

Public Comment – September 23, 2024

Summary

Name: Robert Crossman
Sent: September 5th, 2023

Topic: Express Lanes Safety Enforcement Program

Mr Logan

As you can see from this email thread I am very disappointed in the manner an express lane violation was handled.

Other factors have since made this issue even more comical when you look at the appeal process through the courts. I will share that below.

However my question will be the following. Part of me says I should appear before the Board to air my concerns. However, part of me says that what will occur is the Board will listen, not respond to questions I may pose, and at the end will simply say thank you for taking your time to come. There will be no comments made by the Board or dialogue with me. So everything I could say can be done by email. Why waste my time - nobody cares. . Am I correct? If so, Is what you have in this thread sufficient or do I need to re-write and send via another email?

Appeal Process: I felt that the law was not followed and considered an appeal through the General District Court.

I emailed CITO and asked, along with other questions, where the violation occurred (although I knew Douglas county) and if I appealed and won would I get my fine back and would I be reimbursed the \$75 appeal fee. They informed me the court would be Jefferson county and when I replied with a request to explain why JeffCo they did not reply. My concern was appearing before a judge for a violation that did not occur in his/her county and being told he has no jurisdiction on issues occurring in another county. They also would not respond to my question on getting my fine refunded and appeal fee back if I won. Why not? I emailed the courts (both Douglas and Jefferson) and they could not answer the question on fine or on the appeal fee being refunded if I won. They all suggested I contact an attorney. A question comes to mind of why didn't I just get to go before a county judge if I wanted a hearing vs your admin law judge who has no authority to do anything other than black/white guilty or not. So I guess I should incur attorneys' fees to determine what my rights are and now I would be looking at more money for the attorney than I paid for the fine. Kind of a stacked. deck from the beginning.

Thanks

Response: September 12, 2024

Mr. Crossman,

Thank you for reaching out with your feedback on the program.

Unfortunately, the reasons for dismissing a citation that the customer service representatives or administrative law judges have available to them are limited. The Hearing Officer has no legal authority to negotiate, waive, or lessen the civil penalty amount, extend the payment period, or grant a payment plan.

Reviewing your case, I found no reference to the county court confusion related to Jefferson County and Douglas County. I've copied the text below from the Frequently Asked Questions section of the program [website](#) related to how to file an appeal with the County Court. This program evaluation [document](#), which was discussed with the CTIO Board in July (here is a [link](#) to the recording - this item starts around 15 minutes in), also details the steps available to you to appeal (Pages 39-49).

Additionally, I noted that you raised concerns about the messaging related to the dashed line beside a solid line and the confusion this creates related to materials on the website and in materials sent out that highlight breaking a double white line is prohibited, which is related to the violation you incurred on C-470.

The C-470 striping issue you flagged was also discussed with the CTIO Board of Directors as part of the program's evaluation to date. Pages [27-38](#) detail the extensive review of the ingress and egress points on all Express Lanes, and C-470 was identified as a corridor that could benefit from additional striping work in the future to add extra comfort for users entering and exiting the Express Lanes.

Lastly, we are putting revised information on the website and developing short videos in the future that show how to enter and exit through solid/dotted line combinations to avoid any confusion.

This email exchange will be included in the CTIO Board materials for the next meeting, scheduled for Monday 23rd of September.

Best,

Simon

CTIO Board Secretary

How do I file an appeal with the County Court?

Download and complete [JDF 233 - Complaint for Judicial Review Pursuant to C.R.S. 43-4-808\(2\)\(d\)\(VI\)](#) and make sure you list Colorado Transportation Investment Office as the Plaintiff/Appelle. In addition to the form, a certified copy of the Hearing Officer's Final Order must be filed with the complaint. More information regarding the appeal process can be found at the [Colorado Judicial Branch web page](#).