

Resolution Number TC-1793

WHEREAS, Section 42-4-510 and 511, Colorado Revised Statutes, authorizes the Transportation Commission to promulgate rules and regulations pertaining to the movement of extra-legal vehicle and loads (“the rules”) commonly known as oversize and overweight vehicles and loads; and

WHEREAS, the Transportation Commission promulgated said rule under 2 CCR 601-4 titled “Pertaining to Transport Permits for Movement of Extra-Legal Vehicles and Loads” in 1984 and has updated said rule ten times since the original rule was promulgated; and

WHEREAS, the Transportation Commission desires to promulgate and adopt certain amendments to the existing rules including adding new provisions affecting tow carriers; defining the OSOW inclement weather travel restrictions; making language changes to incorporate statutory changes effective since the last update of the rules; to include other provisions identified by the staff or industry as improvements that increase effectiveness of the department’s permitting process; to include updated language to create increased uniformity among WASHTO states; and to make administrative changes to correct typographical errors, streamline the rules by eliminating duplication, or make other formatting changes required by the Colorado Secretary of State’s office or for any clarification purposes deemed necessary.

WHEREAS, the rules must comply with the Administrative Procedures Act (“APA”) requirements of § 24-4-103, et seq. that the rules be written clearly, not conflict with other laws, and address public health, safety and welfare concerns; and

WHEREAS, the Transportation Commission has the authority to conduct the rule making hearing pursuant to § 42-4-511, or to delegate the authority to an Administrative Law Judge or to a Colorado Department of Transportation Administrative Procedures Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations back to the Transportation Commission for its review and action concerning the promulgation of the rules; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes staff to prepare a draft of proposed rule amendment, and to take all necessary actions in accordance with the APA, § 24-4-103 C.R.S. to initiate rule making for the purpose of promulgating the rules.

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

CDOT administrative procedures officer from the Division of Audit and hereby directs the hearing officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and final rule adoption.