

# 2022

## Regulatory Agenda



## Overview

The Colorado Department of Transportation submits the following 2022 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for the adoption of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and a brief summary of all permanent and temporary rules adopted since the previous DRA was filed.
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The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2021. The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s website, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II).

The following constitutes Colorado Department of Transportation’s DRA for 2021 and is provided in accordance with Colo. Rev. Stat. §24-7-203(4).

Schedule (month)	Rule Number and Title (or Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review (X if yes)	Purpose	Stakeholders	Anticipated Hearing Date
March	2 CCR 601-17, Implementation of the Use of Waste Tires for Noise Mitigation Purposes along Colorado State Highways	Revision	§43-2-401, and §43-2-404, C.R.S.	X	The purpose of the rulemaking will be to conduct a review to assess the continuing need for, appropriateness and cost effectiveness of the program’s rules as mandated by SB 14-063. The assessment will determine whether the rules should be continued in their current form, modified or repealed. This will include reviewing and revising the administrative rules regarding Statement of Basis and Purpose, Authority, Definitions, General Eligibility Criteria for Noise Mitigation Measures Funded, and Noise Mitigation Prioritization Formula.	The Department will work with the following stakeholders: (1) CDPHE, (2) Local Jurisdictions, (3) Environmental Organizations, and (4) Applicants for recycled waste tire grants pertaining to noise mitigation measures.	Fall 2022
May	2 CCR 601-1A, State Highway Access Category Assignment Schedule	Revision	§43-2-147, C.R.S.		The purpose of this rulemaking will be to update the Access Category Classifications as a result of any new additions and abandonments in the State Highway System.	The Department will work with the following stakeholders: (1) Local Jurisdictions, (2) Home Builder Associations, (3) Metro Districts, (4) Transportation Management Organizations and Associations, and (5) Statewide	Fall 2022

						Transportation Advisory Committee.	
June	Rule 910, Hours of Operation and Restrictions in 2 CCR 601-4, Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads	Revision	§42-4-505 and §42-4-511(1), C.R.S		An unintended result of the March 30, 2020 emergency rulemaking effectively removed the prohibition of the operation of Longer Vehicle Combinations (“LVCs”) in the metropolitan areas of Pueblo, Colorado Springs, and Denver during rush hour times. The purpose of this rulemaking will be to reestablish the prohibition of the operation of LVCs on designated state highways in the metropolitan areas of Pueblo, Colorado Springs, and Denver during the weekday morning hours of 7 to 9 a.m. and evening hours of 4 to 6 p.m.	The Department will work with the following stakeholders: (1) Colorado Motor Carrier Association, (2) Colorado State Patrol, (3) Federal Highway Administration, (4) Colorado Wyoming Petroleum Marketers Association, and (5) LVC Permittees.	Early Spring 2022
July	Chapters 1 and 4 in 2 CCR 601-10, Rules Governing Construction Bidding for CDOT Public Projects	Revision	§24-92-110, §24-109-202, and §43-1-105(6), C.R.S.		The purpose for this rulemaking will be to establish a bid preference for Emerging Small Businesses, which are businesses certified by the Colorado Department of Transportation.	The Department will work with the following stakeholders: (1) Colorado Contractors Association, (2) Associated General Contractors of Colorado, (3) Colorado Small Business Development Center Network, (4) American Council of Engineering Companies of Colorado, (5) Conference of Minority Transportation	Fall 2022

						<p>Officials, (6) Hispanic Contractors of Colorado, (7) Colorado Black Chamber of Commerce, (8) American Subcontractors Association of Colorado, (9) emerging small businesses certified by the Department, and (10) other minority or women construction organizations or businesses.</p>	
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# 2021

## Regulatory Agenda Report



**COLORADO**  
Department of Transportation

## Overview

Pursuant to Colo. Rev. Stat. § 2-7-203(4), the Colorado Department of Transportation submits its Report on the 2021 Regulatory Agenda. Pursuant to statutory requirements concerning the Department's Regulatory Agenda, this Report on the 2021 Regulatory Agenda details the results of the past year's rules review activity, including the results of mandatory rule reviews conducted under Colo. Rev. Stat. § 24-4-103.3(4) as part of the Department's "Regulatory Efficiencies Reviews".

This report includes the following items:

- "Rulemaking included in 2021 Regulatory Agenda" providing a status of the rules reviewed (see "Table 1");
- "Results of Mandatory Rules Review" providing a summary of the activities and outcomes associated with this review under Colo. Rev. Stat. § 24-4-103.3(4) (see "Table 2"); and
- "Unplanned Rulemaking" summarizing rule activity that was neither part of mandatory regulatory efficiency review nor part of the Regulatory Agenda (see "Table 3").

**Table 1: Rulemaking Included in 2021 Regulatory Agenda**

Rule Number	Rule Title (or Brief Description)	New Rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments
2 CCR 601-25	The Suspension or Revocation of Permits for the Transportation of Hazardous and Nuclear Materials by Motor Vehicle	New	SB20-118 43-1-105(6) and 42-20-205	Rules clarify administrative process for CDOT to take over PUC's permitting of hazardous fuel delivery.	CMCA, CWPMA	Adopted	4/30/2021	Emergency rulemaking passed 1/4/2021; entire rule effective 4/30/2021
2 CCR 604-1	Emerging Small Business Program	New	43-1-106(8)(j),(k)	Creation of CDOT's Emerging Small Business Program	CCA, Small businesses, ACGC	Adopted	7/15/2021	
Rule 910	Hours of Operation and Restrictions in 2 CCR 601-4, Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads	Revision	§42-4-505 and §42-4-511(1), C.R.S	An unintended result of the March 30, 2020 emergency rulemaking effectively removed the prohibition of the operation of Longer Vehicle Combinations ("LVCs") in the metropolitan areas of Pueblo, Colorado Springs, and Denver during rush hour times. The purpose of this rulemaking will be to reestablish the prohibition of the operation of LVCs on designated state highways in the metropolitan areas	The Department will work with the following stakeholders: (1) Colorado Motor Carrier Association, (2) Colorado State Patrol, (3) Federal Highway Administration, (4) Colorado Wyoming Petroleum Marketers Association, and (5) LVC Permittees.	Ongoing	N/A	Postponed until 2023 due to other unplanned rulemaking and more stakeholder outreach.



				of Pueblo, Colorado Springs, and Denver during the weekday morning hours of 7 to 9 a.m. and evening hours of 4 to 6 p.m.				
Chapters 1 and 4 in 2 CCR 601-10	Rules Governing Construction Bidding for CDOT Public Projects	New	§24-92-110, §24-109-202, and §43-1-105(6),C.R.S	The purpose for this rulemaking will be to establish a bid preference for Emerging Small Businesses, which are businesses certified by the Colorado Department of Transportation.	The Department will work with the following stakeholders: (1) Colorado Contractors Association, (2) Associated General Contractors of Colorado, (3) Colorado Small Business Development Center Network, (4) American Council of Engineering Companies of Colorado, (5) Conference of Minority Transportation Officials, (6) Hispanic Contractors of Colorado, (7) Colorado Black Chamber of Commerce, (8) American Subcontractors Association of Colorado, (9) emerging small businesses certified	Ongoing	N/A	Postponed until 2023 due to other unplanned rulemaking and more stakeholder outreach.

					by the Department, and (10) other minority or women construction organizations or businesses.			
SB 19-239	Rules to implement any legislation stemming from SB 19-239	New	SB 19-239	The purpose of this rulemaking will be to implement any regulations from possible legislation stemming from SB 19-239.	The Department will work with the following stakeholders: (1) Colorado State Patrol, (2) Transportation Network Companies, (3) Environmental Organizations, and (4) the Stakeholder Group convened for SB 19-239.	Not Adopted	N/A	No new regulations resulted from the passage of the bill, so no rulemaking was needed in 2022.

**Table 2: Results of Mandatory Rules Review**

Schedule (month reviewed)	Rule Number	Rule Title (or Brief Description)	Statutory or other basis for adoption of rule	Did review result in revisions to regulation?	Did review result in repeal of any part of the regulation? If so, how many rules?	Did review result in repeal of entire CCR volume?	Adoption date (if applicable)	Comments
Postponed, from March 2021	2 CCR 601-17	Implementation of the Use of Waste Tires for Noise Mitigation Purposes along Colorado State Highways	§43-2-401, and §43-2-404, C.R.S.	N/A	N/A	N/A	N/A	Postponed until 2022 due to unplanned rulemaking, was scheduled for fall.

**Table 3: Unplanned Rulemaking**

Rule Number	Rule Title (or Brief Description)	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Purpose	Stakeholders	Status	Adoption Date (if applicable)	Comments
2 CCR 601-22	Statewide Transportation Planning Process and Transportation Planning Regions	New	43-1-1103(5), 43-1-106 (8)(k), 24-4-105(11)	The purpose of the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions is to prescribe the statewide transportation planning process through which a long-range multimodal, comprehensive statewide transportation plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation, in cooperation with local governments, Metropolitan Planning Organizations, Regional Planning Commissions, Indian tribal governments, relevant state and federal agencies, the private sector, transit and freight operators, special-interest groups, and the general public	Local governments, Metropolitan Planning Organizations, Regional Planning Commissions, Indian tribal governments, relevant state and federal agencies, the private sector, transit and freight operators, special-interest groups, and the general public	Ongoing	N/A	CDOT extended public comment period until 11/18 with a final rulemaking hearing on 11/10
2 CCR 601-3	Rules Governing Outdoor Advertising in Colorado	Revision	43-1-415, 43-1-414(4), 23 USC 131 and 23 CFR 750.701	The purpose of these Rules is to establish a statewide uniform program controlling the use of Advertising Devices in areas adjacent to the State Highway System.	CO Outdoor Advertising Association; Street Media	Adopted	8/4/2021	