

Resolution # TC-2033

Repeal of the Rules and Regulations for Special Events or Civic Functions on State Highways, 2 CCR 601-5.

Approved by the Transportation Commission on: October 20, 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, by TC Resolution #2017 dated August 17, 2011, the Commission delegated the authority to conduct a rule making hearing 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, a hearing was held on September 30, 2011, at the conclusion of which Hearing Officer Perez found that the Department had met the requirements of the Administrative Procedure Act and recommended repeal of the Rules; and

WHEREAS, repeal of the Rules, 2 CCR 601-5, 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, 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authority to the Commission to promulgate rules regarding special events or civic functions on state highways has been repealed; therefore authority no longer exists for the Rules; and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 will have no adverse effect on municipal, local, or state entities or citizens of Colorado;

NOW THEREFORE BE IT RESOLVED, the Transportation Commission herein REPEALS the Rules and Regulations for Special Events or Civic Functions on State Highways. 2 CCR 601-5.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado