

Transportation Commission Resolution #20260905

Approve Referral of CDOT Region 5 Access Appeal 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 September 17, 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, Colorado State Highway 550B (CO 550) is an R-A (Regional Highway) Category Highway under the State Highway Access Code; and

Whereas, Section 3.8(2) of the State Highway Access Code provides that "one access shall be granted per parcel of land if reasonable access cannot be obtained from the local street or road system"; and

Whereas, the Columbine Roadhouse on Parcel No. 48270000010140, owned and operated by Inga McFadden, is located in Silverton, Colorado (the "Property") and is adjacent to CO 550; and

Whereas, the Property includes an unfettered access to CO 550 as well as a secondary illegal and unpermitted access, neither of which comply with the State Highway Access Code criteria and design standards; and

Whereas, on April 25, 2018, Access Permit #518014 was issued to Ms. McFadden for a 30-foot access to the Property which included a condition requiring Ms. McFadden to obtain a notice to proceed to close all unfettered access to CO 550 within one year of the Permit's issuance; and

Whereas, Ms. McFadden did not request a notice to proceed prior to April 25, 2019; and

Whereas, pursuant to State Highway Access Code, Section 2.3(11)(d), Access Permit #518014 expired; and

Whereas, after CDOT became aware of a newly constructed illegal secondary access to the Property from CO 550, CDOT contacted Ms. McFadden to address the noncompliance of the secondary access and the need to close the illegal access; and

Whereas, on February 2, 2026, CDOT sent Ms. McFadden an Access Notice of Non-Compliance letter explaining the problems with the newly constructed access, notifying her of Access Permit #518014's expiration, and requesting that Ms. McFadden submit a new Access Permit Application by March 13, 2026; and

Whereas, after meeting with CDOT, Ms. McFadden submitted two Access Permit applications on May 27, 2026, to address the unfettered access condition; and

Whereas, the Permits Office transmitted proposed Access Permits #526040 and #526041 to Ms. McFadden for signature; and

Whereas, Ms. McFadden did not sign either permit, and her legal counsel submitted an appeal of Access Permit #526040 via email on July 31, 2026, objecting to the conditions of the Access Permit; and

Whereas, pursuant to C.R.S. § 43-2-147(6)(c), the Transportation Commission may determine whether the appeal 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

Now Therefore Be It Resolved, the Transportation Commission directs that the appeal from Ms. McFadden concerning Access Permit #526040 be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to take all necessary actions to accommodate the appellant's request for a hearing.

Be It Further Resolved, the Transportation Commission delegates its authority to conduct the 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