

Resolution #TC-2017

Authorize an Administrative Hearing Officer to conduct a hearing regarding repeal of the Rules and Regulations for Special Events or Civic Functions on State Highways.

Approved by the Transportation Commission on: August 17, 2011

WHEREAS, section § 43-1-106 (8)(k) C.R.S. (2010) directs the Transportation Commission of Colorado (“Commission”) to make all necessary and reasonable orders, rules, and regulations in order to carry out the provisions of § 43-1-101 *et seq.* C.R.S. (2010); and

WHEREAS, the permanent Rules and Regulations for Special Events or Civic Functions on State Highways (the “Rules”) were adopted on September 14, 1979; and

WHEREAS, the Commission has the authority to conduct a rule making hearing 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 to the Commission for its review and action concerning repeal of the Rules; and

WHEREAS, repeal of the Rules conforms with the Colorado Administrative Procedure Act section § 24-4-102(8)(a) C.R.S. (2010) which states that no rules shall be issued except within the power delegated to the agency and authorized by law; and

WHEREAS, repeal of the Rules further effectuates Governor Hickenlooper’s Executive Order D 2011-005, which seeks to eliminate unnecessary legal requirements on local governments; and

WHEREAS, the authority which existed in 1973 providing authority to the Commission to promulgate rules regarding special events or civic functions on state highways has been repealed; therefore authority no longer exists for the Rules; and

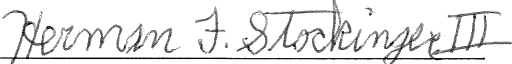
WHEREAS, repeal of the Rules will not impede or hinder the ability of the Department to continue to issue permits; and

WHEREAS, repeal of the Rules will have no adverse effect on municipal, local, or state entities or citizens of Colorado; and

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff to prepare a draft of the Rules to be repealed, and to take all necessary actions in

accordance with the State Administrative Procedures Act to initiate rulemaking for the purpose of repealing the Rules and Regulations for Special Events or Civic Functions on State Highways.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and forward said record and Rules to the Commission for consideration and repeal of the Rules.


Herman F. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado