



# COLORADO

## Department of Transportation

2829 W. Howard Place  
Denver, CO 80204-2305

### Notice of Proposed Rulemaking

#### High Performance Transportation Enterprise Rules Governing the Administrative Toll Enforcement Process 2 CCR 606-1

**Date & Time of Public Hearing: Wednesday, June 15, 2022, at 9:00 a.m.**

#### I. Notice

As required by the State Administrative Procedure Act found at Section 24-4-103, C.R.S., the High Performance Transportation Enterprise (HPTE) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **June 15, 2022, at 9:00 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
06/15/2022	Webinar Only	9:00 a.m.	<a href="#">Registration Link</a>

#### How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>.

#### II. Subject

House Bill 22-1074 took effect in Colorado on March 15, 2022 and added new traffic violations on the Interstate 70 Peak Period Shoulder Lanes. The legislation requires the HPTE to amend its rules to allow enforcement of these violations using the Administrative Toll Enforcement Process codified in 2 CCR 606-1, Rules Governing the Administrative Toll Enforcement Process. The proposed changes clarify that swerving between Toll Lanes and General-Purpose Lanes is a toll violation and provide for the HPTE Board to entertain petitions for declaratory orders.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

#### III. Statutory Authority

The specific authority under which the High Performance Transportation Enterprise shall amend these rules is set forth in § § 43-4-806(11) and 43-4-808(2)(d), C.R.S.



#### IV. Copies of the Notice, Proposed Rules, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rules, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rules prior to the hearing, the updated proposed rule will be available to the public and posted on CDOT's website by June 8, 2022.

Please note that the proposed rule changes being considered are subject to further changes and modifications after the public hearing and the deadline for the submission of written comments.

#### V. Opportunity to testify and submit written comments

CDOT strives to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing at the June 15 Board meeting will proceed as follows:

- The Board Chair opens the hearing and provides a brief introduction of the hearing procedures.
- CDOT staff will establish that the HPTE and CDOT met all the procedural requirements of the Administrative Procedure Act.
- HPTE staff will present a summary of the proposed rules.
- Participants will have the opportunity to give testimony regarding the proposed rules.

#### Testimony

The testimony phase of each hearing will proceed as follows:

- The Board Chair will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- The Board Chair will then ask whether any additional participants wish to testify.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

#### Written Comments

All interested and affected parties are strongly encouraged to submit their written comments on the proposed changes by May 31, 2022 to [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us). **All written comments must be received on or before Tuesday, June 7, 2022, at 5 p.m. for consideration by the HPTE Board.**

Additionally, prior to the hearing, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

All written comments will be added to the official rulemaking record and may be subject to disclosure.

#### VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.



## **VII. Special Accommodations**

If you need special accommodations, including language translation, please contact CDOT's Rules Advisor at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) or 303.757.9441 at least two (2) weeks prior to the scheduled hearing date.

## **VIII. Contact Information**

Please contact CDOT's Rules Advisor at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) or 303.757.9441 if you have any questions.





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### High Performance Transportation Enterprise Rules Governing the Administrative Toll Enforcement Process 2 CCR 606-1

#### Statement of Basis and Purpose and Statutory Authority

The rules governing the Administrative Toll Enforcement Process (“HPTE Rules”) are found at 2 CCR 606-1.

The specific authority under which the High Performance Transportation Enterprise (“HPTE”) shall establish these rules is set forth in §§ 43-4-806(2)(a)(1), 43-4-808(2)(b), 43-4-808(2)(d)(II) and 43-4-806(11), C.R.S.

The basis of the HPTE Rules is to establish and maintain an administrative enforcement process for toll violations on roads within the HPTE’s jurisdiction. The goal is for the HPTE to maintain an easily accessible and understandable toll enforcement hearing process.

House Bill 22-1074 took effect in Colorado on March 15, 2022. The legislation added new traffic violations on the Interstate 70 Peak Period Shoulder Lanes. The legislation requires the HPTE to amend its rules to allow enforcement of these violations using its existing Administrative Toll Enforcement Process codified in 2 CCR 606-1, Rules Governing the Administrative Toll Enforcement Process.

The specific purpose of this rulemaking is to consider additions to the HPTE Rules as follows:

- The HPTE proposes to add language at Rule 3.01.1.C to make it clear that swerving between Toll Lanes and General-Purpose Lanes (described as “weaving”) constitutes a failure to pay a Toll.
- The HPTE proposes to add language at Rule 3.01.2 to specify the uses of the Peak Period Shoulder Lane that constitute violations of Section 43-4-806(11), C.R.S. Specifically, it shall be a violation to use the Peak Period Shoulder Lane when the posted signage indicates it is closed, unless a statutory exception applies to the use, and at any time if the person is driving a motor vehicle with more than two axles or that has a length of 25 or more feet.
- The HPTE proposes to eliminate unnecessary language from Rule 4.01.
- The HPTE proposes to add Rule 6.02.3 to describe the statutory exceptions to use of the Peak Period Shoulder Lane when it is closed. These include operation of an authorized emergency vehicle, an authorized service vehicle, or use of the lane in case of an emergency. This addition renumbers the original Rule 6.02.3 to 6.02.4.
- Finally, the HPTE proposes to add Rule 9.01 to allow the HPTE Board to entertain petitions for declaratory orders in accordance with Section 24-4-105(11), C.R.S.
- There are additional minor, non-substantive changes proposed.

