

2024

Regulatory Agenda



COLORADO
Department of Transportation

Overview of Regulatory Agenda Requirements

The Colorado Department of Transportation submits the following 2024 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 2023. 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 2024 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.	2 CCR 601-22, Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions	Revision	§ 43-1-106(8)(k) and § 43-1-1103(5), C.R.S.	No	This rule was reviewed in 2023 and minor updates to improve clarity were intended. However, the requirements of HB 23-1011 for CDOT to conduct a study of Transportation Planning Region boundaries necessitated a delay in rulemaking so the planned update can include compliance with legislation.	The Department will work with the following stakeholders: (1) environmental organizations; (2) the Statewide Transportation Advisory Committee and TPR representatives; and (3) approximately 1,000 stakeholders who participated in the 2021 rulemaking.	January/February 2024
Feb.	2 CCR 601-21, Law Enforcement Assistance Fund (LEAF) rules	Revision	§ 43-4-403, C.R.S.	Yes	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 statute. 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, Application Requirements and Procedures, and Fiscal Accounting Requirements. The rule may be updated to meet current formatting and accessibility standards. The rules will include new program content required by HB 23-1102.	The Department will work with the following stakeholders: (1) Local Governments, (2) Colorado State Patrol, and (3) Previous recipients of LEAF funds, including law enforcement.	Spring 2024

Report on the 2023 Regulatory Agenda



Overview

Pursuant to Colo. Rev. Stat. § 2-7-203(4), the Colorado Department of Transportation submits its Report on the 2023 Regulatory Agenda. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda, this Report on the 2023 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 2023 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 2023 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
2 CCR 601-1A	State Highway Access Category Assignment Schedule	Revision	§ 43-2-147 and § 43-1-106(8)(k), C.R.S.	The rule was revised to update Access Category Classifications as a result of new additions and abandonments in the State Highway System.	The Department worked with: (1) Local Jurisdictions, (2) Metropolitan Districts; (3) Transportation Management organizations and associations; and (4) the Statewide Transportation Advisory Committee.	Complete	06/14/23	The Rules were updated as planned.
2 CCR 601-21	Law Enforcement Assistance Fund (LEAF) rules	Revision	§ 43-4-403, C.R.S.	The rule was reviewed for efficiency and effectiveness. The legislature added a new impaired driving program, so the Department will defer rulemaking for now and place this rule on its 2024 Regulatory Agenda. The intention is to broaden this rule to govern both programs in one set of rules.	The Department will work with the following stakeholders: (1) Local Governments, (2) Colorado State Patrol, and (3) Previous recipients of LEAF funds, including law enforcement.	Postponed until early 2024	6/14/2024	The Colorado Department of Transportation decided to postpone this rulemaking proceeding until 2024.

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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 605-1	Colorado State Infrastructure Bank Rules	Revision	§ 43-1-10596) and § 42-20-205, C.R.S.	This rule was reviewed and updated to allow the Colorado Aeronautical Board to take action directly on aviation loans and to make other minor changes.	The Department worked with the following stakeholders: (1) Current and previous recipients of SIB loan funds; and (2) Other potential stakeholders who may apply for SIB loans in the future.	Complete	06/14/23	The rules were updated.
2 CCR 601-22	Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions	Revision	§ 43-1-106(8) (k) and § 43-1-1103(5), C.R.S.	This rule was reviewed and minor updates to improve clarity were intended. However, the requirements of HB 23-1011 for CDOT to conduct a study of Transportation Planning Region boundaries necessitated a delay in rulemaking so the planned update can include compliance with legislation.	The Department will work with the following stakeholders: (1) environmental organizations; (2) the Statewide Transportation Advisory Committee and TPR representatives; and (3) approximately 1,000 stakeholders who participated in the 2021 rulemaking.	Postponed	06/14/24	Rulemaking will begin no later than 2/28/24.

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)
February 2023	2 CCR 601-21	Law Enforcement Assistance Fund (LEAF) rules	§ 43-4-403, C.R.S.	The rule was reviewed for efficiency and effectiveness. The legislature added a new impaired driving program, so the Department will defer rulemaking for now and place this rule on its 2024 Regulatory Agenda. The intention is to broaden this rule to govern both programs.	No	No	N/A	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 rule. The review also assessed whether the rule should be continued in its current form, amended or repealed. The Department has postponed the rulemaking until late 2023/early 2024 to add the program content required by HB 23-1102.

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
1 CCR 204-28	Rules for Establishing and Regulating the Use of HOV/HOT Lanes for Certain Hybrid Vehicles	Repeal	§ 42-4-1012 and § 42-1-204, C.R.S.	These rules implemented a program that allowed owners of qualifying vehicles to use a permit for HOV/HOT lanes without cost pursuant to federal law. The federal authorization ended in late 2019 and the permit program in Colorado ended in May 2020. This rule was no longer required or necessary.	The Department worked with the Division of Motor Vehicles (DMV) as promulgators of the rules. Stakeholders included the Colorado Transportation Investment Office and local governments.	Repealed	Notice filed 07/28/23	This rulemaking reflected a collaboration with the Department of Revenue.