

Transportation Commission Resolution #20260704

Approve Referral of CDOT Region 4 Access Appeals to the Office of Administrative Courts, C.R.S. § 43-2-147(6)(c) & 2 CCR 601-1:2.9

Approved by the Transportation Commission on July 16, 2026.

WHEREAS, the Colorado Department of Transportation ("CDOT") controls access to the state highway system through the State Highway Access Code, 2 CCR 601-1 (the "Access Code"); and

WHEREAS, US Highway 34A, also known as E. Eisenhower Boulevard ("US 34"), is located in Loveland, Colorado, and includes a shared access into a circular drive serving property owned by Wishco 1 LLC and used for a Conoco gas station, and property or access rights held by Ouro Loveland LLC and used for a Best Western hotel (the "Access"); and

WHEREAS, on March 26, 2026, the City of Loveland requested that CDOT close the eastern access into the circular drive serving the Conoco gas station and Best Western hotel; and

WHEREAS, Loveland requested the closure to improve the safety and operational efficiency of US 34 where it meets the southbound Interstate 25 on-ramp, and as a required condition of a 2026 Loveland-sponsored Access Control Plan amendment allowing an additional right-in/right-out access into an upcoming King Soopers-anchored development on the south side of US 34; and

WHEREAS, CDOT Region 4 concurred with Loveland that the access closure would improve safety and operations on US 34 and would be consistent with CDOT values and strategic goals; and

WHEREAS, on April 20, 2026, CDOT Region 4 issued Form 138 Permit #426062, allowing the City of Loveland to close the Access as part of a planned Loveland 2027 project; and

WHEREAS, Wishco 1 LLC, as fee owner, objected to Form 138 Permit #426062 and submitted a written appeal on May 19, 2026; and

WHEREAS, Ouro Loveland LLC, as easement holder, objected to Form 138 Permit #426062 and submitted a written appeal on May 20, 2026; and

WHEREAS, Wishco 1 LLC and Ouro Loveland LLC each requested an administrative hearing before the Transportation Commission concerning CDOT Region 4's decision to close the Access; and

WHEREAS, both appeals concern the proposed closure of the same shared access to US 34 and raise the same or related issues, and CDOT staff anticipates that the appeals will involve the same or substantially similar witnesses and evidence; and

WHEREAS, pursuant to C.R.S. § 43-2-147(6)(c), the Transportation Commission may determine whether the appeals will be heard by the Transportation Commission or referred to the Department of Personnel and Administration, Office of Administrative Courts, for hearing before an Administrative Law Judge; and

WHEREAS, because the appeals concern the same Access, involve related legal and factual issues, and require an administrative hearing process conducted under the Colorado Administrative Procedure Act, CDOT staff requests that the appeals be consolidated and referred to the Office of Administrative Courts for hearing before an Administrative Law Judge.

NOW THEREFORE BE IT RESOLVED, the Commission directs that the appeals from Wishco 1 LLC and Ouro Loveland LLC concerning Form 138 Permit #426062 and the proposed closure of the shared access to US 34 be consolidated into one action to be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to facilitate the consolidated appeal pursuant to 2 CCR 601-1:2.9 and take all necessary actions to accommodate the appellants' requests for a hearing.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the consolidated hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado