



**COLORADO**  
Department of Transportation

2829 W. Howard Place  
Denver, CO 80204-2305

**DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION COMMISSION OF COLORADO**

**STATE HIGHWAY UTILITY ACCOMMODATION CODE  
2 CCR 601-18**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING  
SEPTEMBER 30, 2020 at 1:00 PM MST**

**Department of Transportation Headquarters  
2829 W. Howard Place  
Denver, CO 80204**

**VIRTUAL RULEMAKING HEARING REGISTRATION LINK:**

<https://attendee.gotowebinar.com/register/5248665399270016269>

Pursuant to and in compliance with Title 43, Article 1 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Transportation Commission of Colorado to promulgate rules, or to amend, repeal, or repeal and re-enact the existing State Highway Utility Accommodation Code. The specific authority under which the Transportation Commission of Colorado (“Commission”) shall establish these rules 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.

In compliance with the mandatory rule review required by section 24-4-103.3., C.R.S., the Department of Transportation, on behalf of the Commission, conducted a review of the State Highway Utility Accommodation 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 The review also determined whether the rules should be continued in their current form, modified, or repealed.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. This proposed permanent rule-making hearing will consider the modifications to the general provisions, procedures, and accommodation standards of the State Highway Utility Accommodation Code as a result of the mandatory rule review.

Due to the State’s COVID-19 response, this proposed permanent rule-making hearing will only be conducted in a virtual setting. All interested parties are urged to attend this public hearing by registering for the hearing through the link above, and to submit written comments concerning the proposed amended rules in advance if possible for consideration. The webinar registration link is also available on the Department of Transportation’s website at <https://www.codot.gov/business/rules/proposed-rules.html>.



In order to facilitate the review of comments by the Hearing Officer, all interested parties are strongly encouraged to submit their written comments to Natalie Lutz via email at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us), **on or before 5:00 p.m. on September 23, 2020**. Any written comments not received by September 23, 2020 may be submitted via public testimony at the hearing on September 30, 2020.

If you need special accommodation, please contact Natalie Lutz at 303.757.9441 or [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) at least one week prior to the hearing.

The proposed amended rules, notice of hearing, and the proposed statement of basis and purpose will be available for review by interested parties on or before close of business August 28, 2020, at the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules.html>. Please be advised that the proposed amended rules being considered are subject to further changes and modifications after public comment and the formal hearing.





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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.

