



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

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.

