

**Resolution #TC-1732**  
**Height of Power Lines Hearing Record**

WHEREAS, the TC is charged with the responsibility for adopting rules pertaining to the State Highway Utility Accommodation Code, 43-1-225(1) C.R.S., and;

WHEREAS, the Colorado Department of Transportation has been informally regulating utility accommodations because no formal rules have yet been adopted by the TC, and;

WHEREAS, on November 20, 2008 the TC passed Resolution Number TC-1667 authorizing an Administrative Hearing Officer to conduct a rulemaking hearing and prepare a complete record of the hearing and recommend changes to the existing Rules based upon evidence presented at the hearing; and

WHEREAS, the rulemaking hearing was conducted on April 3, 2009, public comment was received and the Hearing Officer made a complete procedural record of the hearing, and;

WHEREAS, after public comment CDOT staff made changes to the proposed rules and those changes are reflected in Exhibit 16 of the hearing record, and;

WHEREAS, utility company representatives expressed concern over increased costs associated with raising the height of power lines crossing state highways. The record does not currently have sufficient cost information for the Commission to make a decision on raising the height requirements on power lines crossing the state highway;

NOW THEREFORE BE IT RESOLVED, the TC has considered the record of the hearing and the recommendations of the Administrative Hearing Officer.

BE IT FURTHER RESOLVED, the TC hereby remands the proposed rules to the CDOT Administrative Procedures Officer to gather additional information and testimony on issues relating to the height of power lines crossing the state highways, and the additional information shall be added to hearing record for consideration by the Commission at a future meeting.