

Resolution Number TC- 1810

WHEREAS, section 43-2-147(4) C.R.S., directs the Transportation Commission of Colorado ("Commission") to adopt a state highway access code ("Code"), by rule and regulation concerning the management of vehicular access to and from state highways from or to property adjoining the state highway with such management to be based in part on a functional classification of highways; and

WHEREAS, in 1998, the Commission adopted the Code and in 1999, the Commission subsequently adopted a State Highway Access Category Assignment Schedule ("Schedule") which assigned a functional access classification category to every segment of the Colorado State Highway System; and

WHEREAS, the Code directs the Department of Transportation ("Department") to initiate a rule-making proceeding in accordance with the Administrative Procedures Act, section 24-4-103 C.R.S., when local governments make requests for revisions to access category assignments and the Department staff did so in accord with applicable requirements; and

WHEREAS, the Department staff recommends revising the Schedule to reflect previous highway abandonment actions, administrative revisions to highway references, new highway construction projects and to reflect current conditions; and

WHEREAS, the Department staff has prepared and submitted proposed revisions deemed necessary to be responsive to local government requests, to update the rules to reflect abandonments, revised highway references, administrative changes and current conditions; and

WHEREAS, the Commission agrees that consideration of revisions to the Schedule is appropriate; and

WHEREAS, the Transportation Commission has the authority to conduct the rule making hearing pursuant to §43-1-108, C.R.S., or to delegate the authority to an Administrative Hearing Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations back to the Transportation Commission for its review and action concerning the promulgation of the rules; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes staff to prepare a draft of proposed rule amendment, and to take all necessary actions in accordance with the APA, § 24-4-103 C.R.S. to initiate rule making for the purpose of promulgating the rules.

BE IT FURTHER RESOLVED, the Transportation Commission delegates its authority to conduct the rule making hearing to a CDOT administrative procedures officer and hereby directs the Hearing Officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and its adoption of the proposed rules at or before its June 2010 meeting.