

Resolution # TC-2041

Open Rule Making and Authorize an Administrative Hearing Officer to Conduct a Hearing Pertaining Concerning 2 CCR 601-14, Rules Regarding Travel Restrictions on State Highways (“Chain Law Rules”).

Approved by the Transportation Commission on: November 17, 2011

WHEREAS, § 43-1-106 (8)(k) C.R.S. (2011) 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, § 42-4-106(5)(VII)(b) C.R.S. (2011) authorizes the Commission to promulgate rules concerning chain laws and other restrictions on highways;

WHEREAS, § 42-4-106 (5) C.R.S. authorizes the Department of Transportation to prohibit the use of highways under dangerous driving conditions to vehicles unless they are equipped with tire chains, four-wheel drive with adequate tires in order to protect the safety of the public; and

WHEREAS, the proposed amendments to the rules update existing rules effective October 30, 1996 by including in the definition of “Alternative Traction Device” a textile traction device approved by the Chief Engineer that may be used in place of chains when the chain laws are in effect and when used in conformance with the manufacturer’s instructions; and

WHEREAS, other amendments to the rules will provide notice of the enhanced penalties under § 42-4-106(5)(a)(II), (III) and (IV) enacted after 1996 for non-compliance with the chain laws; and

WHEREAS, the Commission has the authority to delegate its authority to an Administrative Hearing Officer for the purposes of conducting a 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 the Rules.

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff to prepare a draft of the proposed Rules, and to take all necessary actions in accordance with the Colorado Administrative Procedures Act to initiate rule making for the purpose of amending the Rules Regarding Travel Restrictions on State Highways, 2 CCR 601-14.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rule making 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 adoption of the Rules.

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