

Resolution # TC-2062

Adoption of Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to §43-2-401 *et seq.* C.R.S. (2011).

Approved by the Transportation Commission on: February 16, 2012

WHEREAS, section § 43-2-404 C.R.S. (2011) authorizes the Transportation Commission of Colorado ("Commission") to promulgate rules regarding § 43-2-401 *et seq.* (2011) pertaining to the use of waste tires for noise mitigation purposes along state highways; and

WHEREAS, the current Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to §43-2-401 *et seq.* C.R.S (the "Noise Mitigation Rules") were effective August 1, 2008; and

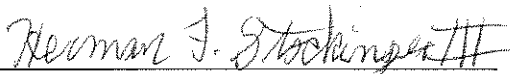
WHEREAS, on November 11, 2011, the Commission delegated authority to an Administrative Hearing Officer for the purposes of conducting a rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendment to the Noise Mitigation Rules; and

WHEREAS, the a hearing was held on January 5, 2012, with Administrative Hearing Officer Christine Rees presiding; and

WHEREAS, amendment of the Use of Waste Tire Noise Mitigation Rules further effectuates Governor Hickenlooper's Executive Order D 2011-005, which seeks to eliminate any unnecessary legal requirements on local governments by eliminating language and streamlining the rules; and

WHEREAS, the Department supports the proposed amendments in order to conform the rules to current federal requirements of 23 CFR 772; and

NOW THEREFORE BE IT RESOLVED, after review and consideration of the rule making record and the findings of the Administrative Hearing Officer, the Commission herein adopts the proposed amendments to the Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to § 43-2-401 *et seq.* C.R.S. (2011).



Herman Stockinger, Secretary
Transportation Commission of Colorado