**Now Therefore Be It Further Resolved**, the Commission requests that CDOT and the PRCC include in the official rulemaking record the Report as well as all formal, written public comments from stakeholders prior to the Commission taking action to open the Rules and treat those as public comment related to the rulemaking.

*Herman F. Stockinger III*

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Herman Stockinger, Secretary  
Transportation Commission of Colorado