

MEMORANDUM

TO: CTIO BOARD OF DIRECTORS
FROM: NICK FARBER, CTIO DIRECTOR, AND SIMON LOGAN, SPECIAL PROJECTS
LEAD AND POLICY ANALYST,
SUBJECT: HOUSE BILL 22-1074 TRAFFIC VIOLATIONS ON INTERSTATE 70
SHOULDER LANES RULEMAKING
DATE: APRIL 20, 2022

Purpose

To open up CTIO's rules and make changes to comply with the requirements of House Bill 22-1074 Traffic Violations on Interstate 70 Shoulder Lanes.

Action

CTIO staff is seeking approval of Resolution #385 opening the rulemaking process to update CTIO rules to comply with the requirements of House Bill 22-1074 Traffic Violations on Interstate 70 Shoulder Lanes.

Overview of House Bill (HB) 22-1074 Traffic Violations on Interstate 70 Shoulder Lanes

The I-70 Peak Period Shoulder Lanes (PPSL) are unique in Colorado. Unlike other Express Lanes, the east and westbound I-70 PPSL are not in operation 24/7, only opening at peak times to provide congestion relief, and when closed, they are shoulder lanes for emergency use. The federal government determines how many days the PPSL is open, up to a maximum of 100 days per year.

Even though existing signage ongoing messaging make it clear when the PPSL is closed and that vehicles with more than two axles and 25 feet in length may not use it, drivers continue to use the lane, endangering others. HB 1074, which was signed into law in mid-March, will allow CTIO to use existing tolling technology to enforce the managed lane closure with violators facing up to a \$250 fine. To comply with HB 1074 CTIO is required to open its rulemaking process and make changes to the rules governing CTIO.

Options/Decision Matrix

1. **Staff recommendation:** Approve Resolution #385 to open the rulemaking process to comply with the requirements of House Bill 22-1074 Traffic Violations on Interstate 70 Shoulder Lanes.
2. Review but do not approve of opening the rules. Provide instructions on changes or revisions.

Next Steps

- If approved, the draft rules will be filed with the Secretary of State by April 30.
- The notice of rulemaking and draft rules will be published in the Colorado Register on May 10, 2022.
- 20 days after publishing, a rulemaking hearing is required. This is anticipated to take place during the June 15th board meeting.

Attachments

- A. Resolution #385