



COLORADO

Transportation Commission

4201 East Arkansas Avenue, Room 270
Denver, CO 80222-3406

DATE: March 16, 2017
TO: Transportation Commission
FROM: Herman Stockinger / Kyle Lester
SUBJECT: Adopt changes to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

Purpose

To accept the Hearing Officer's recommendation and adopt the changes to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

Action

To pass a resolution to adopt the changes to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("Rules"), 2 CCR 601-4, based on the Hearing Officer's recommendation from the rule-making hearing conducted on January 20, 2017.

Background

On November 17, 2016, the Transportation Commission, by Resolution No. 16-11-9, authorized a Hearing Officer to conduct a hearing on the proposed changes to the Rules. Most of the changes were based on the passage of the FAST Act, codified at 23 U.S.C. 127, which made changes to truck size and weight provisions, and clarified that vehicles carrying fluid-milk products are considered non-divisible. Other proposed changes include updates to the pilot escort driver requirements, as well as other non-substantive changes.

Details

On January 20, 2017, the Hearing Officer held a rule-making hearing to receive public comment on the proposed rule changes. There was no public comment during the hearing. The Hearing Officer reviewed the entire record of this proceeding, including the 8 exhibits from the January 20, 2017 hearing, and found that the requirements of the State Administrative Procedure Act have been satisfied, that there is sufficient evidence in the record to support the proposed changes to the rules, and that the Commission has the authority to adopt the proposed changes to the Rules.

Key Benefits

The proposed changes comply with the FAST Act.

Options and Recommendations

- 1) Adopt the proposed changes to the Rules (staff recommendation);
- 2) Defer the decision to adopt the proposed changes to the Rules pending the provision of additional information; or
- 3) Decline to adopt the proposed changes to the Rules at this time.

Attachments

Resolution

Red-line copy of Rules showing proposed changes

Hearing Officer Summary and Recommendation

Hearing Transcript (available online)

Hearing Exhibits (available online)



Resolution # TC-

Adopt Proposed Changes to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads (“Rules”), 2 CCR 601-4.

WHEREAS, § § 42-4-510(1)(b), 511(1), and 43-1-106(8)(k), C.R.S., authorize the Transportation Commission of Colorado (“Commission”) to adopt rules that are necessary for the proper administration and enforcement of state permits for the operation of vehicles that are of excess size and/or weight; and

WHEREAS, the Transportation Commission passed Resolution No. 16-11-9 on November 17, 2016, authorizing an Administrative Hearing Officer to conduct a hearing on the proposed changes to the Rules; and

WHEREAS, pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and the Transportation Commission Resolution No. 16-11-9, the Department opened the official rulemaking process and the Hearing Officer held a public hearing on January 20, 2017, in the auditorium at the CDOT Headquarters building, in Denver, Colorado, to receive public comment on the proposed changes to the Rules; and

WHEREAS, having reviewed the entire record including 8 exhibits of the January 20, 2017, proceeding, the Hearing Officer found that all requirements of the State Administrative Procedure Act, § 24-4-103, C.R.S., have been satisfied, there is sufficient evidence in the record to support the Rules as submitted, and the Commission has the authority to adopt the proposed changes to the Rules; and

WHEREAS, based on his review of the record, having heard oral testimony and reviewed any written testimony, and being fully apprised of this matter, the Hearing Officer recommends that the Commission adopt the proposed changes to the Rules.

NOW THEREFORE BE IT RESOLVED, the Commission adopts the proposed changes to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

Herman Stockinger, III
Transportation Secretary

Date

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES PERTAINING TO TRANSPORT PERMITS FOR THE MOVEMENT OF EXTRA-LEGAL VEHICLES OR LOADS

2 CCR 601-4

CHAPTER 1 AUTHORITY AND GENERAL PROVISIONS

100 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

101 History

The Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads were made effective on the following dates: June 30, 1984; January 30, 1986; November 30, 1986; January 30, 1988; May 30, 1988; April 30, 1989; March 4, 1991; April 30, 1992; July 30, 1999; January 30, 2004; August 1, 2007; August 1, 2010, ~~and June 30, 2012,~~ and November 14, 2015.

102 Statement of Basis and Purpose and Statutory Authority

The July 2015 rulemaking was initiated to conform the rules to a change in HB14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate overweight divisible loads pertaining to power units utilizing a trailer with two or three axles. Additionally, the Department is clarifying height restrictions in conformance with § 42-4-504(1), C.R.S., incorporating processes for the new electronic permitting system, and conforming the Auxiliary Power Unit (“APU”) requirements to a change in weight made in MAP-21 (23 U.S.C. 127), increasing the APU from 400 to 550 lbs. Thereafter, with the passage of the FAST Act, codified at 23 U.S.C. 127, a rulemaking was initiated in 2016 to conform with the requirements of the Act and make other minor changes.

Specific statutory authority for the Colorado Transportation Commission to adopt and promulgate Rules pertaining to Transport Permits for the operation or movement of Extra-legal Vehicles or Loads, is contained in §§ 42-4-510 (1)(b), 511(1), and § 43-1-106(8)(k), C.R.S. Various permits issued under the law require restrictions or conditions for movement which includes using Pilot Escort Vehicles to accompany the movement of Loads, in an effort to protect the health, safety and welfare of the traveling public. Conditions for requirements prescribed by the Department are statutorily authorized under § 42-4-510 (3), C.R.S.

The purpose of the Rules is to comply with state statutes that allow the movement on State Highways of Vehicles and Loads exceeding Legal Limits provided that the Department issues a permit for such Vehicles and Loads. Section 42-4-510 (3), C.R.S. authorizes the Department to prescribe conditions of operation for the movement of Extra-Legal Loads.

103 General Provisions

[\[No changes from 103 to 103.5\]](#)

CHAPTER 2 DEFINITIONS

[\[No changes from 200 to 206\]](#)

[207 Bulk Fluid Milk Products – A cargo tank shipment of raw unpasteurized milk from a dairy farm to market for processing.](#)

~~2078~~ Cluster Lights - An assemblage of three or more red or yellow clearance lights.

~~2089~~ Commercial Vehicle Rules - The State of Colorado, Department of Public Safety, Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles (8 C.C.R. 1507-1).

~~209 C.R.S. – Colorado Revised Statutes, as may be amended.~~

[\[No changes from 210 to 235\]](#)

236 Nondivisible Load or Vehicle - Any Load or Vehicle exceeding applicable statutory size or weight limits which, if separated into smaller Loads or Vehicles, would compromise the intended use of the Vehicle, for example, Make it unable to perform the function for which it was intended; Destroy the value of the Load or Vehicle, i.e., make it unusable for its intended purpose; or Require more than 8 workhours to dismantle using appropriate equipment. The Applicant for a Nondivisible Load permit has the burden of proof as to the number of workhours required to dismantle the Load.

Pursuant to federal regulations the State may treat emergency response vehicles, casks designed for the transport of spent nuclear materials, [Bulk Fluid Milk Products](#), and military vehicles transporting marked military equipment or material as nondivisible vehicles or loads.

[\[No changes from 237 to 256\]](#)

CHAPTER 3 TRANSPORT PERMITS AND APPLICATION INFORMATION

[\[No changes to Chapter 3\]](#)

CHAPTER 4 TRANSPORT PERMIT OPERATING REQUIREMENTS AND RESTRICTIONS

[\[No changes from 400 to 407.2\]](#)

~~407.3 An Extra-legal Vehicle or Load that weighs more than one hundred forty thousand pounds Gross Vehicle Weight must:~~

~~407.3.1 Not exceed forty miles per hour when crossing bridges; and~~

~~407.3.2 Travel in the center of the driving Lane when crossing bridges.~~

407.43 An Extra-legal Vehicle or Load that weighs more than two hundred thousand pounds Gross Vehicle Weight and all Chapter 8 Special Mobile Machinery must:

- 407.43.1 Not exceed ten miles per hour on those bridge specifically restricted by the Department and listed on the Transport Permit.
- 407.43.2 Travel in the center of the driving Lane when crossing bridges; and
- 407.43.3 If required to slow to ten miles per hours on any bridge along the approved route, attached to the rear of the Extra-legal Vehicle or Load an Oversize Load Sign reading as follows: "CAUTION: THIS VEHICLE MAY SLOW TO 10 MPH TO CROSS BRIDGES" .

[\[No change from 408 to 409.3\]](#)

[409.4 An Extra-legal Vehicle or Load more than 17 feet in Height must be accompanied by a licensed signal contractor through all intersections controlled by an overhead traffic signal.](#)

[\[No change from 410 to 412.2\]](#)

CHAPTER 5 PILOT ESCORT CERTIFICATION REQUIREMENTS

[\[No change from 500 to 500.4.3\]](#)

- 500.5 Pilot ~~E~~escort drivers must provide a current (within 30 days) Motor Vehicle Record (MVR) in the state of current residence, for the immediate previous five year period, to the Pilot Escort Certification Program at the time of the course. [For this immediate previous five year period, t](#)~~The~~ driving records must be clear of any conviction for drug or alcohol related offenses and not contain a single moving violation penalty assessment of six (6) points or more.
- 500.6 Pilot Escort drivers will be issued a certification card by an authorized Pilot Escort Certification Program and shall have it in their possession at all times while in pilot escort operations.
- 500.7 Initial certification will be valid for four years from the date of issue. One additional four-year certification may be obtained through a mail in or on-line recertification process provided by an authorized Pilot Escort Certification Program. It will be the responsibility of the driver to maintain certification.

~~500.8 Colorado Pilot Escort certifications issued prior to August 1, 2007 will not be valid.~~

500.98 Operators must notify the Department in writing within 30 days of any change of address or name.

500.409 All Pilot Escort drivers must [be knowledgeable of, and comply with, these Rules and escort the permitted Vehicle in such a manner that complies with these Rules, the Bridge Weight Limit Map, the Pilot Escort and Oversize Restriction Map, the Height Restriction Map, the Hazardous and Nuclear materials map and all other Highway restrictions. This information is available, and may be printed if the Pilot Escort driver so desires, on both the CDOT Commercial Vehicle Permits Webpage or on the Motor Carriers' dashboard of the CDOT permitting system by clicking on the Annual Permit Route link. The Pilot Escort driver must have the following documents, or access to the documents electronically, in the Pilot Escort Vehicle when piloting permitted vehicles on the Colorado Highways:](#)

- 500.409.1 Their valid certification card;
- 500.409.2 [Copy of the Extra-Legal Rules; Proof of insurance as required in 500.4.3;](#)
- 500.409.3 [Bridge Weight Limit Map;The original Transport Permit or legible copy of the same in accordance with § 42-4-510\(4\), C.R.S.](#)

~~500.10.4 Pilot Escort and Oversize Restriction Map;~~

~~500.10.5 Height Restriction Map;~~

~~500.10.6 Hazardous and Nuclear Materials Map; and~~

~~500.10.7 Proof of insurance as required in 500.4.3~~

[No change from 501 to 504.4]

505 Pilot Escort Vehicle Equipment Requirements

505.1 Pilot Escort vehicles shall be equipped with the following safety items:

505.1.1 Standard 18 inch or 24 inch red/white "STOP" and black/orange "SLOW" paddle signs. Construction zone flagging requires the 24-inch sign.

505.1.2 At least three reflective bi-directional triangles or their equivalent.

505.1.3 Eight red-burning flares, glow sticks or equivalent illumination device approved by the Department.

505.1.4 Three orange traffic cones which are a minimum of 18 inches high with a 6 inch reflective collar.

505.1.5 Flashlight, ~~which uses two or more D-cell batteries,~~ with a minimum 1 ½ inch lens diameter, with extra batteries or charger (emergency type shake or crank will not be allowed); ~~A~~ and a 6 inch minimum length red or orange cone flashlight for use when directing traffic.

505.1.6 Orange or white hardhat and ~~Type~~Class 2 or Class 3 reflective ~~orange~~high visibility safety vest for each person~~nel~~ involved in pilot escort operations. Class 3 reflective vests are required for operations during hours of darkness.

505.1.7 For front escort vehicles piloting loads greater than 16' high, a height-measuring pole with a non-conductive tip, made of non-destructive, flexible material. ~~Compression fittings are not acceptable. Compression fittings must be accompanied by a secondary means of securement. Compression fittings alone are not allowed.~~

- a. A Pilot Escort Vehicle shall use a Height pole at all times when escorting an Extra-legal Vehicle or Load exceeding sixteen feet in Height, unless otherwise expressly authorized by the Department on the permit.
- b. The Height pole shall not extend more than six inches above the maximum Height of the Extra-legal Vehicle or Load the Pilot Escort Vehicle is escorting.
- C When the Pilot Escort Vehicle is not escorting an Extra-legal Vehicle or Load but is moving on the Highway, the Height pole shall be removed, tied down, or shortened to within Legal Limits.

[No changes from 505.1.1.8 to 509.2]

CHAPTER 6 SPECIAL PERMITS

[\[No changes to Chapter 6\]](#)

CHAPTER 7 EXCEPTIONS TO THE RULES

[\[No changes from 700 to 704.3.3\]](#)

704.4 Towing carriers may transport an Extra-legal Vehicle, LVC, or other combination, divisible or non-divisible, or single unit that becomes an Extra-legal Vehicle when connected to a towing carrier, to place of repair or towing carrier's storage facility, and:

704.4.1 The towing carrier must have a valid extra-legal permit but not confined to parameters of section 304; and

704.4.2 The towing carrier must have a PUC permit as required in 40-13-103 CRS; and

704.4.3 When towing a combination vehicle, the towing carrier must utilize the braking system of the trailer, if operational, unless exempted by a peace officer; and

704.4.3.1 Any ~~P~~pilot ~~E~~escort vehicles, which were required to accompany the load prior to requiring the tow, shall continue to accompany the load, while being towed.

704.4.3.2 These rules shall not require the tow carrier to obtain a ~~P~~pilot ~~E~~escort vehicle[s] if not required before the towing carrier connected; and

704.4.3.3 The towing carrier is exempt from Section 405 regarding hazards; and

704.4.3.4 The towing carrier is exempt from Section 212 and 407.1 regarding divisible loads; and

704.4.3.5 The towing carrier is exempt from Sections 407 and 412 regarding weight restrictions however in no event shall a towing carrier exceed the allowable weights of any bridge as designated on the Bridge Weight map.

[704.4.3.6 A 'covered heavy-duty tow and recovery vehicle' shall be exempt from the requirement to obtain an overweight permit.](#)

[704.4.3.6.1 The term 'covered heavy-duty tow and recovery vehicle' means a vehicle that—](#)

[\(A\) Is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and](#)

[\(B\) Has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.](#)

[\[No change from 705 to 711\]](#)

~~712 Drive-away saddle-mount vehicle transporter combinations are specialized equipment (Title 23 C.F.R., Part 658.13). Such equipment may operate with an overall length limit of not more than 97 feet on such combinations. This provision applies to drive-away saddle-mount combinations~~

~~with up to three saddle-mounted vehicles. Such combinations may include one fullmount. Title 23 C.F.R., Part 658.13 supersedes §42-4-504 (4.5), C.R.S.~~

712 Emergency Vehicles

712.1 An emergency vehicle, other than an "Authorized emergency vehicle", as defined in § 42-1-102(6), C.R.S., which is designed to be used under emergency conditions: to transport personnel and equipment; and to support the suppression of fires and mitigation of other hazardous situations shall be exempt from the requirement to obtain an overweight permit if the gross vehicle weight is less than 86,000 lbs. Maximum axle allowances are as follows:

- (A) 24,000 pounds on a single steering axle;
- (B) 33,500 pounds on a single drive axle;
- (C) 62,000 pounds on a tandem axle; or
- (D) 52,000 pounds on a tandem rear drive steer axle.

712.2 Weight allowances for axle configurations not listed in 712.1, are as listed on the Colorado Bridge Weight Limit map

[No change from 713 to 713.2]

[No change to Chapter 8 and 9]

CHAPTER 10 DENIAL OF PERMIT APPLICATION SUSPENSION OR REVOCATION OF PERMITS HEARINGS AND APPEALS

- 1000 The Department shall track permit violations reported to the Department by law enforcement agencies, including data reported to the Department that establish patterns of noncompliance. The Department may deny a permit application and may amend, revise, modify, suspend, or revoke a permit for violations of the Rules or of permit conditions, in accordance with the provisions of §24-4-104 and §24-4-105, C.R.S. If the application for a new permit or a renewal permit is denied without a hearing, the Department shall notify the Applicant in writing of such action and the ground(s) therefore, and the Applicant has sixty days after the giving of such notice in which to request a hearing.
- 1001 The Department may deny a permit application if the Applicant:
- 1001.1 Does not comply with the stated criteria, terms, purpose, and requirements of the Rules, a prior permit, §42-4-505, C.R.S. or §42-4-510, C.R.S.
 - 1001.2 Fails to show Good Cause to issue a permit.
 - 1001.3 Makes a false statement on the application for a Transport Permit.
 - 1001.4 Fails to provide all applicable information in the form required by the Department.
 - 1001.5 Fails to submit permit fee with the application.
 - 1001.6 The Department determines that granting a permit in the particular circumstances described in the application will present a public safety hazard, will unreasonably interfere with the efficient movement of traffic, or will subject the State Highways to undue damage.

- 1001.7 Violates any ordinance or resolution of a local authority concerning operation or movement of an Extra-legal Vehicle or Load.
- 1002 The Department may revoke or suspend an existing permit as follows:
- 1002.1 Upon a finding that the Permittee has violated the stated criteria, terms, purpose, requirements and conditions of the permit, the Rules, §42-4-505 C.R.S. or §42-4-510 C.R.S.
- 1002.2 A false statement by the Applicant in the application for a Transport Permit.
- 1002.3 Failure by the Permittee to pay applicable ad valorem taxes prior to movement of a used manufactured home.
- 1002.4 Falsification or misrepresentation by the Permittee of an Emergency situation, in order to obtain oral authorization to move an Extra-legal Vehicle or Load.
- 1002.5 Where the Department has reasonable grounds to believe and finds that the Permittee has been guilty of deliberate and willful violation or that the public health, safety or welfare imperatively requires Emergency action as outlined in §24-4-104 (4), C.R.S.
- 1002.6 Permittee actions or omissions while operating or moving an Extra-legal Vehicle or Load which impair public safety, interfere with the efficient movement of traffic, or damage the State Highway.
- 1002.7 Violation by the Permittee of any ordinance or resolution of a local authority concerning operation or movement of an Extra-legal Vehicle or Load.
- 1003 All appeals and hearings which are required by law regarding denial, suspension, revocation, limitation or modification of a permit shall be requested, provided and conducted pursuant to the Administrative Procedures Act (APA) §24-4-101 et. seq., C.R.S.
- 1004 Any hearing required by this Chapter shall be presided over by the Chief Engineer of the Department or by an Administrative Law Judge appointed pursuant to Part 10 of Article 30 of Title 24, C.R.S. If a hearing is held before an Administrative Law Judge and if either party is dissatisfied with the initial decision of the administrative law judge, then an appeal may be made to the Chief Engineer, pursuant to §24-4-105 (14) and (15), C.R.S., within thirty days after the date of service of the initial decision. The appeal shall comply with the requirements of §24-4-105, C.R.S., and shall specify the findings of fact and conclusions of law the dissatisfied party is appealing. All appeals shall be submitted to: [the CDOT Headquarters Building, addressed to the Chief Engineer, Colorado Department of Transportation-4201 East Arkansas Avenue, Denver, Colorado-80222.](#)

Incorporation by Reference

The Rules are intended to be consistent with and not be a replacement for the federal requirements set forth in "Fixing America's Surface Transportation Act" or the "FAST Act" codified at 23 U.S.C. 127 (2016), and the regulations set forth under Title 23 of the Code of Federal Regulations, which are hereby incorporated into these Rules by reference, and do not include any later amendments.



DATE: February 24, 2017

TO: Colorado Transportation Commission

FROM: Andrew Hogle, Administrative Hearing Officer

SUBJECT: Administrative Hearing Officer Summary Re: Rulemaking Hearing on Proposed Changes to 2 CCR 601-4 “Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads”

Background

Pursuant to §§ 42-4-510(1)(b), 511(1), and § 43-1-106(8)(k), C.R.S., the Colorado Transportation Commission has the authority to adopt and promulgate Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads. § 42-4-510(3), C.R.S., authorizes the Department to prescribe conditions of operation for the movement of Extra-Legal Loads. On November 17, 2016, the Transportation Commission, by Resolution No. 16-11-9, authorized an Administrative Hearing Officer to conduct a hearing on proposed changes to the rules (Exhibit 1B). On January 20, 2017, the Hearing Officer held a rulemaking hearing to receive public comment on the proposed rule changes.

Summary of Hearing and Factual Findings

Pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and the Transportation Commission Resolution No. 16-11-9, a public hearing was held on January 20, 2017, in the auditorium at the CDOT Headquarters building, in Denver, Colorado. A court reporter was present, and a transcript of this hearing is attached. Acting as your delegated Administrative Hearing Officer, I opened the hearing at 1:33 p.m. No one other than Department personnel and the Office of the Attorney General attended the hearing, and no testimony was offered other than the testimony noted below from Department personnel and the Office of the Attorney General.

Marie Nakagawa from the Office of Policy and Government Relations reviewed the exhibits and demonstrated how CDOT complied with the requirements of the State Administrative Procedure Act (Transcript pages 6-12). The Statement of Basis, Purpose, and Statutory Authority for the rules is contained in Exhibit 6A. A cost-benefit analysis was not required (Exhibit 3D). Ms. Nakagawa also noted that CDOT:

- Obtained proper hearing delegation from the Commission (Exhibit 1B);
- Filed a timely Notice of Rulemaking with the Secretary of State (Exhibit 2A);
- Published the Notice in the Colorado Register (Exhibit 2C);
- Posted information about the rulemaking hearing on the CDOT website on November 30, 2016 (Exhibit 4);
- Notified the representative group and the interested parties of the date, time and location of the hearing and requested comments (Exhibits 5A-K);
- Will maintain a permanent file of the rulemaking record (Exhibit 6B); and

- Posted timely notice of the rulemaking hearing in the lobby of the CDOT Headquarters Building (Exhibit 6C).

Danny Wells, the Manager of the Oversize/Overweight Permits Program, then explained which rule changes were being proposed to the Commission (Transcript pages 13-17). These changes are reflected in the attached copy of the redlined rules, which includes the same proposed revisions that were explained in the hearing (Exhibit 5K), but has now been corrected for scrivener's errors.

Mr. Wells explained that most of the proposed changes are based on the passage of the FAST Act (codified at 23 U.S.C. § 127 (2016), the pertinent provisions of which are contained in Exhibit 7) which made changes to truck size and weight provisions, and clarified that vehicles carrying fluid milk products are considered non-divisible. Mr. Wells also explained other proposed changes to the rules, including the following: a requirement that an extra-legal vehicle or load more than 17 feet in height must be accompanied by a licensed signal contractor through all intersections controlled by an overhead traffic signal (Rule 409.4), additional requirements for all pilot escort drivers (Rule 500.9), and clarification on compression fittings for height-measuring poles (505.1.7).

Otherwise, minor modifications have been made to the rules, including revisions to rule numbers (Transcript pages 13-18; see attached copy of redlined rules). In the interest of clarity, a statement reiterating that the FAST Act requirements and Title 23 regulations are incorporated by reference into the rules has been included on page 7 following Chapter 10.

Kathy Young, First Assistant Attorney General from the Office of the Attorney General, was present at the hearing and testified that the process the Department had followed in this rule-making met the requirements of the State Administrative Procedure Act.

Findings and Conclusions of Law

I have reviewed the entire record of this proceeding. The record includes all 8 exhibits from the January 20, 2017 hearing. I find that:

1. All requirements of the State Administrative Procedure Act, § 24-4-103, C.R.S., have been satisfied.
2. There is sufficient evidence in the record to support the proposed changes to the rules as submitted in the attached copy of the redlined rules.
3. The Commission has the authority to adopt the proposed rules.

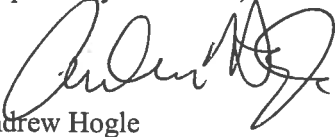
Decision

You must review the record of these proceedings prior to adopting any rule, and any action must be based upon, and supported by, the record. Copies of the entire exhibit packet are available for your review in the Office of Policy and Government Relations. The record supports adoption of the proposed rule changes, and pursuant to § 24-4-103, C.R.S., you may choose to adopt these rule changes.

Having reviewed the entire record of this proceeding, including Exhibits 1 through 8, and having heard oral testimony and reviewed any written testimony provided, and being fully apprised of this matter, acting as Administrative Hearing Officer in this matter, I recommend that the Transportation Commission adopt the proposed rules.

I have prepared a resolution for adoption of the proposed rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew Hogle', written in a cursive style.

Andrew Hogle

cc: Shailen P. Bhatt, CDOT Executive Director
Herman Stockinger, Commission Secretary