



COLORADO
Department of Transportation
Office of the Executive Director
4201 East Arkansas Ave, Suite 262
Denver, CO 80222

October 31, 2017

Mr. Mike Mauer
Director
Legislative Council Staff
Colorado General Assembly
State Capitol, Room 029
Denver, CO 80203

Re: Colorado Department of Transportation 2018 Department Regulatory Agenda

Dear Mr. Mauer:

Pursuant to Section 2-7-203(2)(a)(IV), C.R.S., this letter serves as the Colorado Department of Transportation's (CDOT) submission of its 2018 Department Regulatory Agenda. This report provides a list of new rules or existing rule revisions that CDOT expects to propose in 2018, as well as 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, and a listing of persons or parties that may be affected by the rules. Additionally, this letter summarizes the rule-making activities conducted in 2017. The contemplated schedule is based on the timing requirements set forth in existing statute under the State Administrative Procedure Act, Section 24-4-103, C.R.S., and takes into account the public meetings of the Transportation Commission, which will open and later adopt the rules during their monthly public meetings. The calendars listed are subject to change based on various factors, including additional time needed for input from the representative groups and interested parties.

This Department Regulatory Agenda is available to the public at www.codot.gov/business/rules and was submitted to the Secretary of State for publication in the Colorado Register. Furthermore, at the annual oversight hearing before the Joint Transportation Committee in January 2018, CDOT will be prepared to discuss this material and respond to Legislators' questions.



2018 Department Regulatory Agenda

Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4

- **Statutory Basis:** Sections 42-4-510 (1)(b), 511(1), and 43-1-106(8)(k), C.R.S.
- **Purpose of the Rules:** These Rules are needed to comply with state statutes and federal law that allow the movement on State Highways of Vehicles and Loads exceeding Legal Limits provided that the Department issues a permit for such Vehicles and Loads. The Department updated these Rules in 2017, and following adoption, the Office of Legislative Legal Services identified a change in order to bring the rules into compliance with the Administrative Procedure Act.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in November 2017, a public rule making hearing will be held in January 2018, adoption of the rules by the Transportation Commission is anticipated to occur in February 2018, and permanent rules will become effective April 2018.
- **Persons/Parties That May be Affected by the Rules:** Commercial Motor Carriers, Colorado Wyoming Petroleum Marketers Association, Colorado Motor Carriers Association, all extra-legal vehicles or loads, Colorado State Patrol.

Rules Concerning the Implementation of the Safe Routes to School Program, 2 CCR 601-19

- **Statutory Basis:** Sections 43-1-1601 through 1604, C.R.S.
- **Purpose of the Rules:** These Rules are needed to comply with statutes establishing the Safe Routes to School program and directing the Department to implement a grant-based program awarding federal funds to political subdivisions of Colorado to improve the safety for pedestrians and bicyclists in school areas. The purpose of the update is to update a state funding reference which is no longer available and to reference the most recent federal authority for the program.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in November 2017, a public rule making hearing will be held in January 2018, adoption of the rules by the Transportation Commission is anticipated to occur in February 2018, and permanent rules will become effective April 2018.
- **Persons/Parties That May be Affected by the Rules:** Previous and potential grantees of the Safe Routes to School program, school districts, and Metropolitan Planning Organizations.

Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22

- **Statutory Basis:** Section 43-1-1103(5), C.R.S.



- **Purpose of the Rules:** These rules provide the framework under statute for the Transportation Commission to develop the statewide transportation planning process. This process results in the development of a statewide plan that focuses on cost-effective, environmentally sound means of multimodal transportation projects including highways, aviation, transit, rail, bicycles, and accommodation for pedestrians, also taking into consideration initiatives and requirements to accommodate persons with disabilities. The purpose of this rule-making is to restore and update rules that were inadvertently removed by the Office of Legislative Legal Counsel in 2013, and to conform to the requirements of the Fast Act.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in January 2018, a public rule making hearing will be held in March 2018, adoption of the rules by the Transportation Commission is anticipated to occur in April 2018, and permanent rules will become effective June 2018.
- **Persons/Parties That May be Affected by the Rules:** Local governments, Metropolitan Planning Organizations, Regional Planning Commissions, and Indian tribal governments.

State Highway Utility Accommodation Code, 2 CCR 601-18

- **Statutory Basis:** Sections 43-1-225(1) and 43-1-106(8)(k), C.R.S.
- **Purpose of the Rules:** These rules implement, by permit, Department authority to regulate utility accommodations in state highway right-of-way. The Code establishes a utility permit system which includes uniform Department procedures and requirements necessary to allow utility accommodations. The utility permit system will guide the Department, utility owners and local agencies in the planning and administration of utility accommodations within state highway right-of-way. These rules were last updated on October 30, 2009. CDOT is reviewing the rules in their entirety and making any necessary changes to reflect updated practices and legal requirements.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in April 2018, a public rule making hearing will be held in June, adoption of the rules by the Transportation Commission is anticipated to occur in August 2018, and permanent rules will become effective October of 2018.
- **Persons/Parties That May be Affected by the Rules:** Public utility owners and local agencies statewide who seek permits on state highway right-of-way and work with CDOT on the planning and administration of utility accommodations within state highway right-of-way, 811 members, Colorado Public Utilities Commission.

Rules Governing Construction Bidding for CDOT Public Projects, 2 CCR 601-10



- **Statutory Basis:** Section 24-92-110, C.R.S.
- **Purpose of the Rules:** These rules implement the provisions of the “Construction Bidding for Public Projects Act” which relate to bridge and highway construction bidding practices, including the debarment of contractors. The purpose of the rule-making is to make any changes necessary to conform to HB17-1051 and SB 17-211.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in March 2018, a public rule making hearing will be held in May 2018, adoption of the rules by the CDOT Executive Director is anticipated to occur in June 2018, and permanent rules will become effective August 2018.
- **Persons/Parties That May be Affected by the Rules:** Contractors who may bid on public projects on state highways in Colorado.

Rules Governing the Motorcycle Operator Safety Training (MOST) Program, 2 CCR 601-23

- **Statutory Basis:** Section 43-5-502, C.R.S.
- **Purpose of the Rules:** These rules are required to comply with statute directing the Department to establish standards for MOST vendors to provide training services, and to establish a system to implement the MOST program. In 2017, the passage of SB 17-243 transferred the MOST program to the Colorado State Patrol effective January 2, 2018. The Department must repeal these rules to comply with SB 17-243.
- **Contemplated Schedule:** CDOT and the Colorado State Patrol are collaborating on the transference of the MOST Program. CDOT will accommodate the time frame requested by the Colorado State Patrol to commence rule-making to repeal the CDOT MOST rules currently in effect.
- **Persons/Parties That May be Affected by the Rules:** Motorcyclists, vendors that provide training services, instructors who teach motorcycle operator safety training classes.

Rules Regarding Travel Restrictions on State Highways, 2 CCR 601-14

- **Statutory Basis:** Section 42-4-106(5)(VII)(b), C.R.S.
- **Purpose of the Rules:** The Transportation Commission has the authority to promulgate these rules to describe the travel conditions, types of vehicles, and the locations of state highways which require tire chains, snow tires, four wheel drive, or other means to provide adequate traction for the safety of the traveling public. This rule-making is needed to clarify the codes that are in effect for the use of tire chains on I-70 during inclement weather conditions.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in March 2018, a public rule making hearing will be held in May 2018, adoption of the rules by the Transportation Commission is anticipated to occur in July 2018, and permanent rules will become effective September 2018.
- **Persons/Parties That May be Affected by the Rules:** The traveling public and commercial vehicles who may travel on state highways during inclement



weather.

Rules Governing Outdoor Advertising in Colorado, 2 CCR 601-3

- **Statutory Basis:** Sections 43-1-414(4) and 415, C.R.S.
- **Purpose of the Rules:** These rules are required under federal and state law to promulgate and enforce the provisions of the "Outdoor Advertising Act" and to establish a statewide uniform program controlling the use of outdoor advertising devices in areas adjacent to the state highway system. The rule-making will address any changes or improvements in processes and seek to simplify the existing rules.
- **Contemplated Schedule:** A notice of rule-making will be filed with the Secretary of State in October 2018, a public rule making hearing will be held in December 2018, adoption of the rules by the Transportation Commission will occur in February 2019, and permanent rules will become effective May 2019.
- **Persons/Parties That May be Affected by the Rules:** Owners of outdoor advertising devices and applicants who seek permits from the Department to maintain or erect an outdoor advertising device as well as members of the public who have an interest in outdoor advertising.

Rules Completed in 2017:

- **Updated Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4** (Statutory Basis: Sections 42-4-510 (1)(b), 511(1), and 43-1-106(8)(k), C.R.S.)

Should you have questions, please contact Andy Karsian, CDOT State Legislative Liaison, at (303) 757-9703. Thank you.

Sincerely,



Michael P. Lewis
Deputy Executive Director

cc: Senator Randy Baumgardner, Chairman, Senate Transportation Committee
Representative Diane Mitch Bush, Chairman, House Transportation Committee

