

Resolution #TC-2024-02-04

Approve Referral of CDOT Region 3 Access Appeal to the Office of Administrative Courts, C.R.S. § 43-2-147(6)(c) & 2 CCR 601-1(2.9)

Approved by the Transportation Commission on February 15, 2024.

Whereas, Applicant Melissa Culotta submitted a State Highway Access Permit Application dated September 22, 2023 (the “Application”); and

Whereas, the Application requests a Highway Access Permit for a new access to State Highway 92 (Bridge Street) to service the property located at 179 W. Bridge Street, #1-3, Hotchkiss, Colorado (the “Property”); and

Whereas, the Application also indicates that the Melissa Culotta is requesting the relocation of an existing access; and

Whereas, the Property to be served by the permit is owned by Melissa Culotta, Dr. Vincent A. Culotta Jr. and Aurelie F. Culotta as Joint Tenants; and

Whereas, CDOT denied the Application on October 23, 2023, explaining that the Application was denied because the proposed access does not meet minimum access spacing requirements as laid out in Section 4.4 of the State Highway Access Code, the proposed access would be within the functional area of the major public street intersection of State Highway 92 (Bridge Street) and Oak Drive, and the Property has reasonable access via Oak Drive; and

Whereas, Melissa Culotta has filed a written appeal dated December 20, 2023, objecting the denial of the Application.

Now therefore be it resolved, the Commission directs the hearing for Melissa Culotta’s appeal be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to facilitate the appeal pursuant to 2 CCR 601-1(2.9) and take all necessary actions to accommodate Melissa Culotta’s request for a hearing.

Be it further resolved, the Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

Herman F. Stockinger AAA

Herman Stockinger, Secretary
Transportation Commission of Colorado