



COLORADO

Department of Transportation

Office of the Executive Director

4201 East Arkansas Ave, Suite 262
Denver, CO 80222

November 1, 2014

Mr. Mike Mauer
Director
Legislative Council Staff
Colorado General Assembly
State Capitol, Room 029
Denver, CO 80203

RE: Colorado Department of Transportation 2015 Department Regulatory Agenda

Dear Mr. Mauer:

Pursuant to Section 2-7-203(2)(a)(IV), C.R.S., this letter serves as the Colorado Department of Transportation's (CDOT) submission of its 2015 Department Regulatory Agenda. As required, this report provides a list of new rules or existing rule revisions that CDOT expects to propose in 2015, as well as the statutory or other basis for adoption of the proposed rules, purpose of the proposed rules, contemplated schedule for adoption of the rules, and a listing of persons or parties that may be affected by the rules. Additionally, this letter summarizes the rule-making activities conducted in 2014. The contemplated schedule is based on the timing requirements set forth in existing statute under the State Administrative Procedure Act, Section 24-4-103, C.R.S., and takes into account the public meetings of the Transportation Commission which will open and later adopt the rules during their monthly public meetings. The calendars listed may change based on various factors, including additional time needed for input from the representative groups and interested parties.

As required by Section 2-7-203(2)(a)(IV), C.R.S., this Department Regulatory Agenda is available to the public at www.coloradodot.info/business/rules and was submitted to the Secretary of State for publication in the Colorado Register. Furthermore, as required by state law, at the annual oversight hearing before the Joint Transportation Committee in January 2015, CDOT will be prepared to discuss this material and respond to legislator questions.

2015 Department Regulatory Agenda

1. *Temporary Rules Concerning the Implementation of the Safe Routes to School Program, 2 CCR 601-19*

- **Statutory Basis:** Section 43-1-1604, C.R.S.
- **Purpose of the Rules:** The Department must update the Safe Routes to School Rules as a result of the passage of House Bill 14-1301. This bill changed the criteria by which grants were allocated. It eliminated the need to distribute projects by geographic distribution of the student population. Instead, the bill requires that the Department consider schools having greater than fifty percent of the students eligible for free or reduced-priced lunch as one of the criteria for awarding grants. The Department requested that the Executive Director adopt temporary rules so that the change in criteria would be consistent for the current grant cycle.
- **Contemplated Schedule:** The temporary rules were adopted on September 4, 2014 and went into effect on that date for a period of 120 days. A public rule making hearing will be held on October 24, 2014; adoption of the rules will occur in November 2014, and permanent rules will become effective January 2015.
- **Persons/Parties That May be Affected by the Rules:** The Rules impact applicants for Safe Routes to School grants, Bicycle Colorado, and other interested persons in assuring safe walking and bicycle routes.

2. *Permanent Rules Concerning the Implementation of the Safe Routes to School Program, 2 CCR 601-19*

- **Statutory Basis:** Section 43-1-1604, C.R.S.
- **Purpose of the Rules:** The Department must update the Safe Routes to School Rules as a result of the passage of House Bill 14-1301. This bill made state General Fund monies available in the amount of \$700,000 for FY 2015 for the Safe Routes to School Program, and specified that all of the grants awarded



using these funds must be for non-infrastructure projects. The bill also provides that if the Safe Routes to School Program received federal dollars in FY15, General Fund monies appropriated for the program will be reduced by the amount of the federal moneys received. Finally, the bill eliminated the need to distribute projects by geographic distribution of the student population. Instead, the bill requires that the Department consider schools having greater than fifty percent of the students eligible for free or reduced-priced lunch as one of the criteria for awarding grants. The Department is amending the rules to include these revisions, and to make minor non-substantive corrections.

- *Contemplated Schedule:* Notice of rule-making was filed with the Secretary of State on September 8, 2014. A public rule making hearing on the permanent rules will be held on October 24, 2014; adoption of the rules will occur in November 2014, and permanent rules will become effective in January 2015.
- *Persons/Parties That May be Affected by the Rules:* The Rules impact applicants for Safe Routes to School grants, Bicycle Colorado, and other interested persons in assuring safe walking and bicycle routes.

3. Rules Governing Outdoor Advertising in Colorado, 2 CCR 601-3

- *Statutory Basis:* These rules are mandated by Sections § 43-1-415(1), and § 43-1-414(1), C.R.S. and 23 CFR 750.705.
- *Purpose of the Rules:* The rules are intended to carry out the provisions of § 43-1-402, C.R.S., and the Highway Beautification Act of 1965, 23 U.S.C. 131, 23 CFR 750.705 by establishing a statewide uniform program controlling the use of advertising devices in areas adjacent to the state highway system.
- *Contemplated Schedule:* These rules were last updated in 1984. A notice of rule-making was filed with the Secretary of State on September 25, 2014. A rule making hearing will be held on November 13, 2014; adoption of the rules is foreseen to occur in December, and the rules will become effective in February 2015.
- *Persons/Parties That May be Affected by the Rules:* The rules impact owners and lessees of outdoor advertising devices in Colorado and members of the travelling public.

4. Rules Regarding Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("Oversize Overweight Rules"), 2 CCR 601-4

- *Statutory Basis:* Sections 42-4-510(1.7)(B) and 42-4-511(1), C.R.S.
- *Purpose of the Rules:* These rules were last updated on June 30, 2012. The purpose of the rules is to set forth the requirements pertaining to the movement on state highways of vehicles and loads exceeding legal limits and the permitting for such vehicles and loads. The Department seeks to update these Rules to conform them to changes resulting from HB 14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate divisible load permit for power units utilizing a trailer with two or three axles.
- *Contemplated Schedule:* The Transportation Commission is expected to open the rules in January; a notice of rule-making will be filed with the Secretary of State at that time; a public rule making hearing will be held in March 2015; adoption of the rules will be requested in April 2015, and permanent rules will become effective in June 2015.
- *Persons/Parties That May be Affected by the Rules:* These rules primarily impact the motor carrier industry and to a lesser degree the motoring public.

5. Repeal of the Rules Governing Transit Grants, 2 CCR 603-1, 2 CCR 603-2, and 2 CCR 603-3

- *Statutory Basis:* Section 43-1-602, C.R.S. (603-1), § 43-1-702, C.R.S. (603-2), and § 43-1-902 C.R.S. (603-3)
- *Purpose of the Rules:* To prescribe procedures for applications to the Colorado Department of Transportation for federal assistance for public transportation projects: (1) in areas other than urbanized as authorized; (2) designed to meet the special needs of elderly and disabled persons, and (3) for planning, research, demonstration projects, human resources programs, training, and technical studies. In the interest of eliminating any redundant information, the Department will seek to repeal these three sets of rules because the same information is provided concurrently in its federally-mandated State Management Plan. The State Management Plan is the Federal Transit Administration's tool to confirm that the Department is adhering to all federal requirements. The guidance in the State Management Plan is beneficial to grant applicants since they refer to the Plan for other resources. The repeal of these sets of rules enables CDOT to respond to changes in federal law and regulations more promptly and with more flexibility, since the Federal Transit Administration approves the State Management Plan on a regular basis.
- *Contemplated Schedule:* A notice of rule-making will be filed with the Secretary of State in February 2015; a public rule making hearing will be held in March, 2015; repeal of the rules will occur in April 2015, and the repeal will become effective May 2015.



- *Persons/Parties That May be Affected by the Rules:* Public agencies and private nonprofit organizations interested in applying for federal transit assistance.

6. Rules Governing Practice and Procedures of the Transportation Commission of Colorado, 2 CCR 601-11

- *Statutory Basis:* Section § 43-1-106(6) and § 43-1-106(8)(k), C.R.S.
- *Purpose of the Rules:* The Department is required to promulgate rules which govern the Transportation Commission's procedures. These rules were last updated on April 14, 2014. The Commission is contemplating making certain amendments to the rules based on a recent review by the Commission Secretary.
- *Contemplated Schedule:* A notice of rule-making will be filed with the Secretary of State in March 2015; a public rule making hearing will be held in May 2015; adoption of the rules will occur in June 2015, and permanent rules will become effective July 2015.
- *Persons/Parties That May be Affected by the Rules:* The Transportation Commission and those CDOT employees and members of the public who appear before the Commission.

Rules Completed in 2014:

- *Rules Governing the Transportation Commission Procedures, 2 CCR 601-11*
- *Rules Governing the Use of the Tunnels on State Highways, 2 CCR 601-8*
- *Rules Governing the Prequalification, Debarment, Bidding and Work on CDOT Road, Highway and Bridge, Public Projects, 2 CCR 601-10*

Should you have questions, please contact Kurtis Morrison, CDOT State and Federal Liaison, at (303) 757-9703. Thank you.

Sincerely,



Donald Hunt
Executive Director

cc: Senator Nancy Todd, Chair, Transportation Legislation Review Committee
Representative Max Tyler, Vice-chair, Transportation Legislation Review Committee
Ms. Kelli Kelty, Legislative Council Staff
Ms. Mistia Zuckerman, Legislative Council Staff

