



COLORADO

Department of Transportation

2829 W. Howard Place
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Statement of Basis, Authority, and Purpose

The State Highway Utility Accommodation Code (“Code”) is found at 2 CCR 601-18.

The specific authority under which the Transportation Commission of Colorado (“Commission”) shall establish the Code is set forth in §§ 43-1-106(8)(k), 43-1-110, 43-1-225(1), 43-1-1409(1)(b), and 43-2-102, C.R.S.

The statutory basis for the Code is the need to serve the general public through the safe, efficient and effective joint utilization of State Highway Right-of-Way (SH ROW) for both transportation and utility purposes. The Code is necessary to establish a uniform and consistent statewide process for accommodating utilities within SH ROW by means of reasonable regulations to ensure that such accommodations do not adversely affect the highway or traffic safety, or otherwise impair the operation, aesthetic quality or maintenance of the transportation facility, or conflict with applicable law. Utility facilities provide an essential service to the general public, but every accommodation must be compatible with and not adversely affect the existing and future needs of the transportation facility. The Code is implemented in an effort to conserve limited public resources, preserve future options, and minimize conflicts between highway and utility facilities.

The specific purpose of this rulemaking is to consider the modifications to the general provisions, procedures, and accommodation standards of the Code as a result of the mandatory rule review pursuant to § 24-4-103.3, C.R.S. The Department of Transportation, on behalf of the Transportation Commission of Colorado, conducted a review of the Code to assess the continuing need for, the appropriateness, and cost-effectiveness of the rules. The review also determined whether the rules should be continued in their current form, modified, or repealed. After consultation with stakeholders, the proposed rules have been modified in a more efficient and effective manner that continues to ensure utility accommodations do not adversely affect the highway or the safety of the traveling public. Any unnecessary language was deleted and the rules were updated based on changes in law and practice.

