

Transportation Commission Resolution #20260907

Approved by the Transportation Commission on September 17, 2026

Whereas, statute requires CDOT to conduct a review of its rules to assess the continuing need for, the appropriateness of, and the cost effectiveness of its rules to determine if they should be continued in their current form, modified, or repealed; and

Whereas, 2 CCR 601-18 Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways have been in place since 2008 and is outdated; and

Whereas, the purpose of the rules was to establish consistency regarding the applications for recycled waste tire grants pertaining to noise mitigation measures pursuant to sections 43-2-401 to 404 C.R.S; and

Whereas, the mandate to make rules under statute was removed in the 2026 legislative session as part of the Department cleanup bill HB 26-1076; and

Whereas, the rules were originally created to promote waste tires as material to build noise walls but no noise mitigation measures of any type have ever been built under the rules; and

Whereas, if an applicant were to apply for a to build noise mitigation measure on CDOT Right of Way, the current statute provides enough information to process that request without the rules; and

Whereas, On June 18, 2026 the TC opened the rules and assigned a hearing Officer for a public hearing to consider the repeal; and

Whereas, On June 30, 2026 CDOT filed the proposed permanent rule and notice of rulemaking with the Secretary of State which included the hearing date, time, and link for the public hearing on August 3, 2026; and

Whereas, CDOT held a public hearing and solicited public and stakeholder feedback regarding the proposed repeal.

Now Therefore Be It Resolved, that repeal of rules 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways be adopted.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado