

2021

Regulatory Agenda



COLORADO
Department of Transportation

Overview

The Colorado Department of Transportation submits the following 2021 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 adoption of the proposed rules;
- The purpose 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 brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

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 web site, 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
Jan.	Rule 910, titled 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	No	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.	January/February 2021
Jan.	Rules to implement SB 20-118 concerning the transfer of the function of issuing permits for the transportation of hazardous materials by motor vehicle from the Public Utilities Commission to the Department of Transportation	New	§43-1-105(6) and §42-20-205, C.R.S	No	The purpose of this rulemaking will be to establish procedures for the suspension or revocation of permits for the transportation of hazardous materials and nuclear waste by motor vehicles. Additionally, this rulemaking will also be to establish hearing requirements for suspensions and revocations of permits. This will include both emergency and permanent rulemaking.	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, (5) Hazardous Material Carriers who previously held permits issued by the Public Utilities Commission, and (6) Nuclear Waste Carriers who previously held permits issued by the Public Utilities Commission.	Spring 2021

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
Feb.	2 CCR 604-1, Emerging Small Business Program	Revision	§§43-1-106(8)(j), (k) and (p), C.R.S.	No	This purpose of this rulemaking will be to improve the effectiveness of the Emerging Small Business Program for construction contracting firms operating in a low-bid selection environment by increasing the overall programmatic size cap and the Level 1 size cap of a qualifying small business.	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 by the Department, and (10) other minority or women construction organizations or businesses.	February/March 2021
Feb.	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.	No	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 by the Department, and (10) other minority or women construction organizations or businesses.	February/March 2021

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
Mar.	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.	Yes, 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 2021
May	2 CCR 601-1A, State Highway Access Category Assignment Schedule	Revision	§43-2-147, C.R.S.	No	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 Transportation Advisory Committee.	Fall 2021
Oct.	Rules to implement any legislation stemming from SB 19-239	New	Unknown	No	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.	December 2021

Report on the 2020 Regulatory Agenda



Overview

Pursuant to Colo. Rev. Stat. § 2-7-203(4), the Colorado Department of Transportation submits its Report on the 2020 Regulatory Agenda. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda, this Report on the 2020 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 2020 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 2020 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
Rule 3.00 in 2 CCR 601-11, Rules Governing Practice and Procedures of the Transportation Commission of Colorado	Committees of the Commission	Revision	§43-1-106(6) and §43-1-106(8)(k), C.R.S.	The rule was revised to change the name of a standing committee and the number of Commission member seats on three standing committees as a result of organizational changes within the Department. The name of "Transit and Intermodal Committee" standing committee was changed to "Mobility Systems Committee". There must be at least three Commission member seats on the following standing committees: Audit Review Committee, Small Business and Diversity, and Mobility Systems Committee.	The Department worked with the Statewide Transportation Advisory Committee.	Adopted	Adopted 7/16/20 Effective 9/14/2020	
Rule 1.31 in 2 CCR 601-3, Rules Governing Outdoor Advertising in Colorado	Urban Area and Urbanized Area	Revision	§43-1-105(6), §43-1-414(4), and §43-1-415, C.R.S.	The rule was revised to modify the definition of "Urban Area" to be consistent with federal regulation and to add "Urbanized Area" as a defined term. The purpose of the revised rule is to aid in the interpretation and enforcement of Rule 7.00(D)(2) and (3) that sets forth the spacing requirements of outdoor advertising devices in the control areas adjacent to the state highway system.	The Department worked with the following stakeholders: (1) Permittees, (2) the Outdoor Advertising Association of America, Inc. (3) Outdoor Advertising Companies, (4) Local Jurisdictions, (5) the Colorado Municipal League, (6) the Colorado Counties, Inc., (7) the Colorado Sign Association, (8) the International Dark Sky Association, (9) Scenic Colorado, and (10) the Federal Highway Administration.	Not Adopted	Terminated 10/14/2020	After further analysis, the Colorado Department of Transportation decided on October 14, 2020, to terminate this rulemaking proceeding pursuant to section 24-4-103(4)(d), C.R.S. Additional discussion and consideration are warranted regarding the proposed rule revisions.

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
Rule 2.3 in 2 CCR 601-3, Rules Governing Outdoor Advertising in Colorado	Conditions that Prohibit CDOT from Issuing or Renewing a Permit	Revision	§43-1-105(6), §43-414(4), and §43-1-415, C.R.S.	The rule was revised to be consistent with state law found in § 43-1-411, C.R.S., which sets forth the conditions prohibiting the issuance of permits for outdoor advertising devices. The rule was also revised to clarify that the Department is prohibited from renewing a permit for an advertising device that is damaged, unsafe, or unsightly by reason of lack of maintenance or repair under § 43-1-411(5), C.R.S.	The Department worked with the following stakeholders: (1) Permittees, (2) the Outdoor Advertising Association of America, Inc. (3) Outdoor Advertising Companies, (4) Local Jurisdictions, (5) the Colorado Municipal League, (6) the Colorado Counties, Inc., (7) the Colorado Sign Association, (8) the International Dark Sky Association, (9) Scenic Colorado, and (10) the Federal Highway Administration.	Not Adopted	Terminated 10/14/2020	After further analysis, the Colorado Department of Transportation decided on October 14, 2020, to terminate this rulemaking proceeding pursuant to section 24-4-103(4)(d), C.R.S. Additional discussion and consideration are warranted regarding the proposed rule revisions.
Rule 6.02 in 2 CCR 601-3, Rules Governing Outdoor Advertising in Colorado	On-Premise Signs	Revision	§43-1-105(6), §43-414(4), and §43-1-415, C.R.S.	The rule was revised to clarify the distinction between On-Premise and Off-Premise signs while ensuring the underlying purposes of outdoor advertising regulatory control continue to be met. The rule was revised to establish a content-neutral approach in assessing whether an advertising device is On-Premise or Off-Premise by determining whether the advertising devices brings in rental income.	The Department worked with the following stakeholders: (1) Permittees, (2) the Outdoor Advertising Association of America, Inc. (3) Outdoor Advertising Companies, (4) Local Jurisdictions, (5) the Colorado Municipal League, (6) the Colorado Counties, Inc., (7) the Colorado Sign Association, (8) the International Dark Sky Association, (9) Scenic Colorado, and (10) the Federal Highway Administration.	Not Adopted	Terminated 10/14/2020	After further analysis, the Colorado Department of Transportation decided on October 14, 2020, to terminate this rulemaking proceeding pursuant to § 24-4-103(4)(d), C.R.S. Additional discussion and consideration are warranted regarding the proposed rule revisions.

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
Rule 7.00 in 2 CCR 601-3, Rules Governing Outdoor Advertising in Colorado	Signs in Areas Zoned by Law for Industrial or Commercial Uses	Revision	\$43-1-105(6), \$43-414(4), and \$43-1-415, C.R.S.	The rule was revised to clarify that advertising devices cannot be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety Rest Area if the advertising device is located outside of an urbanized area and outside of the boundaries of an incorporated town or city. The rule was also revised to clarify the spacing requirements for advertising devices adjacent to other controlled routes. The purpose of the revised rule is to contemplate modern highway design principles, recent developments in outdoor advertising laws and regulations, and changes in land use zoning and designations. It is also consistent with the Highway Beautification Act's intent to preserve natural and scenic beauty in rural and unincorporated areas.	The Department worked with the following stakeholders: (1) Permittees, (2) the Outdoor Advertising Association of America, Inc. (3) Outdoor Advertising Companies, (4) Local Jurisdictions, (5) the Colorado Municipal League, (6) the Colorado Counties, Inc., (7) the Colorado Sign Association, (8) the International Dark Sky Association, (9) Scenic Colorado, and (10) the Federal Highway Administration.	Not Adopted	Terminated 10/14/2020	After further analysis, the Colorado Department of Transportation decided on October 14, 2020, to terminate this rulemaking proceeding pursuant to § 24-4-103(4)(d), C.R.S. Additional discussion and consideration are warranted regarding the proposed rule revisions.
Rule 13.00 in 2 CCR 601-3, Rules Governing Outdoor Advertising in Colorado	Materials Incorporated by Reference	Revision	\$43-1-105(6), \$43-1-414(4), \$43-1-415, and §24-4-103(12.5), C.R.S.	The references to the materials incorporated were updated.	The Department worked with the following stakeholders: (1) Permittees, (2) the Outdoor Advertising Association of America, Inc. (3) Outdoor Advertising Companies, (4) Local Jurisdictions, (5) the Colorado Municipal League, (6) the Colorado Counties, Inc., (7) the Colorado Sign Association, (8) the International Dark Sky Association, (9) Scenic Colorado, and (10) the Federal Highway Administration.	Not Adopted	Terminated	After further analysis, the Colorado Department of Transportation decided on October 14, 2020, to terminate this rulemaking proceeding pursuant to § 24-4-103(4)(d), C.R.S. Additional discussion and consideration are warranted regarding the proposed rule revisions.

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
Rule 14.00 in 2 CCR 601-3, Rules Governing Outdoor Advertising in Colorado	Declaratory Orders	New	§43-1-105(6), §43-1-414(4), §43-1-415, and §24-4-105(11), C.R.S.	This new rule sets forth the requirements and procedures for requesting position statements and petitioning for a declaratory order on statutes, rules, or orders relating to the regulation of outdoor advertising in Colorado. This is a voluntary process to increase transparency for the public in the regulation of outdoor advertising.	The Department worked with the following stakeholders: (1) Permittees, (2) the Outdoor Advertising Association of America, Inc. (3) Outdoor Advertising Companies, (4) Local Jurisdictions, (5) the Colorado Municipal League, (6) the Colorado Counties, Inc., (7) the Colorado Sign Association, (8) the International Dark Sky Association, (9) Scenic Colorado, and (10) the Federal Highway Administration.	Not Adopted	Terminated 10/14/2020	After further analysis, the Colorado Department of Transportation decided on October 14, 2020, to terminate this rulemaking proceeding pursuant to § 24-4-103(4)(d), C.R.S. Additional discussion and consideration are warranted regarding the proposed rule revisions.

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 (optional)
October 2019	2 CCR 601-18, State Highway Accommodation Code ("Code")	Section 1.00 General Provisions	§43-1-106(8)(k), §43-1-110, §43-1-225(1), §43-1-1409(1)(b), and §43-2-102, C.R.S.	The general provisions set forth the statement of basis, the statutory authority, the purpose of the regulations as well key abbreviations and defined terms used in the Code. The general provisions have been updated to reflect that the Department conducted a mandatory rule review in compliance with Senate Bill 14-063 and clarify that the Department has the authority to implement procedures for the performance of utility relocation work. Outdated or unused abbreviations and terms were deleted from the Code and new abbreviations and terms were added to aid in the navigation of the Code. The references to the materials incorporated were updated.	Yes, 21 rules were repealed.	No	Anticipated Mid-November 2020	As required by state law, the Department on behalf of the Transportation Commission of Colorado ("Commission") initiated a rule review to assess the continuing need for, appropriateness and cost effectiveness of the Code. The review also assessed whether the Code should be continued in its current form, amended or repealed. In 2019, the Department held five workshops throughout the State to receive feedback. The proposed revisions make the Code easier to understand. Additionally, the proposed revisions support the development of a database of utilities being accommodated in the Department's Right-of-Way. Finally, the proposed revisions align the Code with the Administrative Procedure Act. The rulemaking hearing was held on September 30, 2020. It is scheduled for the Commission to consider the adoption of the proposed rule revisions at their scheduled November 19, 2020 public meeting.

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 (optional)
October 2019	2 CCR 601-18, State Highway Accommodation Code ("Code")	Section 1.00 General Provisions	§43-1-106(8)(k), §43-1-110, §43-1-225(1), §43-1-1409(1)(b), and §43-2-102, C.R.S.	The general provisions set forth the statement of basis, the statutory authority, the purpose of the regulations as well key abbreviations and defined terms used in the Code. The general provisions have been updated to reflect that the Department conducted a mandatory rule review in compliance with Senate Bill 14-063 and clarify that the Department has the authority to implement procedures for the performance of utility relocation work. Outdated or unused abbreviations and terms were deleted from the Code and new abbreviations and terms were added to aid in the navigation of the Code. The references to the materials incorporated were updated.	Yes, 21 rules were repealed.	No	Anticipated Mid-November 2020	As required by state law, the Department on behalf of the Transportation Commission of Colorado ("Commission") initiated a rule review to assess the continuing need for, appropriateness and cost effectiveness of the Code. The review also assessed whether the Code should be continued in its current form, amended or repealed. In 2019, the Department held five workshops throughout the State to receive feedback. The proposed revisions make the Code easier to understand. Additionally, the proposed revisions support the development of a database of utilities being accommodated in the Department's Right-of-Way. Finally, the proposed revisions align the Code with the Administrative Procedure Act. The rulemaking hearing was held on September 30, 2020. It is scheduled for the Commission to consider the adoption of the proposed rule revisions at their scheduled November 19, 2020 public meeting.

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 (optional)
October 2019	2 CCR 601-18, State Highway Accommodation Code ("Code")	Section 2.00 Procedures	§43-1-106(8)(k), §43-1-110, §43-1-225(1), §43-1-1409(1)(b), and §43-2-102, C.R.S.	Section 2.00 of the Code sets forth the necessary procedures for utility permits and utility relocation permits along with requirements during the construction, inspection, and maintenance phases of a utility project. The procedures have been updated to clarify local authority to issue permits, the responsibility for utility accommodation costs, and the responsibility to remedy deficiencies and pay damages due to the delay on departmental projects. Additionally, the procedures for utility permits such as the application requirements, application processing, and the due process requirements for the denial, suspension, modification, or revocation of a permit were updated to be consistent with the Administrative Procedure Act. Finally, the requirements during the construction, inspection, and maintenance phases of a utility project were also revised to ensure safety of the traveling public and workers in work zones as well as the submission of as-constructed plans in conformance with Senate Bill 18-167.	No rules were repealed (only modified).	No	Anticipated Mid-November 2020	As required by state law, the Department on behalf of the Transportation Commission of Colorado ("Commission") initiated a rule review to assess the continuing need for, appropriateness and cost effectiveness of the Code. The review also assessed whether the Code should be continued in its current form, amended or repealed. In 2019, the Department held five workshops throughout the State to receive feedback. The proposed revisions make the Code easier to understand. Additionally, the proposed revisions support the development of a database of utilities being accommodated in the Department's Right-of-Way. Finally, the proposed revisions align the Code with the Administrative Procedure Act. The rulemaking hearing was held on September 30, 2020. It is scheduled for the Commission to consider the adoption of the proposed rule revisions at their scheduled November 19, 2020 public meeting.

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 601-14	Rules Governing Chain Law and Passenger Vehicle Traction Law Requirements on the State Highway System	Revision	§42-4-106(5)(b), §42-4-106, §43-2-101(1), §42-4-214, and §42-4-1701 (4)(a)(l)(F), C.R.S.	The purpose of these rules is to describe the travel conditions, types of vehicles, and the locations which require chains, adequate types of tires, four-wheel drive or other means of traction to provide sufficient traction, when the Department determined such means are necessary to protect the safety of the traveling public and to minimize the occurrence of road closures.	The Department worked with the following stakeholders: (1) Colorado State Patrol, (2) Colorado Motor Carrier Association, (3) the I-70 Coalition and (4) Rental Car Companies.	Adopted	Adopted 01/16/2020 Effective 03/16/2020	This rulemaking made emergency rules permanent. It also updates the rules to be consistent with § 42-4-106, C.R.S. and clarifies how the Department will communicate information relating to the new Passenger Vehicle Traction and Chain law to the motoring public when it is effect or being deactivated. Other minor non-substantive technical changes were made to the rules.
Rule 910 in 2 CCR 601-4, Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads	Hours of Operation and Restrictions on Operations	Repeal	§42-4-505 and §24-4-103(6)(a), C.R.S.	The purpose of this emergency rule was to temporarily repeal the prohibition on the hours of operation and restrictions on the operation of Longer Vehicle Combinations (“LVCs” in the metropolitan areas of Colorado Springs, Denver, and Pueblo during standard rush hour times in order to facilitate the increased movement of freight during the State of Disaster Emergency declared on March 10, 2020, by Colorado Governor Jared Polis in response to the COVID-19 pandemic.	The Department worked with the following stakeholders: (1) Colorado Motor Carrier Association (2) Colorado State Patrol, (3) Federal Highway Administration, and (4) Colorado Wyoming Petroleum Marketers Association.	Adopted	Adopted 03/30/2020 Effective 03/30/20 Expired 07/28/20	As a result of the COVID-19 pandemic, the movement of freight became vital to the Colorado and United States economies to ensure the delivery of medical supplies, food, and other necessities. With Governor Polis’ Executive Order D 2020 013, Ordering Colorado Employers to Reduce In-Person Workforce by 50% Due to the Presence of COVID-19 in the State, traffic on Colorado highways decreased by approximately 40%. Given the decrease of traffic and the need to keep freight moving as efficiently as possible, this emergency rulemaking temporarily repealed the prohibition on the operation of LVCs on certain state highways during rush hour.

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 601-24	Rules governing Commercial Food Truck Operations at Colorado's Highway Rest Areas or Other Designated Locations	New	§43-1-105(6), §24-4-103(6)(a), and §24-33.5-704(2), C.R.S and Executive Order D 2020 056 dated May 2, 2020 issued by Colorado Governor Polis.	This emergency rule sets forth the requirements for temporary permits for commercial food truck operators operating at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation as mandated by Executive Order D 2020 056 and to ensure the availability of freshly prepared food to commercial truck drivers while simultaneously providing additional economic opportunities to food truck operators.	The Department worked with the following stakeholders: (1) Colorado Motor Carrier Association and (2) Federal Highway Administration. The Department sent a press release to interested and affected parties.	Adopted	Adopted 05/06/20 Effective 05/06/20 Expired 08/27/20	Executive Order D 2020 056 dated May 2, 2020 issued by Colorado Governor Polis temporarily suspends the restriction found in § 43-3-101(3), C.R.S that prohibits commercial enterprise or activity from occurring at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation. By temporarily suspending this prohibition, commercial food truck operators may operate and sell food at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation in order to provide commercial truck drivers with easy and reliable access to nutritious, affordable, and freshly prepared meals during the global COVID-19 pandemic.
2 CCR 601-24	Rules governing Commercial Food Truck Operations at Colorado's Highway Rest Areas or Other Designated Locations	New	§43-1-105(6), §24-4-103(6)(a), and §24-33.5-704(2), C.R.S and Executive Order D 2020 056 dated May 2,2020 issued by Colorado Governor Polis and extended on May 31, June 29, July 28, and August 26, 2020.	This emergency rule sets forth the requirements for temporary permits for commercial food truck operators operating at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation as mandated by Executive Order D 2020 056 and to ensure the availability of freshly prepared food to commercial truck drivers while simultaneously providing additional economic opportunities to food truck operators.	The Department worked with existing permittees.	Adopted	Adopted 08/27/20 Effective 08/27/20 Expired 12/25/20	Previous Emergency Rule expired after 120 days. Governor Polis extended Executive Order D 2020 056 on May 31, 2020, June 29, 2020, July 28, 2020, and August 26, 2020.