



COLORADO

Transportation
Investment Office

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.”