



# COLORADO

## Department of Transportation

Office of Policy and Government Relations

2829 W. Howard Place  
Denver, CO 80204-2305

**DATE:** August 15, 2019  
**TO:** Transportation Commission  
**FROM:** Herman Stockinger  
**SUBJECT:** Authorize Commencement of Rulemaking for 2 CCR 601-11, Rules Governing Practice and Procedures of the Transportation Commission of Colorado

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### Purpose

To authorize the Department to commence the rulemaking process by opening the Rules Governing Practice and Procedures of the Transportation Commission of Colorado ("Commission Rules"), 2 CCR 601-11.

### Action

To pass a resolution authorizing the Department to commence rulemaking to update the Commission Rules and delegate authority to an Administrative Hearing Officer to conduct a public hearing.

### Background

The Commission Rules are under the authority of the Transportation Commission and set forth the provisions governing the Transportation Commission's actions, administrative practice, and transaction of business. Because administrative rules have the force of law, any change in wording must follow the requirements in the Administrative Procedure Act. The many steps in this process include: gathering public input, holding a public hearing for comments, the Administrative Hearing Officer recommending a course of action to the Transportation Commission, requesting the Transportation Commission adopt the rules, and finally, requesting review by the Attorney General's Office.

The Commission Rules were last updated in 2016. Due to changes in CDOT's organizational structure and changes in the Transportation Commission membership, the Commission Rules need to be updated with the following:

- Under Rule 3.01.3, the reference to the "Transit and Intermodal Committee" (T&I Committee) is proposed to be changed to "Mobility Systems Committee" to best coincide with the Innovative Mobility Office.
- Rules 3.01.1, 3.01.2, and 3.01.3 specify that "at least three but no more than five members of the Commission" are required for each standing committee. It is proposed that the limitation on the number of Commissioners be removed, and instead just require "at least three members of the Commission" for each standing committee to allow for flexibility in membership.

### Next Steps

Staff will proceed with the next steps to comply with the rulemaking requirements set forth by the Administrative Procedure Act.

### Attachments

Resolution

