



# Rulemaking to Update 2 CCR 606-1

CTIO Board of Directors

June 15, 2022

## Process and Timeline

- Open Rule: Enterprise Opened Rule **April 20**
- File Rule: Filed rule with the Secretary of State and DORA **April 28**
- Outreach: CDOT staff sent outreach emails **April 28**
- Public Notice in Colorado Register: Published **May 10**
- Comment Deadline: **June 7**
- Public Hearing: **June 15** (more than 20 days after Colorado Register date)
- Adopt Rule: **Enterprise Board adopts Rule on June 15**
- Effective Date: By **August 14**

## Statutory Authority for Rulemaking

43-4-808(2)(b) "... May adopt, by resolution of the transportation enterprise board, rules pertaining to the enforcement of toll collection and providing a civil penalty for toll evasion."

43-4-806(11): New statutory provision from HB 22-1074 (Traffic Violations on Interstate 70 Shoulder Lanes):

- Prohibits drivers from using the Peak Period Shoulder Lanes while the lanes are closed or while driving vehicles 25 feet or longer or with more than two (2) axles;
- Authorizes the enterprise to assess civil penalties and enforce violations.

43-4-808(2)(d)(II): Grants the enterprise authority to establish an administrative toll enforcement process.

## 3.00 Toll Evasion

- 3.01.1.C Adds swerving or weaving between Toll Lanes and General-Purpose Lanes.
- 3.01.2.D Adds a violation for using the Peak Period Shoulder Lane when it is closed.
- 3.01.2.E Adds a violation for using the Peak Period Shoulder Lane while driving a vehicle with more than two (2) axles or a length of 25 feet or longer.
- 3.01.2.F Adds a violation for using a Toll Lane in any manner prohibited by law.

## 6.00 Presumptions of Liability for Toll Evasion

- Adds the statutory provisions for rebutting the presumption of liability: operating an authorized emergency vehicle, operating an authorized service vehicle, or use in case of an emergency as 6.02.3.

## 9.00 Declaratory Orders

- Every rule, by statute, must provide for the entertaining of, and prompt disposition of petitions for declaratory orders to terminate controversies or remove uncertainties surrounding the Rule.

## Appropriate Motion to Adopt the Rules

- At the conclusion of public comment and staff presentations, we will ask this Board to adopt the rules.
- An appropriate motion, if no changes are made to the rules as a result of public comment today, would be to “Move to adopt 2 CCR 606-1, Rules Governing the Administrative Toll Enforcement Process, as presented.”