Resolution # TC-3041

Open Rule Making and Authorize an Administrative Hearing Officer to Conduct a Hearing Concerning 2 CCR 601-22, Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions ("Statewide Transportation Planning Rules").

Approved by the Transportation Commission on: January 17, 2013

WHEREAS, § 43-1-106 (8)(k), C.R.S. 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.; and

WHEREAS, the Commission adopted the Statewide Transportation Planning Rules on October 22, 2012 by Resolution # TC-3022; and

WHEREAS, in the required review process under the State Administrative Procedure Act, the Office of Legislative Legal Services has requested that the Department include certain language in the Statement of Basis and Purpose section of the rules; and

WHEREAS, the language is non-substantive in nature and incorporates by reference relevant federal authority and provides that a copy of the referenced federal authority may be acquired at the Colorado Department of Transportation; and

WHEREAS, the Commission may exercise its discretion 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 the 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 Statewide Planning Rules, 2 CCR 601-22.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rule making hearing to an 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

1-25-13

Date