

Resolution # TC-3071

Open Rule Making and Authorize an Administrative Hearing Officer to Conduct a Rule Making Hearing Concerning 2 CCR 601-1A, Rules Governing the State Highway Access Category Assignment Schedule ("Access Category Rules").

Approved by the Transportation Commission on: April 18, 2013.

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. (2011); and

WHEREAS, § 43-2-147(4), C.R.S. authorizes the Transportation Commission to promulgate the Access Category Rules which concern 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, the Access Category Rules were last adopted in April 30, 2011; and

WHEREAS, the Department seeks to amend the existing Access Category Rules based on the following three requests for category changes: the Town of Berthoud (a segment of SH 287); the City of Durango (a segment of SH 160); CDOT Region 6 (SH 7 within Weld County); and

WHEREAS, the Department is required to update the Rules to reflect the relinquishment of a segment of US 350 in exchange for a segment of Grant Avenue from 5th St. north to US50B, approved by Transportation Commission Resolution TC-2053 dated January 19, 2012;

WHEREAS, the requested modifications are consistent with the intent of § 43-2-147(4), C.R.S.; and

WHEREAS, pursuant to § 43-1-106(9), C.R.S., the Commission is requested 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 directs staff to take all necessary actions in accordance with § 24-4-103, C.R.S. to initiate the rule making process; and

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct a 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

Herman Stockinger, Secretary
Transportation Commission of Colorado

4-23-13

Date