Resolution #TC-2024-05-08

Adopt Proposed Changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions ("the Planning Rules"), 2 CCR 601-22.

Approved by the Transportation Commission on May 16, 2024.

Whereas, House Bill 23-1101 directed the Colorado Department of Transportation (CDOT) to complete a study and study report of the boundaries of the Transportation Planning Regions (TPRs), as defined in Section 43-1-1102(8); the membership of the Statewide Transportation Advisory Committee created in section 43-1-1104(1)(a); the Transit and Rail Advisory Committee created pursuant to Section 43-1-1104(1)(b); and the consistency and transparency of the transportation planning process across the TPRs; and

Whereas, House Bill 23-1101 further requires that following the completion of the study and before June 1, 2024, the Commission shall initiate updates to its Planning Rules; and

Whereas, §§ 43-1-106(8)(k), and 43-1-1103(5), C.R.S. authorize the Transportation Commission of Colorado ("Commission") to adopt rules that govern the statewide planning process; and

Whereas, CDOT completed "HB 23-1101: Transportation Planning Region Study" (the Report) and presented the Report and the Report's recommendations to the Commission on November 15, 2023; and

Whereas, the Commission established the Planning Rule Coordination Committee (PRCC) in January 2024 to act as liaison for the Commission throughout the rulemaking process to work with staff to amend the Planning Rules; and

Whereas, the Transportation Commission passed Resolution #TC-2024-01-8 on January 18, 2024, authorizing a Hearing Officer to conduct hearings on the proposed changes to Sections 1.11, 2, and 3 of the Planning Rules; and

Whereas, pursuant to § 24 4 103, C.R.S., the State Administrative Procedure Act, and Commission Resolution #TC-2024-01-8, the Department opened the official rulemaking process; and

Whereas, the Hearing Officer held virtual public hearings on March 6 and March 11, 2024, to receive public comment on the proposed changes to the Planning Rules; and

Whereas, the Hearing Officer reviewed the entire record consisting of thirteen exhibits and found that staff complied with the State Administrative Procedure Act; and

Now Therefore Be It Resolved, after review and consideration of the proposed changes to the rules, and considering all public comments received during the TPR Study, this rulemaking process, and the comments and recommendations from the STAC, the Commission adopts the proposed changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22 attached as Exhibit A, with the following exceptions:

1. Table the proposed Rule changes in Rule 2.01, related to the TPR boundaries, and consider other options related to the TPR boundaries, which will be discussed by the Transportation Commission at the November Transportation Commission meeting.

2. The proposed Rule changes in Rule 3.03.2.2, related to the rotation of STAC officers, is changed to read as follows:

"3.03.2.1 To ensure the STAC's leadership represents both rural and urban Colorado, STAC is encouraged to require that when the chairperson is chosen from a rural TPR or tribe, the vice chairperson shall be chosen from an urban MPO area, and each position shall rotate so that no consecutive chairpersons or vice chairpersons come from either a rural TPR or tribe, or urban MPO area consecutively."

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado