



8 CCR 1507-25

RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING
& TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS
AND THE INTRASTATE TRANSPORTATION OF AGRICULTURAL
PRODUCTS IN THE STATE OF COLORADO

Hybrid Public Hearing | January 30, 2024

EXHIBITS

Notice of Proposed Rulemaking

Tracking number

2023-00823

Department

1507 - Department of Public Safety

Agency

1507 - Colorado State Patrol

CCR number

8 CCR 1507-25

Rule title

THE PERMITTING, ROUTING AND TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS AND THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

Rulemaking Hearing**Date**

01/30/2024

Time

01:00 PM

Location

Carrell Hall, Building 100, 15165 S. Golden Rd., Golden, CO., 80401

Subjects and issues involved

8 CCR 1507-25 reflects adoptions by the Chief of the CSP to ensure the safe and accurate permitting, routing, and transportation of hazardous and nuclear materials and the exemption of agricultural products from the hazardous materials rules within Colorado. The CSP is proposing amendments to 8 CCR 1507-25:

1)In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of section 42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT.

2)Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.

3)Updating verbiage throughout the rules to improve their overall clarity and readability; and

Statutory authority

Sections 42-20-108 (1), 42-20-108 (2), 42-20-403, 42-20-504, 42-20-508, and 42-20-108.5, CRS.

Contact information**Name**

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Agency Rulemaking Home

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Notice of Rulemaking Confirmation

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Date Filed: December 29, 2023 07:33:23

Please print this page for your records

REMEMBER: You must submit your proposed rules to DORA's Office of Policy, Research and Regulatory Reform at the time of filing this notice with the Secretary of State, as required by section 24-4-103(2.5) C.R.S.
Link:<https://www.dora.state.co.us/pls/real/SB121.Logon>

Your notice of rulemaking has been submitted to the Secretary of State.
Your tracking number is 2023-00823.

Department	1507 - Department of Public Safety
Type of Filing	Permanent
Agency	1507 - Colorado State Patrol
CCR Number	8 CCR 1507-25
CCR Title	THE PERMITTING, ROUTING AND TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS AND THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO
Hearing Date	01/30/2024
Hearing Time	01:00 PM
Hearing Location	Carrell Hall, Building 100, 15165 S. Golden Rd., Golden, CO., 80401
Description	8 CCR 1507-25 reflects adoptions by the Chief of the CSP to ensure the safe and accurate permitting, routing, and transportation of hazardous and nuclear materials and the exemption of agricultural products from the hazardous materials rules within Colorado. The CSP is proposing amendments to 8 CCR 1507-25: 1)In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of section 42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT. 2)Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities. 3)Updating verbiage throughout the rules to improve their overall clarity and readability; and 4)Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.
Statutory Authority	Sections 42-20-108 (1), 42-20-108 (2), 42-20-403, 42-20-504, 42-20-508, and 42-20-108.5, CRS.
Proposed Rule	ProposedRuleAttach2023-00823.docx
Comments	The hearing for these rules will be a hybrid hearing allowing for attendance virtually using Google Meet. Individuals wanting to attend virtually may do so using the following information: Google Meet joining info Video call link: https://meet.google.com/mjg-mbgn-xiu Or dial: (US) +1 435-272-4726 PIN: 654 391 136# More phone numbers: https://tel.meet/mjg-mbgn-xiu?pin=4840108109535 NOTE: Exhibits posted online will not stakeholder contact information. Complete evidence of our stakeholder outreach efforts will be included in the permanent rulemaking record and may be viewed online at https://publicsafety.colorado.gov/get-involved/cdps-rules-and-regulations or at our offices upon request. Additionally, exhibits may include scanned or printed documents. Please email angelina.page@state.co.us to request accessibility assistance or an accommodation to enable you to access rulemaking exhibits.
Contacts for Public	
Name	Sean Schlessman
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Submission Accepted

Rule Submitted

Your proposed rules or amendments to rules have been successfully submitted to the Department of Regulatory Agencies.

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss any public requests.

You may log back in to this system at any time to check on the current status of this rule. An email notification containing further instructions will be sent if a cost-benefit analysis is required as a result of your submission.

Colorado Department of Regulatory Agencies



Proposed Rule Submitted - HM ROUTING RULES -

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: angelina.page@state.co.us

Fri, Dec 29, 2023 at 8:02 AM

The following Proposed Rule has been submitted to the Colorado Office of Policy, Research and Regulatory Reform:

Department: Department of Public Safety

Rulemaking Agency: Colorado State Patrol

Rule ID: 10090

Title or Subject: Rules and Regulations Concerning the Permitting, Routing & Transporting Hazardous and Nuclear Materials and The Intrastate Transportation of Agricultural Products in the State of Colorado

Submitted by: Angelina M Page

Date Submitted: 12/29/2023

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders.

In accordance with SB13-158, the public will have until Monday, January 15th, 2024 at midnight to request that the Department of Regulatory Agencies require your agency to prepare a cost-benefit analysis of these rules or amendments. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss the requests. A second email notification will be sent if you are required to submit a cost-benefit analysis as a result of a public request.

Please contact us at DORA_OPR_Website@state.co.us if you have further questions regarding this e-mail message.



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Volume 47 , No. 1

January 10, 2024

Notice of Proposed Rulemaking

Tracking number

2023-00823

Department

1507 - Department of Public Safety

Agency

1507 - Colorado State Patrol

CCR number

8 CCR 1507-25

Rule title

THE PERMITTING, ROUTING AND TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS AND THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

Rulemaking Hearing**Date**

01/30/2024

Time

01:00 PM

Location

Carrell Hall, Building 100, 15165 S. Golden Rd., Golden, CO., 80401

Subjects and issues involved

8 CCR 1507-25 reflects adoptions by the Chief of the CSP to ensure the safe and accurate permitting, routing, and transportation of hazardous and nuclear materials and the exemption of agricultural products from the hazardous materials rules within Colorado. The CSP is proposing amendments to 8 CCR 1507-25:

1)In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of section 42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT.

2)Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.

3)Updating verbiage throughout the rules to improve their overall clarity and readability; and

Statutory authority

Sections 42-20-108 (1), 42-20-108 (2), 42-20-403, 42-20-504, 42-20-508, and 42-20-108.5, CRS.

Contact information**Name**

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COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS
AND
THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO
8 CCR 1507-25

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Under §42-20-108 (1) and (2), CRS, the Chief of the Colorado State Patrol has the authority to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous materials by motor vehicles within the state of Colorado. Under §§42-20-403, 42-20-504, and 42-20-508, CRS, the Chief of the CSP has the authority to promulgate rules and regulations for the permitting, routing, and the safe transportation of nuclear materials by motor vehicles within the state of Colorado. Under §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations that exempt agricultural products from the hazardous rules.

Amendments are being proposed to 8 CCR 1507-25:

- In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of §42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT.
- Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

It has been declared by the General Assembly that the permitting, routing, and transportation of hazardous and nuclear materials is a matter of statewide interest and concern. The absence of rules to carry out the purpose of the statutes applicable thereto is contrary to the public health, peace, safety, and welfare of this state. For these reasons, it is necessary that these rules, inclusive of the revisions proposed, are adopted.

Colonel Matthew C. Packard
Chief, Colorado State Patrol

Date of Adoption

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS
AND
THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

PART 1

GENERAL STATEMENTS

- 1.0** **AUTHORITY.** The Chief of the Colorado State Patrol is authorized by §42-20-108 (1) and (2), CRS, and §§42-20-403, 42-20-504, and 42-20-508, to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous and nuclear materials by motor vehicle within Colorado, in either interstate or intrastate transportation. Additionally, consistent with §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations exempting agricultural products from hazardous materials rules.
- 1.1** **APPLICABILITY.** These rules and regulations apply to all persons who transport, ship, or cause to be transported or shipped, hazardous, nuclear, or agricultural materials or products by motor vehicle over the public roads of Colorado.
- 1.2** **REQUIRED COMPLIANCE WITH 8 CCR 1507-1.** All commercial vehicles that transport hazardous and/or nuclear materials must comply with 8 CCR 1507-1, the Rules and Regulations Concerning the Minimum Standards for the Operation of Commercial Vehicles.
- 1.3** **GENERAL DEFINITIONS.** Unless otherwise specified, definitions of general applicability throughout these rules are:
- 1.3.1** **CDOT:** Colorado Department of Transportation.
- 1.3.2** **CDPHE:** Colorado Department of Public Health and Environment.
- 1.3.3** **CDPS:** Colorado Department of Public Safety.
- 1.3.4** **CFR:** Code of Federal Regulations.
- 1.3.5** **CHIEF:** ~~Means~~ **THE** Chief of the Colorado State Patrol. Unless otherwise specified, also includes the designees of the Chief of the Colorado State Patrol where **THE** designation is permissible and consistent with applicable ~~STATE~~ **STATE** statute and applicable CDPS and CSP rules and policies.
- 1.3.6** **CSP:** Colorado State Patrol.

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- 1.3.7 **CVSA**: Commercial Vehicle Safety Alliance.
- 1.3.8 **ENFORCEMENT OFFICIAL**: As identified within §42-20-103 (2), CRS, is limited to a peace officer who is an officer of the CSP as described in §§ 16-2.5-101 and 16-2.5-114, CRS;; a certified peace officer who is a certified Port of Entry officer as described in §§16-2.5-102 and 16-2.5-115, CRS;; a peace officer who is an investigating official of the Public Utilities Commission as described in §§ 16-2.5-101 and 16-2.5-143, CRS;; or any peace officer as described in §16-2.5-101, CRS.
- 1.3.9 **FMCSA**: Federal Motor Carrier Safety Administration.
- 1.3.10 **FMCSR**: Federal Motor Carrier Safety Regulations.
- 1.3.11 **HAZARDOUS MATERIALS**: As defined within §42-20-103 (3), CRS, are those materials listed in Tables 1 and 2 of 49 CFR 172.504, excluding highway route-controlled quantities of radioactive materials as defined in 49 CFR 173.403 (2), excluding ores and the wastes and tailing therefrom, and excluding special fireworks where the aggregate amount of flash powder does not exceed 50 pounds.
- 1.3.12 **MOTOR VEHICLE**: As defined within §42-20-103 (4), CRS, is any device capable of moving from place to place on public roads. The term includes, ~~but is not limited to,~~ any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto.
- 1.3.13 **MOU**: Memorandum of Understanding.
- 1.3.14 **OOS**: Out-of-Service.
- 1.3.15 **PERSON**: As defined within §42-20-103 (6), CRS, is an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons.
- 1.3.16 **POE**: Port of Entry, a ~~branch~~**SECTION** of the CSP.
- 1.3.17 **PUC**: Public Utilities Commission.

PART 2

HAZARDOUS MATERIALS TRANSPORTATION

(HMT)

HMT 2.0 **APPLICATION OF 49 CFR TO THE TRANSPORTATION OF HAZARDOUS MATERIALS.** The transportation of hazardous materials by motor vehicle must occur consistent with the regulations contained in:

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49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials, Driving and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulations as the same were effective on October 1, ~~2022~~**2023**. §42-20-108 (3), CRS, provides that these federal regulations may be used as general guidelines by the Chief in the promulgation of these rules. These rules adopt the aforementioned sections of the CFR to support the enforcement of regulations ~~applicable to~~ **CONCERNING** the transportation of hazardous materials with the following modifications:

- HMT 2.0.1** **DEFINITION OF PERSON.** The definition of a person is as it is described within these rules. The definition of person set forth within §49 CFR 107.1 is not applicable.
- HMT 2.0.2** **INAPPLICABILITY OF FEDERAL HAZARDOUS MATERIALS REGULATIONS EXEMPTION TO PERSONS AND FUNCTIONS.** §49 CFR 171.1 (d) (5), as it exempts specific functions from the hazardous materials regulations, is specifically not adopted by these rules and does not apply.
- HMT 2.1** **CVSA INSPECTION STANDARDS.** Through an MOU, ~~dated October 21, 2022,~~ with the CVSA **DATED OCTOBER 21, 2022**, the CSP, as a division of the CDPS, **AGREES TO** adopts the CVSA inspection procedures, decal application policies, and OOS criteria established for the inspection of commercial motor vehicles.
- HMT 2.2** **APPLICABILITY OF CVSA OPERATIONS MANUAL.** Enforcement Officials performing safety inspections ~~upon~~**ON** motor vehicles transporting hazardous materials will use the inspection procedures, decal application policies, and OOS criteria, as each appears in the CVSA Operations Manual, effective April 1, ~~2023~~**2024**.
- HMT 2.3** **HAZARDOUS MATERIALS INCIDENT NOTIFICATION.** A driver of a motor vehicle transporting hazardous materials as cargo involved in a hazardous materials spill or incident must immediately provide notice of the nature and location of the hazardous materials spill or incident to the law enforcement agency in closest proximity thereto, consistent with the requirements of §42-20-113 (3), CRS.

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HMT 2.3.1 **IMMEDIATE NOTICE REGARDING HAZARDOUS MATERIALS AS CARGO.** A driver of a motor vehicle involved in an incident having the potential to result or that does result in the potential spilling or release of cargo classified as hazardous materials will immediately notify the nearest law enforcement agency of the location of the incident and any other information minimally necessary for an informed response.

HMT 2.3.2 **IMMEDIATE NOTICE REGARDING SPILL OR RELEASE OF FUEL FROM VEHICLE FUEL TANK.** A driver of a motor vehicle involved in a spill of hazardous material from a fuel tank providing fuel for the motor vehicle and/or equipment thereon; will give immediate notice of the spill or release location and any other information minimally necessary for an informed response to the nearest law enforcement agency.

HMT 2.3.3 **MINIMALLY NECESSARY INFORMATION REQUIRED.** ~~As it applies within these rules,~~ “**Minimally necessary INFORMATION, AS IT APPLIES TO NOTIFICATION OF HAZARDOUS MATERIALS INCIDENTS UNDER PART HMT 2.3 OF THESE RULES**” includes; but is not limited to the following:

HMT 2.3.3.1 The name of the person reporting the incident;

HMT 2.3.3.2 The phone number at which the person reporting the incident can be contacted;

HMT 2.3.3.3 The type of incident;

HMT 2.3.3.4 The type of motor vehicle involved;

HMT 2.3.3.5 The name of the motor carrier involved, if applicable;

HMT 2.3.3.6 The extent of injuries, if any;

HMT 2.3.3.7 The classification, name, and quantity of the hazardous materials involved; and

HMT 2.3.3.8 If a continuing danger to public safety or the environment exists at the scene.

HMT 2.3.4 **NOTICE TO CSP AND CDPHE.** As soon as possible after making an initial notification of a hazardous material spill/incident to the nearest law enforcement agency, the driver **OF THE MOTOR VEHICLE INVOLVED**, or a company representative **THEREFORE** will provide the same minimally necessary information to the:

HMT 2.3.4.1 CSP at (303) 239-4501; and

HMT 2.3.4.2 The CDPHE Environmental Spill Reporting Line at (877) 518-5608.

HMT 2.4 **AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS.** Enforcement Officials, as are identified within these rules or as is consistent with 8 CCR 1507-1, are authorized by §42-4-235 (1) (a), CRS, to perform commercial motor vehicle inspections.

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HMT 2.4.1 ENFORCEMENT OFFICIALS MUST MEET INSPECTOR QUALIFICATIONS.

Enforcement Officials authorized to perform commercial motor vehicle safety inspections by §42-4-235 (1) (a), CRS, and upon the drivers thereof, are required to meet the inspector qualifications referenced in §42-4-235 (4) (a) (I), CRS, when performing CVSA North American Standard Safety Inspections. All Enforcement ~~o~~**Officials** performing Level I – VI CVSA North American Standard Safety Inspections must also maintain the certification requirements prescribed in the current CVSA Operations Manual referenced by these rules and incorporated ~~as part 8 of~~ **INTO** 8 CCR 1507-1.

HMT 2.4.2 AUTHORITY TO INSPECT. Enforcement Officials have the authority to inspect motor vehicles, motor vehicle drivers, cargo, and any required documents outlined in 49 CFR 383, 387, 390, 391, 392, 393, 395, 397, and 399, as revised October 1, ~~2022~~**2023**.

HMT 2.4.3 CSP ENFORCEMENT OFFICIALS AND COMPLIANCE REVIEWS. CSP Enforcement Officials certified by the FMCSA according to 49 CFR 385, Subpart C, to perform Compliance Reviews and Safety Audits have the authority to enter the facilities of and inspect any motor carrier consistent with §42-4-235 (1) (c), CRS, and any required records and supporting documents are outlined in 49 CFR 40, 380, 382, 383, 385, 387, 390, 391, 392, 393, 395, 396, 397, and 399, and Appendix A, revised October 1, ~~2022~~**2023**.

HMT 2.4.4 MOTOR VEHICLE OOS CRITERIA. The CSP incorporates by reference ~~for enforcement purposes~~ the CVSA North American Uniform OOS Criteria **FOR ENFORCEMENT PURPOSES**, as revised and effective April 1, ~~2023~~**2024**. Enforcement Officials will use the CVSA North American Uniform OOS Criteria when determining whether a motor vehicle or driver should be placed OOS according to §42-20-110, CRS.

HMT 2.4.5 SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person having a hazardous materials transport permit and engaged in the transportation of hazardous materials. Violations discovered during inspections or compliance reviews are shared to promote the joint interests of public safety and effective enforcement of hazardous materials transport permit conditions, these rules, ~~applicable~~**RELEVANT** statutes, and regulations.

HMT 2.4.6 PENALTIES FOR VIOLATIONS. Any person shipping or transporting hazardous materials in violation of any of the rules of this part is guilty of a misdemeanor. Upon conviction thereof, a person will be subject to a fine and/or imprisonment, as each is indicated within §42-20-109, CRS.

PART 3

HAZARDOUS MATERIALS PERMITS

(HMP)

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HMP 3.0 **DEFINITIONS.** For purposes of this part, the following definitions apply:

HMP 3.0.1 **LIABILITY INSURANCE OR SURETY:** As used in these rules, means insurance or surety for public liability.

HMP 3.0.2 **LONGER VEHICLE COMBINATION (LVC):** Is any number of vehicle configurations, including a truck tractor as a power unit and multiple trailer combinations, as identified within §42-4-505 (2) (a) – (d), CRS.

HMP 3.0.3 **PEACE OFFICER:** Is defined in §16-2.5-101, CRS, and ~~will include~~ **INCLUDES** Peace Officers who are certified Port of Entry Officers as **ARE** described in §§ 16-2.5-101 and 16-2.5-115, CRS.

HMP 3.0.4 **PUBLIC LIABILITY:** Is a liability for bodily injury or property damage, including liability for environmental restoration, as discussed within 49 CFR 387.5.

HMP 3.0.5 **TRANSMIX:** Also known as Petroleum Distillates, N.O.S., and only as used within this section, is a mixture of refined products specifically and individually exempted under HMP 3.4.3 of these rules. Transmix, as defined by these rules, is a combination of gasoline, diesel, jet fuel, and/or other refined petroleum products transported to processing plants for purposes of distillation and product separation. Transmix falls under UN1268 and is placarded as Class 3 hazardous materials.

HMP 3.1 **ANNUAL HAZARDOUS MATERIALS PERMIT APPLICATIONS AND FEES.** The fees assessed for hazardous materials permits, annually or per trip, are set within Colorado statute ~~and are found in~~ **UNDER** §42-20-202 (1) (b) and (c), CRS. The annual hazardous materials transport permit fee schedule is based on the number of motor vehicles an applicant operates within Colorado and is found within §42-20-202 (1) (b), CRS. Consistent with §42-20-201, CRS, the CDOT is responsible for the review and approval of any submitted applications and renewals for annual hazardous materials transport permits.

HMP 3.1.1 **ALL ANNUAL APPLICATIONS PROCESSED BY CDOT.** All applications and renewals for Hazardous Materials Transportation Permits and all applicable fees due therefore are to be submitted to the CDOT Division of Transportation Development OSOW Permits Unit. The CDOT Division of Transportation Development OSOW Permits Unit may be contacted at 2829 W. Howard Pl., Denver, ~~Colorado~~ **CO.**, 80204, or by phone at (303)-757-9539. Information may also be found online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov). All applicable fees must be paid in a manner acceptable to the CDOT.

HMP 3.2 **CONDITIONS APPLICABLE TO HAZARDOUS MATERIALS PERMITS.** Several conditions apply to the issue and use of annual hazardous materials permits. These conditions, detailed within applicable statutes, also include but are not limited to the following specifically identified requirements:

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- HMP 3.2.1** **USDOT NUMBER REQUIRED.** Hazardous materials transporters within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 390.19 before the submission of an annual permit application.
- HMP 3.2.2** **ANNUAL PERMIT FEE AFFECTED BY NUMBER OF VEHICLES.** The fee assessed by the CDOT for an annual permit is determined by the number of vehicles being permitted and will be as described within §42-20-202 (1) (b), CRS.
- HMP 3.2.3** **MUST COMMUNICATE AN INCREASE IN VEHICLES TO CDOT.** Any increase in the total number of declared vehicles permitted to be operating within or through Colorado must be communicated in writing through the completion of an amended request and the payment of any additional fees determined to be due to the CDOT.
- HMP 3.2.4** **MUST OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE CONSISTENT WITH §42-20-202 (2) (a) AND (3) (a), CRS.** Persons applying for and receiving an annual hazardous materials transport permit must **ALWAYS** obtain and maintain public liability insurance or a surety ~~at all times~~ that must not be less than the minimum limits established within 49 CFR 387 with schedules and endorsements covering all vehicles that may be operated by, for, or under the control of the applicant or permit holder. Applicant must cause to file with the CDOT one of the following:
- HMP 3.2.4.1** A National Association of Regulatory Utility Commission (NARUC) “FORM E,” “Uniform Major Carrier Bodily Injury and Property Damage Liability Certificate of Insurance,” executed by a duly authorized agent of the insurer. Also required with this filing is the MCS-90, “Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980,” issued by an insurer or insurers, and signed by an authorized representative of the insurance company or companies;
- HMP 3.2.4.2** A Form MCS-82, “Motor Carrier Surety Bond for Public Liability under Section 30 of the Motor Carrier Safety Act of 1980,” issued by a surety, and signed by an “Attorney-in-Fact,” with a copy of the Power of Attorney attached; or
- HMP 3.2.4.3** A copy of a written decision, order, or authorization of the FMCSA authorizing the motor carrier to self-insure ~~pursuant to~~ **UNDER** 49 CFR 387.309.
- HMP 3.2.5** **ALL LIABILITY OR INSURANCE COVERAGE MUST MATCH THE EXACT NAME.** All insurance and surety forms coverage must be filed ~~with~~ **USING OR UNDER** the exact name, initial, corporate, and trade name if any, and address, as it is included in the annual hazardous materials permit application filed and maintained by the CDOT.
- HMP 3.2.6** **NOTICE OF INSURANCE OR SURETY CANCELLATION OR NON-RENEWAL REQUIRED.** Every insurance certificate or surety bond required by and filed with the CDOT must be kept in full force and effect, unless and until canceled by a 30-day written notice or not renewed by a 90-day written notice on a NARUC “FORM K,” (Uniform Notice of Cancellation of Motor Carrier Insurance Policies); “FORM BMC 35,” (Notice of

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Cancellation Motor Carrier Insurance); or "FORM BMC 36," (Notice of Cancellation of Motor Carrier Surety Bond), as may be appropriate, from the insurer or surety to the CDOT. The 30-day and 90-day notice will commence from the date the notice is received by the CDOT and the insurance certificate or surety bond must contain a statement to this effect.

HMP 3.2.7 **NO UNAUTHORIZED ALTERATIONS.** No annual permit is to be altered, amended, or copied, unless authorized in writing by the CDOT or, in the case of a single trip permit (as discussed within HMP 3.3 of these rules), by an ~~e~~**Enforcement e**Official.

HMP 3.2.8 **PERMITS MUST BE AVAILABLE FOR INSPECTION.** The required permits must be readily available for inspection as required by §42-20-203, CRS. This requirement is met if a ~~p~~**P**Peace ~~e~~**O**fficer or Enforcement Officials can electronically verify the permit is valid at the time of contact.

HMP 3.3 **SINGLE TRIP HAZARDOUS MATERIALS PERMITS.** Under §42-20-202 (1) (c), CRS, single trip permits may be obtained from the CSP at all CSP POE weigh stations. Each person transporting hazardous materials in, to, from, or through Colorado who has not previously obtained a valid annual hazardous materials transport permit from the CDOT must apply for and pay for a single trip hazardous materials transport permit at the nearest CSP POE weigh station or to a CSP POE officer or office.

HMP 3.3.1 **VALID FOR 72 HOURS.** Each single trip permit will be valid for a single continuous business venture, but in no event will the permit be valid for more than 72 hours, unless extended by any Enforcement Official for any reason the official deems advisable. Reasons for an extension by an Enforcement Official may include mechanical difficulties and road and weather conditions.

HMP 3.3.2 **ISSUED UPON APPROVAL AND PAYMENT.** A single trip hazardous materials permit will be issued upon the approval of a complete single trip permit application and the payment of a \$25 permit fee.

HMP 3.3.3 **PROOF OF LIABILITY INSURANCE OR SURETY REQUIRED.** Persons applying for a hazardous materials transportation single trip permit are required by §42-20-202 (3) (a), CRS, to supply proof of liability insurance or surety or sign a verification at the time of the permit application.

HMP 3.3.4 **SUBSEQUENT PROOF REQUIRED WHERE VERIFICATION STATEMENT SUBMITTED- SINGLE TRIP HAZARDOUS MATERIALS PERMIT.** Applicants who sign a verification instead of supplying acceptable proof of financial responsibility (liability insurance or surety) must forward it to the CDOT Division of Transportation Development OSOW Permits Unit within 30 days of ~~issuance of the permit's~~ **ISSUE.**
WITH THIS MUST BE INCLUDED:

HMP 3.3.4.1 ~~Their~~**A** copy of the **APPLICANT'S** single trip hazardous materials permit;
and

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HMP 3.3.4.2 A legible copy of acceptable proof of financial responsibility as is required by §42-20-202, CRS, having matching information as is defined in paragraph HMP 3.2.5 of these rules.

HMP 3.4 **LVCs AND THE TRANSPORTATION OF HAZARDOUS MATERIALS.** LVCs operating under the provisions of the CDOT Rules and Regulations promulgated according to the provisions of §43-4-505, CRS, are prohibited from transporting the following specified hazardous material types and quantities:

HMP 3.4.1 **TABLE 1, 49 CFR 172.504.** Any quantity of hazardous material within the hazard classes specified in 49 CFR 172.504, Table 1.

HMP 3.4.2 **TABLE 2, 49 CFR 172.504.** Any material, unless otherwise specified herein, within the hazardous classes specified in 49 CFR 172.504, Table 2 that:

HMP 3.4.2.1 Exceeds 55 gallons per package.

HMP 3.4.2.2 Is transported in quantities using containment systems in excess of 3,500 gallons, except as provided in HMP 3.4.3 of these rules.

HMP 3.4.2.3 Is classified as a “Material Poisonous by Inhalation” as it is defined in 49 CFR 171.8.

HMP 3.4.2.4 Requires evacuation of populated areas as specified in **TABLES 1, 2, AND 3 IN** the most current version of the North American Emergency Response Guidebook in publication as of April 1, 2020, as referenced by these rules.

HMP 3.4.3 **PETROLEUM-BASED PRODUCTS ARE EXEMPT FROM LVC TRANSPORT PROHIBITION.** The prohibition of subparagraph HMP 3.4.2.2 does not apply to the following petroleum-based products when transported in bulk quantities in an LVC of the type described in §42-4-505 (c) and (d), CRS:

HMP 3.4.3.1 Gasoline, UN1203;

HMP 3.4.3.2 Diesel Fuel, NA1993;

HMP 3.4.3.3 Crude Oil, UN1267;

HMP 3.4.3.4 Liquefied Petroleum Gas (LPG), UN1075;

HMP 3.4.3.5 Aviation Fuel, UN1863; or

HMP 3.4.3.6 Transmix, UN1268.

HMP 3.4.4 **COMPLIANCE WITH OTHER APPLICABLE LAWS.** Persons operating LVCs must operate consistently with all other applicable **RELEVANT** provisions of state law, rules, and regulations.

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HMP 3.5 **PENALTIES FOR VIOLATIONS.** Upon conviction, any person shipping or transporting hazardous materials in violation of any rule in this Part 3 is subject to the penalties set forth within §42-20-204, CRS.

PART 4

HAZARDOUS MATERIALS ROUTE DESIGNATION

(HMR)

HMR 4.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 29-22-101, CRS, apply to these rules and regulations. The following definitions also apply:

HMR 4.0.1 **PETITION:** As used within these rules, means a CSP Hazardous Materials Route Designation Packet, including the route analysis process, worksheets, and petitions resolution.

HMR 4.0.2 **PETITIONING ENTITY OR ENTITIES:** As used within these rules, means local governmental entities, CDOT, a public highway authority, and any governmental entity that is a partner in a public-private partnership concerning any highway, road, or street it maintains, when making an application to the CSP for a new hazardous materials route designation, or a change to an existing route designation as it is allowed under §42-20-302 (1) (a) – (e), CRS.

HMR 4.0.3 **ROUTING FACTORS:** As used within these rules, these are factors that must be considered and specifically addressed as part of any application petitioning the CSP for a new hazardous materials route designation or to change an existing route designation. As it applies to petitions submitted to the CSP, Petitioning Entities must address each of the routing factors referenced by these rules and/or identified by §49 CFR 397.71 (b) (9). If a factor is inapplicable to a route petition, the Petitioning Entity must specifically indicate the factor and the basis for inapplicability.

HMR 4.0.4 **SENSITIVE AREAS:** Sensitive Areas are areas that may experience a disparate impact in the event of exposure to the release of hazardous materials. This disparate impact may be environmental, social, etc., and could result in a greater demand for emergency and public resources in the event of an emergency related to the release of hazardous materials. Sensitive Areas include; but are not limited to private homes; commercial buildings; special populations in hospitals, schools, prisons, stadiums, senior or group homes; communities having a higher number of ESL-speaking individuals or individuals having physical, and/or mental disabilities, as compared to surrounding communities; water sources; and natural areas such as parks, wetlands, and wildlife reserves.

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HMR 4.0.5 **SPECIAL POPULATIONS:** Groups, individuals, or institutions included in a population that could be potentially exposed in the event of a hazardous materials incident which are also members of groups that may not be able or are unable to mobilize effectively in response to a threat to public health or safety without the assistance of emergency or other public services personnel.

HMR 4.1 **PETITION APPLICATIONS FOR ROUTE DESIGNATIONS.** Petitioning Entities seeking to petition for a new or change to an existing hazardous materials route designation should consult with and request guidance from the CDOT Division of Transportation Development OSOW Permits Unit and the CSP Hazardous Materials Section ~~regarding~~ **CONCERNING** the process, format, and substance of the route petition.

HMR 4.1.1 **INTRODUCTORY INFORMATION FROM CDOT.** Introductory information on the **PETITION APPLICATION** process, FAQs, and unit contact information from CDOT is available online at [HTTPS://WWW.CODOT.GOV/BUSINESS/HAZMAT-ROUTING/CURRENTHAZMATROUTES](https://www.codot.gov/business/HAZMAT-ROUTING/CURRENTHAZMATROUTES). Correspondence to CDOT may be addressed to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Pl., Denver, CO., 80204.

HMR 4.1.2 **GUIDANCE DOCUMENT IS AVAILABLE FROM THE CSP HAZARDOUS MATERIALS SECTION.** A guidance document outlining the minimum required elements and documentation that should be included as part of a hazardous materials route designation petition application is available from the CSP Hazardous Materials Section upon request by calling (303)-273-1900 or **BY CONTACTING THE CSP HAZARDOUS MATERIALS SECTION** online at [HTTPS://CSP.COLORADO.GOV/SERVICES-WE-PROVIDE/HAZARDOUS-MATERIALS](https://csp.colorado.gov/services-we-provide/hazardous-materials).

HMR 4.2 **PETITION APPLICATION SUBMISSION ACCORDING TO §42-20-302, CRS.** Petitioning Entities making an application to the CSP for a new hazardous materials route designation or ~~for~~ a change in an existing route designation consistent with §42-20-302, CRS, may submit a petition application for either **PURPOSE** to the CSP, no more than once a year.

HMR 4.3 **CONSIDERATION FACTORS OF 49 CFR 397 ARE ADOPTED.** 49 CFR 397 is adopted without amendment by these rules. All ~~of~~ the factors identified for consideration by 49 CFR 397.71 (b) (9) apply to all new and existing hazardous materials routing petitions. 49 CFR 397.71 sets forth 13 categories of factors that must be considered when any **NEW OR EXISTING** hazardous materials route, ~~new or existing~~, is the subject of a hazardous materials routing petition application. Any petition applications delivered to the CSP after an initial CSP application review that does not include discussion of these factors will not be deemed to be received, will **INSTEAD** be determined incomplete, and will be returned to the submitting **PETITIONING** eEntity for correction and resubmission without prejudice. Broadly, these 13 categories are:

HMR 4.3.1 **POPULATION DENSITY.** The population that will be potentially exposed in the event hazardous materials are released, inclusive of residents, employees, motorists, and other persons in the area, with specific discussion of any of those persons or groups

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that may be ~~considered to be~~ special populations. The relationship between population density levels and the potential release of hazardous materials must also be addressed.

HMR 4.3.2 **TYPE OF HIGHWAY.** The type and characteristics of the highway to be traveled must be identified.

HMR 4.3.3 **TYPES AND QUANTITIES OF HAZARDOUS MATERIALS:** The type and amount of hazardous materials that will or are normally transported along the petitioned route.

HMR 4.3.4 **EMERGENCY RESPONSES CAPABILITIES:** An analysis of the emergency response capabilities resulting from consultation with the appropriate fire, law enforcement, and highway safety agencies. The analysis must consider and identify the proximity of facilities and resources to the potential impact zone in the event hazardous materials are released and must be ~~included with~~ **OUTLINED WITHIN** the petition **APPLICATION**. Furthermore, local governmental authorities petitioning for a new or changes to an existing hazardous material route designation must provide the CSP Hazardous Materials Section with the following information on the hazardous materials emergency response services within their jurisdiction:

HMR 4.3.4.1 The names, addresses, points of contact, radio frequencies, call signs, and emergency and non-emergency phone numbers of all agencies who provide emergency services along the proposed route(s) and available alternatives;

HMR 4.3.4.2 Which of the agencies identified respond to hazardous materials incidents and during what periods services are available;

HMR 4.3.4.3 Which of the agencies identified have emergency response teams and the total number of teams each agency has;

HMR 4.3.4.4 The total number of emergency response personnel available for each agency, their level of hazardous materials training; and

HMR 4.3.4.5 An inventory list, or other information identifying the hazardous materials response equipment available from each agency.

HMR 4.3.5 **RESULTS OF COMMUNITY OUTREACH/CONSULTATION.** **THE** Petitioning Entity must include the results of any consultation conducted with persons and/or entities who will be affected by the petitioned-for routing or routing change.

HMR 4.3.6 **DISCUSSION OF SPECIFIC EXPOSURE AND RISK FACTORS:** **THE** Petitioning Entity must include a discussion specifying the exposure and risk factors associated with any of the hazardous materials likely to be transported along the petitioned route. Exposure risks for sensitive areas and special populations must be addressed.

HMR 4.3.7 **TERRAIN CONSIDERATIONS:** Discussion of topography along and adjacent to the petitioned routing that may affect the severity of an accident, control of hazardous materials in the event of a release; and impact the control and clean-up of the release of any hazardous materials must be included.

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HMR 4.3.8 **CONTINUITY OF ROUTES:** Information on any outreach efforts to adjacent jurisdictions to consult and ensure routing continuity should be included.

HMR 4.3.9 **ALTERNATE ROUTES:** Information relevant to any alternate routes considered must be included. Petitioning Entities should include detailed and specific information as to why the route being petitioned for is the most **OR MORE** appropriate option and is safer than ~~the alternative~~ **OTHER** option(s) or, in the event of an existing route, the current route. Any references to statistical data, published works, or written analysis require full reference information and may require a copy of the referenced information to be included as part of the petition application.

HMR 4.3.10 **EFFECTS ON COMMERCE:** The routing proposed will not impose an unreasonable burden upon interstate or intrastate commerce.

HMR 4.3.11 **DELAYS IN TRANSPORTATION:** The routing proposed will not create unnecessary delays in the transport of hazardous materials.

HMR 4.3.12 **CLIMATIC CONDITIONS:** Weather conditions that are unique to a proposed route must be addressed within the petition application, including the impact of the weather conditions ~~upon~~ **ON** the potential release of any hazardous materials, control of a hazardous materials release, and clean-up thereof.

HMR 4.3.13 **CONGESTION AND ACCIDENT HISTORY:** Petitioning Entities should also consider the congestion and accident history of the specific route they are petitioning to become a hazardous materials route or to make changes to and the impact of these factors ~~upon~~ **ON** the public emergency response; and to general transportation in the event of a potential hazardous materials release.

HMR 4.4 **INITIAL PETITION APPLICATION REVIEW BEFORE CSP “RECEIPT.”** Before formal submission and receipt of a hazardous materials **ROUTING** petition, Petitioning Entities may request an initial review of the application draft from the CSP Hazardous Materials Section. The initial review is limited only to determining that all required elements of the hazardous materials **ROUTING** petition application are addressed by the applicant and identifying the need for any additional supporting documentation ~~regarding~~ **CONCERNING** statements and information ~~set forth~~ **CONTAINED** within the application.

HMR 4.4.1 **INITIAL REVIEW NOT AN OPINION.** The initial review will not indicate an opinion of the CSP regarding the potential success of the petition ~~regarding~~ **APPLICATION CONCERNING** the specified route designation or route designation amendment(s) proposed.

HMR 4.4.2 **RESULTS OF INITIAL REVIEW COMMUNICATED BY EMAIL.** Any findings resulting from an initial petition review will be informally communicated to the Petitioning Entity by email at an address provided by the Petitioning Entity to the CSP Hazardous Materials Section.

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HMR 4.4.3 **FAILURE TO REQUEST REVIEW IS NOT PREJUDICIAL.** The decision of a Petitioning Entity to not request and make available a hazardous materials routing petition to the CSP Hazardous Materials Section for initial review will not prejudice the receipt of the petition application. Petition applications submitted by Petitioning Entities that do not receive an initial review and are returned as not received for being incomplete will be encouraged to seek an initial review of the application upon resubmission in the written response of the CSP Hazardous Materials Section returning the application.

HMR 4.5 **INCOMPLETE HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Hazardous materials routing petition applications delivered to the CSP will only be determined completely consistent with §42-20-302 (4), CRS, if the application satisfies all application criteria set forth within these rules, ~~applicable~~ **RELEVANT** statutes, and federal regulations.

HMR 4.5.1 **RETURN FOR COMPLETION.** Applications determined to be incomplete will be returned to the Petitioning Entity with a written statement from the CSP Hazardous Materials Section within 20 calendar days of submission. For purposes of these rules, the date of submission will be the date of a hazardous materials routing application is delivered to the CSP Hazardous Materials Section. The written statement from the CSP included with the returned application will provide ~~information~~ **GUIDANCE** identifying what information is missing from **OR IS INSUFFICIENTLY ADDRESSED WITHIN** the **HAZARDOUS MATERIALS ROUTING** petition application.

HMR 4.5.2 **APPLICATIONS MAY REQUIRE ADDITIONAL DOCUMENTATION.** Upon submission, the CSP Hazardous Materials Section may determine that additional information, supporting statements, conclusions, or efforts related to the petition may be required. Petitioning Entities will have 14 calendar days to respond to any request from the CSP Hazardous Materials Section for this information. Failure to provide information within 14 calendar days may result in the petition application being determined incomplete and returned to the Petitioning Entity, consistent with these rules. Satisfactory receipt of the requested information will result in the **ROUTING** petition application being determined “complete.”

HMR 4.5.3 **SINGLE APPLICATION PER YEAR PROHIBITION INAPPLICABLE.** **HAZARDOUS MATERIALS ROUTING** Petition applications determined to be incomplete and returned to Petitioning Entities for completion and resubmission are not subject to the statutory one application per year limitation supported by these rules and ~~set forth~~ **DETAILED** within §42-20-302, CRS. This limitation only applies to petition applications submitted to the CSP Hazardous Materials Section consistent with §42-20-302 (1), CRS, and determined to be “complete” according to §42-20-302 (4), CRS. All **HAZARDOUS MATERIALS ROUTING** petition applications delivered to the CSP Hazardous Materials Section are ~~considered to be~~ “submitted” as ~~is~~ required by §42-20-302 (1), CRS, but a petition application is not considered to be accepted and “Received” by the CSP until the petition is determined to be “complete” according to §42-20-303 (4), CRS.

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HMR 4.6 **COMPLETE PETITION APPLICATION FILING DATE.** The filing date for a “complete” hazardous materials routing petition application, as it is presented within §42-20-302 (4), CRS, is the date of its acceptance and receipt by the CSP. Petitioning Entities will be notified in writing of the date of receipt/filing. Additional details ~~regarding~~ **OUTLINING** statutory requirements applicable to the **HAZARDOUS MATERIALS ROUTE** petitioning process and relevant timelines thereto will also be included.

HMR 4.7 **DELIVERY OF DRAFT OR FINAL HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Petitioning Entities should deliver prepared **HAZARDOUS MATERIALS ROUTING** petitions for initial review or consideration as complete petition applications to the ~~Colorado State Patrol~~ **CSP** Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401-3990. Petitioning Entities may also arrange for electronic delivery of hazardous materials route petition applications by first calling the CSP Hazardous Materials Section at (303)-273-1900.

HMR 4.8 **HAZARDOUS MATERIALS ROUTE DESIGNATION SIGNS.** Under §42-20-303, CRS, local government authorities electing to use signs to provide notice of approved hazardous materials route designations within their jurisdiction must use the hazardous materials route designation and/or restriction sign standards adopted by the CDOT.

HMR 4.8.1 **LOCATION OF SIGNAGE MUST BE SPECIFIED.** Local governmental authorities must specify the location of each sign erected to mark an approved hazardous materials route in writing to the CSP Hazardous Materials Section within 60 days of a route designation approval.

HMR 4.9 **USE OF PROFESSIONAL QUALITY MAPS.** Local governmental authorities must submit copies of their professional quality maps within 60 days of an approved hazardous materials route designation to the CSP Hazardous Materials Section for approval. Local governmental authorities electing to use professional quality maps to identify approved hazardous materials route designations within their jurisdictions consistent with §42-20-302 (8), CRS, must meet the following minimum requirements:

HMR 4.9.1 **MAP SCALE.** The map scale should be of sufficient proportions to clearly show the passage of a designated hazardous materials route within or through the jurisdiction.

HMR 4.9.2 **MAP COLORS.** Designated hazardous materials routes or other approved route restrictions must be printed in red on a white background. All other printing should be in black.

HMR 4.9.3 **MAP LEGEND.** The map legend should clearly describe the graphic representations used within the map.

HMR 4.9.4 **MAP GRAPHICS.** The map should use graphic symbols that clearly represent the differences between designated hazardous materials and other routes, other highways, and jurisdiction boundaries.

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HMR 4.9.5 **MAP ROUTE INFORMATION.** The map should include a telephone number where the operator of a motor vehicle transporting hazardous materials can obtain additional information on hazardous materials and other routes, guidance regarding restrictions within the jurisdiction, or emergency assistance on a 24-hour basis.

HMR 4.10 **DATA CHANGES AFFECTING APPROVED HAZARDOUS MATERIALS ROUTE PETITIONS.**

Petitioning Entities must communicate changes in the original data and/or information relied upon to evaluate the risk level associated with an approved route to the CSP Hazardous Materials Section immediately, or as soon as is practicable, following the change. A change would be ~~considered to be~~, but not be limited to:

HMR 4.10.1 **ACCIDENT RATE.** A substantial change in the accident rate initially reported; or

HMR 4.10.2 **CONSIDERATION FACTORS.** A substantial change in the mandatory or subjective **CONSIDERATION** factors affecting the route or **AS ARE** required to be considered by 49 CFR 391.71 (b) (9), and/or applicable statutes or these rules.

HMR 4.10.3 **EMERGENCY SERVICES INFORMATION.** Any changes to information relevant to available emergency services. Any changes ~~regarding~~**ABOUT** emergency services identified by a Petitioning Entity must be communicated in writing as soon as possible, but no later than 45 days following the change to the CSP Hazardous Materials Section.

HMR 4.10.3.1 **CDOT EXEMPTED.** The CDOT is generally not required to provide notice of changes to relevant emergency services along designated hazardous materials routes. However, where the CDOT submits a petition for a local governmental authority by agreement according to §42-20-302 (9), CRS, provisions must be made within the agreement between the CDOT and the local governmental authority for compliance with this reporting requirement.

HMR 4.11 **DESIGNATED ROUTE REVIEWS, SURVEYS AND EXEMPTIONS.** The CSP will periodically review the status of designated routes to determine if the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, continue to be met. Upon review, routes demonstrating a change in the risk level of the route toward a higher risk factor, or that are impacted significantly by a change to a mandatory or subjective factor, may be subject to reevaluation by the CSP.

HMR 4.11.1 **ROUTE DETERMINED TO NO LONGER MEET §42-20-302 (8) (a) (I) – (IV), CRS.**
The CSP will notify Petitioning Entities in writing if any designated hazardous materials route within their jurisdiction no longer meets the acceptance terms specified within §42-20-302 (8) (a) (I) – (IV), CRS, following reevaluation or a route review.

HMR 4.11.1.1 **CSP CONSULTATION REGARDING ~~CONCERNING~~ ROUTE STATUS.** If a designated hazardous materials route no longer meets the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, the CSP will consult with the Petitioning Entity to coordinate the submission of a revised petition. Petitions submitted for a change in an existing route designation are subject to the conditions and procedures of §42-20-302, CRS.

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HMR 4.11.2 COMPLETION OF DESIGNATED ROUTE ROAD SURVEYS. The CSP will conduct complete route surveys on designated hazardous materials routes on an as-needed basis. These surveys will be conducted to determine the type and quantity of materials being transported and the frequency of such transportation. Surveys conducted in incorporated areas will only be done after consultation with the appropriate local government agency.

HMR 4.11.3 NO ADDITIONAL EXCEPTIONS OR EXEMPTIONS. There will be no exceptions and/or exemptions to designated hazardous materials routes other than those already specified within Title 42, Article 20, CRS.

HMR 4.12 HAZARDOUS MATERIALS PARKING REGULATIONS AND ORDINANCES. The approval criteria set forth by these rules herein apply only to those parking regulations and ordinances submitted by local governmental jurisdictions ~~which~~ **THAT** affect vehicles transporting hazardous materials operating in conjunction with the use of a designated hazardous materials route or routes. Local governmental jurisdictions requiring approval of parking regulations or ordinances under §42-20-302, CRS, must submit a copy of the proposed regulations or ordinances to the CSP Hazardous Materials Section for review consistent with these rules.

HMR 4.12.1 MUST NOT UNREASONABLY LIMIT PARKING. For purposes of these rules, parking regulations or ordinances may be deemed to unreasonably limit parking of vehicles transporting hazardous materials when they are at variance with and more stringent than the regulations of the United States Department of Transportation published in 49 CFR 397, as revised October 1, ~~2022~~ **2023**. Parking regulations or ordinances adopted by local governmental jurisdictions according to the authority provided in §42-20-302 (2), CRS, as it is amended, must not unreasonably limit parking:

HMR 4.12.1.1 On or near a designated hazardous materials route;

HMR 4.12.1.2 ~~For the purpose of picking~~ **TO PICK** up or delivery ~~DELIVER~~ of hazardous materials;

HMR 4.12.1.3 In an emergency, i.e., breakdown or accident; or

HMR 4.12.1.4 For a rest stop, i.e., meals, restroom breaks, or to comply with the driver's hours of service requirements as they are defined in 49 CFR 395, revised October 1, ~~2022~~ **2023**.

HMR 4.12.2 NO SPECIAL PAYMENT OR PERMIT IS REQUIRED. No parking regulation or ordinance will require a permit or payment of a fee for parking which is necessary and incident to the transportation of hazardous materials on or near a hazardous materials route. This provision does not apply where fees are collected from all motor vehicles, regardless of the type of commodity being transported, i.e., metered parking.

HMR 4.13 ROUTES DESIGNATED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS. Permanently designated hazardous materials routes for the transportation of hazardous materials are as specified herein:

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HMR 4.13.1 NORTH – SOUTH HAZARDOUS MATERIALS ROUTES DESIGNATED UNDER PURSUANT TO §42-20-305, CRS:

HMR 4.13.1.1 Colorado 9 from US 40 in Kremmling to Interstate 70 in Silverthorne.

HMR 4.13.1.2 Colorado 13 from Wyoming to Moffat County Road 183 North of Craig.

HMR 4.13.1.3 Colorado 13 from US 40 West of Craig South to US 6 West of Rifle.

HMR 4.13.1.4 Colorado 17 from US 285 near Mineral Hot Springs to US 160 near Alamosa.

HMR 4.13.1.5 Interstate 25 from Wyoming to New Mexico.

HMR 4.13.1.6 Colorado 47 from Interstate 25 to the junction of US 50.

HMR 4.13.1.7 Colorado 71 from Colorado 14 to US 24 in Limon (East junction).

HMR 4.13.1.8 Colorado 71 from US 24 in Limon (West junction) to US 50 near Rocky Ford.

HMR 4.13.1.9 Colorado 79 from Colorado 52 to Interstate 70 at Bennet.

HMR 4.13.1.10 Colorado 83 from US 24 to Colorado 115.

HMR 4.13.1.11 Colorado 91 from Interstate 70 to US 24 near Leadville.

HMR 4.13.1.12 Colorado 113 from Nebraska to US 138.

HMR 4.13.1.13 Colorado 115 from Colorado 83 to US 50.

HMR 4.13.1.14 Colorado 119 from Colorado 157 to Colorado 52.

HMR 4.13.1.15 Colorado 125 from Wyoming to US 40 West of Granby.

HMR 4.13.1.16 Colorado 127 from Wyoming to Colorado 125.

HMR 4.13.1.17 US 138 from Colorado 113 to US 6 (Chestnut St.) in Sterling.

HMR 4.13.1.18 Colorado 139 from Colorado 64 in Rangely to Interstate 70 near Loma.

HMR 4.13.1.19 Colorado 141 from Interstate 70 business loop near Grand Junction to US 50.

HMR 4.13.1.20 Colorado 141 from US 50 to US 491.

HMR 4.13.1.21 Colorado 157 from US 36 to Colorado 119.

HMR 4.13.1.22 Interstate 225 from Interstate 70 to Interstate 25.

HMR 4.13.1.23 US 287 from US 40 in Kit Carson to Oklahoma.

HMR 4.13.1.24 US 285 from US 160 in Alamosa to New Mexico.

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HMR 4.13.1.25 US 285 from Colorado 470 to Colorado 112.

HMR 4.13.1.26 US 491 from Utah to New Mexico.

HMR 4.13.1.27 US 285 from Colorado 112 to US 160.

HMR 4.13.1.28 US 85 from Wyoming to Interstate 76.

HMR 4.13.1.29 Colorado 71 from Nebraska to Colorado 14.

HMR 4.13.1.30 US 385 from Interstate 76 in Julesburg to US 40 in Cheyenne Wells.

HMR 4.13.1.31 The City of Lamar's Second Street from US 50/385 to Maple Street.

HMR 4.13.1.32 The City of Lamar's Maple Street from Second Street to US 50/287.

HMR 4.13.1.33 The City of Craig's Great Divide Road from US 40 North to the city limits.

HMR 4.13.1.34 Moffat County Road 7 (Great Divide Road) from **THE** Craig city limits North to Moffat County Road 183.

HMR 4.13.1.35 Moffat County Road 183 from Moffat County Road 7 (Great Divide Road) East to Colorado 13.

HMR 4.13.1.36 E-470 between the South Interchange with Interstate 25 at Exit 194 and through to the North Interchange with Interstate 25 at Exit 228.

HMR 4.13.2 **EAST - WEST HAZARDOUS MATERIALS ROUTES DESIGNATED PURSUANT TO §42-20-305, CRS:**

HMR 4.13.2.1 US 6 (Loveland Pass) from Interstate 70 just East of the Eisenhower/Johnson Tunnels to Interstate 70 at Silverthorne.

HMR 4.13.2.2 US 6 from Colorado 13 West of Rifle West to Exit/Entrance number 87 on Interstate 70.

HMR 4.13.2.3 US 6 from State Highway 14 (Main St.) in Sterling to Nebraska.

HMR 4.13.2.4 Colorado 10 from Interstate 25 in Walsenburg to US 50 in La Junta.

HMR 4.13.2.5 Colorado 14 from US 40 to Colorado 125.

HMR 4.13.2.6 Colorado 14 from Interstate 25 to US 6 in Sterling.

HMR 4.13.2.7 US 24 from Colorado 91 at Leadville to Interstate 25 in Colorado Springs.

HMR 4.13.2.8 US 24 from Colorado 83 to Interstate 70 at West Limon (Exit 359).

HMR 4.13.2.9 US 24 business route from US 24 on the West side of Limon to the West junction of Colorado 71.

HMR 4.13.2.10 US 24 business route from the East junction of Colorado 71 (in Limon) to Interstate 70 (Exit 363).

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HMR 4.13.2.11 US 34 from Interstate 25 to Interstate 76.

HMR 4.13.2.12 US 34 from the West junction of Colorado 71 to Nebraska.

HMR 4.13.2.13 US 36 from Interstate 25 to Colorado 157.

HMR 4.13.2.14 US 36 from Interstate 70 in Byers to Kansas.

HMR 4.13.2.15 US 40 from Utah to the intersection of Colorado 13 West of Craig.

HMR 4.13.2.16 US 40 from Moffat County Road CG 2 (First Street) just East of Craig to Interstate 70.

HMR 4.13.2.17 US 40 from Interstate 70 (Exit 363) in Limon to Kansas.

HMR 4.13.2.18 US 50 from the North junction of Colorado 141 near Grand Junction to Kansas.

HMR 4.13.2.19 Colorado 52 from Colorado 119 to Colorado 79.

HMR 4.13.2.20 Colorado 64 from US 40 in Dinosaur to Colorado 13.

HMR 4.13.2.21 Interstate 70 from Utah to US 6 at Silverthorne (Loveland Pass).

HMR 4.13.2.22 Interstate 70 from US 6 just East of Loveland Pass to Interstate 25.

HMR 4.13.2.23 Interstate 70 from Interstate 27 to Kansas.

HMR 4.13.2.24 Interstate 70 business route from Interstate 70 East of Grand Junction to Colorado 141.

HMR 4.13.2.25 Interstate 76 from Interstate 25 to Nebraska.

HMR 4.13.2.26 Colorado 112 from US 285 to US 160.

HMR 4.13.2.27 US 160 from New Mexico to Interstate 25 business route in Walsenburg, South to Exit 49 on Interstate 25.

HMR 4.13.2.28 Interstate 270 from Interstate 70 to Interstate 76.

HMR 4.13.2.29 Colorado 470 from US 285 to Interstate 70.

HMR 4.13.2.30 US 550 from US 160 to New Mexico.

HMR 4.13.2.31 The City of Craig's First Street from Colorado 13 East to the city limits at Colorado 394.

HMR 4.13.2.32 Moffat County Road CG 2 (First Street) from Craig city limits at Colorado 394 East to US 40.

HMR 4.13.3 **ADDITIONAL ROUTES FOR GASOLINE, DIESEL FUEL, AND LIQUIFIED-PETROLEUM GAS (LPG).** While generally required to employ designated state, federal,

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and interstate roadways, transporters of ~~G~~gasoline, ~~D~~diesel ~~F~~fuel, and LPG may routinely travel on the following state and federal highways:

HMR 4.13.3.1 US 160 from Interstate 25 to the Kansas border.

HMR 4.13.3.2 US 350 from US 160 to US 50.

HMR 4.13.3.3 US 385 from US 50 to US 40.

HMR 4.13.3.4 SH 96 from SH 71 to the Kansas border.

HMR 4.13.3.5 SH 109 from US 160 to East 3rd Street in La Junta.

HMR 4.13.4 **ADDITIONAL ROUTE FOR GASOLINE, DIESEL FUEL, LPG, AND CRUDE OIL.** While generally required to employ designated state, federal, and interstate roadways, transporters of gasoline, diesel fuel, LPG, and crude oil may routinely travel on Weld County Road 49, also identified as Weld County Highway, between Interstate 76 and US 34.

HMR 4.14 **CLOSING OF DESIGNATED HAZARDOUS MATERIALS ROUTES MUST BE COMMUNICATED.** The closing of a public road that is designated as a hazardous materials route, or restriction on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303) 273 – 1900. The CSP Denver Regional Communications Center must be contacted when these events occur outside of normal business hours at (303) 273 – 4501.

HMR 4.15 **CSP DECLARATION OF EMERGENCY, TEMPORARY, OR ALTERNATE HAZARDOUS MATERIALS ROUTES.** Under §42-20-301 (1) (a), CRS, the CSP has the sole authority to designate which public roads are permitted to be used by motor vehicles transporting hazardous materials and which are not. Included in this authority is the ability to apply conditions to the use of hazardous materials routes consistent with the scope of authority provided to the CSP through §42-20-301, CRS.

HMR 4.15.1 **ROUTING IN RESPONSE TO EMERGENCY DECLARATION.** In the event of a declaration of emergency, the Chief may determine a temporary alternate hazardous materials transportation route or routes which then may remain in effect for a period not to exceed the duration of the declared emergency.

HMR 4.15.2 **TEMPORARY ROUTING IN RESPONSE TO EVENTS.** Consistent with the authority granted by §42-20-301 (1) (b), CRS, the CSP may include or apply conditions or restrictions to vehicles transporting hazardous materials not defined as agricultural products and are listed in Tables 1 and 2 of 49 CFR 172.504 that are consistent with the restrictions of §42-20-301 (1) (b) and (2), CRS.

HMR 4.15.2.1 **CONSTRUCTION, WEATHER, AND OTHER LIMITED EVENTS.** The CSP may temporarily declare an alternate route when a hazardous materials route is restricted and/or closed due to highway construction, weather, or other

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restrictions or conditions affecting the movement of traffic (i.e., traffic incidents, motorcades, or other special events). The temporary route declaration will be for a set period not to exceed the activity or event affecting the ability to use a designated hazardous materials route.

HMR 4.15.3 TEMPORARY ROUTING UNDER §42-20-301 (b), CRS, IN RESPONSE TO OTHER

CONDITIONS. As may be advisable and in the interest of public welfare and safety, the CSP may exercise its authority under §42-20-301 (b), CRS, to temporarily designate public roads or to apply conditions to the use of existing designated hazardous materials routes in response to specific conditions reasonably determined by the CSP to present an immediate negative impact to public welfare and safety. Notice of any temporary hazardous material routing designation will be forwarded to the CDOT and the affected municipality, city, city and county, affected industry, and/or the affected road and bridge authority.

HMR 4.15.3.1 EFFECTIVE INITIAL DESIGNATION PERIOD. An initial temporary hazardous materials route designation or initial conditions determination affecting a hazardous materials route by the CSP will remain in effect for a period not to exceed the duration of the condition nor to exceed 12 months absent subsequent review by the CSP.

HMR 4.15.3.2 CONDITION REVIEW, EXTENSION, AND RESOLUTION. A temporary hazardous materials route designation or conditions upon an existing hazardous materials route by the CSP may not remain in effect beyond 12 months without a review to evaluate if the condition(s) reasonably determined to present the immediate negative impact(s) to public welfare and safety remain. If this evaluation results in a determination that the condition(s) persists, the CSP will extend the temporary designation initially for up to 180 days.

HMR 4.15.3.2.1 OPPORTUNITY TO PETITION OR CORRECT. A Petitioning Entity or the CDOT is encouraged to either take appropriate action consistent with resolving the condition(s) necessitating the temporary alternate route designation or to petition the CSP for a permanent routing designation. Either may be accomplished at any point before or after a temporary route designation. It is encouraged that such actions commence before the expiration of any 180-day extension resulting out of a 12-month review of a temporary route designation by the CSP.

HMR 4.15.3.2.2 ACTION DURING TEMPORARY DESIGNATION PERIOD. Before the expiration of any temporary alternate routing designation, the CSP may consider any substantive steps taken to either address the condition(s) ~~which~~ **THAT** resulted in the temporary, alternate designation or an impending or received hazardous materials Routing Petition Application when determining if it is appropriate to extend a designation for an additional period.

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HMR 4.15.3.3 TEMPORARY DESIGNATION OR CONDITIONS REPRESENT INFORMAL NOTICE A HAZARDOUS MATERIALS ROUTE MAY NO LONGER SATISFY THE STATUTE.

Temporary designation of a hazardous materials route or the determination to apply temporary restrictions to an existing hazardous materials route by the CSP in response to a condition **OR CONDITIONS** reasonably determined to represent an immediate negative impact on public welfare and safety represents informal notice that an existing designated hazardous materials route may no longer satisfy statutory approval requirements referenced within these rules. Temporary route designations or temporary conditions placed ~~upon~~ **ON** an existing designated hazardous materials route will result in a route review within 12 months from the CSP that may result in permanent changes to existing routing or alternate route determination(s), consistent with the route review process outlined in these rules.

HMR 4.15.3.3.1 PETITION CONSULTATION. If determined appropriate, the CSP will consult with an affected Petitioning Entity to submit a petition consistent with §42-20-302, CRS, and these rules.

HMR 4.15.3.4 NO CURFEWS EXCEPT AS PERMISSIBLE UNDER §42-20-301 (3) (b), CRS.

EXCEPT FOR THE APPLICATION OF DECISIONS OF THE TRANSPORTATION COMMISSION AFFECTING THE PERMISSIBLE HOURS OF OPERATION FOR THE EJMT BY THE CSP AS PERMISSIBLE THROUGH §42-20-301 (3) (b), CRS, THE CSP WILL NOT IMPOSE HOURS OF OPERATION OR CURFEWS AS CONDITIONS OR RESTRICTIONS AS PART OF A DESIGNATED ROUTE RESTRICTION OR CONDITION. MOREOVER, THE CSP WILL NOT IMPOSE CONDITIONS OR RESTRICTIONS ON MOTOR VEHICLES BEING USED TO TRANSPORT TO OR FROM A FARM OR RANCH PRODUCTS NECESSARY FOR AGRICULTURAL PRODUCTION AND OPERATED CONSISTENT WITH §42-20-301 (c), CRS, BEYOND THOSE CONDITIONS AFFECTING PERMISSIBLE HOURS OF OPERATION FOR THE EJMT, CONSISTENT WITH §42-20-301 (3) (a) AND (b), CRS. ~~Consistent with §42-20-301 (1) (b) and (c), CRS, the CSP will not impose curfews or conditions affecting the hours of operation or to motor vehicles being used to transport to or from a farm or ranch products necessary for agricultural production.~~

HMR 4.15.3.5 APPLICABLE TO TABLES 1 AND 2, 49 CFR 172.504, AS LIMITED BY STATUTE.

Any CSP temporary hazardous materials route designations or conditions upon existing designated hazardous materials routes apply only to those materials listed in Tables 1 and 2 of 49 CFR 172.504 as specifically provided within §42-20-301 (2), CRS.

HMR 4.15.3.6 NOTICE TEMPORARY ROUTE DESIGNATION IS NO LONGER VALID.

Upon determination that conditions no longer reasonably warrant a temporary hazardous materials route designation or conditions **APPLIED** by the CSP, the CSP will provide notice to the CDOT and any affected municipality, city, city and county, affected industry, and/or affected road/bridge authority.

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HMR 4.16 **VIOLATION PENALTY.** Any person convicted of shipping or transporting hazardous materials in violation of any of the rules of this part will be subject to the penalties set forth within §42-20-305, CRS.

PART 5

TRANSPORTATION OF NUCLEAR MATERIALS

(NMT)

NMT 5.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 42-20-402, CRS, apply to these rules and regulations. The following additional definition will also apply:

NMT 5.0.1 **COMPLAINT:** A written document stating the essential facts and supporting documentation regarding any offense(s) charged.

NMT 5.1 **APPLICATION OF 49 CFR TO NUCLEAR MATERIALS TRANSPORTATION AND APPLICATION OF ARTICLE 10 CFR TO LICENSEES WITHIN COLORADO.** The transportation of nuclear materials, as they are defined within §42-20-402 (3) (a) - (c), CRS, by motor vehicles in Colorado must comply with the regulations contained in:

49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials Driving; and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulation as the same were effective on October 1, ~~2022~~ **2023**. Authorized by §42-20-403, CRS, these rules are promulgated by the Chief for the safe transportation of nuclear materials with the following modifications:

NMT 5.1.1 **DEFINITION OF PERSON.** The definition of a person provided within 49 CFR 107.1 does not apply. Instead, the definition of person set forth by ~~p~~**P**art 1.3.15 of these rules will apply.

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- NMT 5.1.2** **ADVANCE NOTIFICATION OF NUCLEAR SHIPMENTS.** Licensees shipping a highway route-controlled quantity of nuclear material, as defined in 49 CFR 173.403, within or through the state, and not otherwise required to comply with the provisions of 10 CFR 71.97 **OR** 73.37, must provide advanced notification of the nuclear shipment to the Governor or ~~his~~-**THEIR** designee under the requirements of 10 CFR 71.97 (c).
- NMT 5.2** **INSPECTION REQUIREMENTS.** Inspection procedures by the CSP are consistent with the CVSA inspection procedures, decal application policies, and OOS criteria as **EACH** are published and **ARE** in effect April 1, ~~2023~~-**2024**.
- NMT 5.2.1** **SHIPMENTS ENTERING COLORADO.** All motor vehicles carrying nuclear materials and entering Colorado on public roads must be inspected by an authorized Enforcement Official of the CSP nearest to the point at which the shipment of nuclear materials enters the state or at a location specified by the CSP.
- NMT 5.2.2** **SHIPMENTS ORIGINATING IN COLORADO.** All motor vehicles carrying nuclear materials where the shipment thereof originates within Colorado must be inspected by an authorized **CSP** Enforcement Official ~~of the CSP~~ at the point of origin.
- NMT 5.2.3** **CONTINUED TRANSPORT AFTER A CRASH.** Before being authorized to continue after a crash, a motor vehicle and shipping container transporting nuclear materials must be inspected by a qualified inspector consistent with NMT 5 of these rules and applicable statutes.
- NMT 5.2.4** **NO TRANSPORT OF NUCLEAR MATERIALS ABSENT PERMIT.** No person will transport nuclear materials into, within, through, or out of Colorado unless and until a permit authorizing the transportation of the nuclear materials is issued consistent with ~~statutes~~**s**, these rules, and applicable rules adopted by the CDOT.
- NMT 5.3** **NUCLEAR MATERIALS ANNUAL PERMIT APPLICATIONS AND FEES.** Upon review and approval of an annual nuclear materials transportation permit application, the CDOT will issue an annual nuclear materials transportation permit according to the authority provided by §42-20-501, CRS. All annual nuclear materials transportation permit applications and fees must be submitted to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Pl.~~ace~~, Denver, ~~CO.olorado~~, 80204. Information about the application, fees, terms, and process may be downloaded from **THE** CDOT online at <HTTPS://WWW.COOPR.CODOT.GOV>.
- NMT 5.3.1** **ANNUAL COST AND TERM.** The annual nuclear materials transport permit fee is \$500 unless otherwise indicated and each permit will be valid for one year from the date of ~~issuance~~-**ISSUE**. All applicable fees due must be paid in a manner acceptable to the CDOT.
- NMT 5.3.2:** **ADDITIONAL APPLICABLE NUCLEAR TRANSPORT FEES.** In addition to the annual permit fee, each carrier must pay a \$200 fee for each shipment that is transported, unless otherwise indicated. Payment of these fees must occur consistent with §42-20-502, CRS.

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NMT 5.3.2.1 REGULAR MONTHLY SHIPMENTS. If regularly scheduled nuclear materials shipments are made, the carrier may arrange with the CDOT to pay shipment fees monthly.

NMT 5.4 CONDITIONS APPLICABLE TO NUCLEAR MATERIALS PERMITS. The following conditions apply to the use of nuclear materials permits in Colorado:

NMT 5.4.1 SHIPPING PAPERS REQUIRED. Each person transporting nuclear materials within this state must carry a copy of the shipping papers required in 49 CFR 172, Subpart C, as revised October 1, ~~2022~~**2023**, and a paper or electronic copy of the nuclear materials transportation permit in the vehicle.

NMT 5.4.2 USDOT NUMBER REQUIRED. Nuclear materials transporters operating within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 290.19 before the submission of a nuclear materials transport application.

NMT 5.4.3 NUCLEAR TRANSPORTATION PERMIT COPY REQUIRED. A copy of the nuclear materials transportation permit must be placed in each motor vehicle operated within or through Colorado except that, if a peace officer or any other Enforcement Official may determine that the nuclear materials transportation permit can be electronically verified at the time of the contact, a copy of the permit need not be carried by the person transporting **THE** nuclear materials.

NMT 5.4.4 NUCLEAR TRANSPORTATION PERMIT NOT TO BE ALTERED. No nuclear materials transportation permit is to be altered, amended, or copied unless authorized in writing by the CDOT, or, in the instance of a single permit, by any law Enforcement Official.

NMT 5.5:- AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS RELATED TO THE TRANSPORT OF NUCLEAR MATERIALS. Enforcement Officials of the CSP and/or the PUC have the authority to and may inspect motor vehicles, drivers, books, and records relevant to the transport of nuclear materials **BY MOTOR VEHICLES.**

NMT 5.5.1:- CSP INSPECTION OF NUCLEAR MATERIALS TRANSPORTERS. CSP Enforcement Officials have the authority to and may at any time inspect any vehicle, driver, cargo, shipping papers, nuclear materials transportation permit, and any other papers required by law or rule to be carried when transporting nuclear materials on public roads in Colorado.

NMT 5.5.2:- CSP AND PUC INSPECTION OF RECORDS RELEVANT TO NUCLEAR MATERIALS TRANSPORTATION. CSP and PUC Enforcement Officials have the authority to and may inspect any books and records of any carrier, shipper, or the person transporting, shipping, or casing the transport or shipment of any nuclear materials within Colorado.

NMT 5.5.3:- SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person

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having a nuclear materials transport permit and engaged in the transport of hazardous materials **BY MOTOR VEHICLE**. Violations discovered during inspections or compliance reviews are shared to promote the joint interest of public safety and effective enforcement of nuclear materials transport permit conditions, these rules, applicable statutes, and regulations.

NMT 5.6- VIOLATIONS- CIVIL PENALTIES: Any person who violates any provision of Article 20, Title 42, Parts 4 and 5, CRS, or these rules and regulations, except for those violations enumerated in subsection (3) of §§42-20-406, CRS, and of §42-20-505, CRS, is subject to a civil penalty of not more than n\$10,000 per day for each day during which a violation occurs. The penalty will be assessed by the Chief upon receipt of a complaint by any investigative personnel of the PUC or CSP, and after written notice and opportunity for a hearing according to §24-4-105, CRS.

NMT 5.6.1 VIOLATIONS OF §§42-20-406 (3) AND 42-20-505, CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed **CONSISTENT WITH** ~~pursuant to~~ statute and will appear on the complaint prior to service.

NMT 5.6.2 VIOLATIONS ARE SUBJECT TO PENALTIES WITHIN §42-20-505, CRS. Any person who violates any of the provisions of NMT 5.3 or NMT 5.4 of these rules is subject to the civil penalties listed in §42-20-505, CRS.

NMT 5.6.3 PENALTIES ASSESSED DAILY FOR VIOLATION OF §42-20-408, CRS. Any person who violates a compliance order of the Chief which is not subject to a stay pending judicial review and which has been issued according to §42-20-408, CRS, will be subject to a civil penalty of not more than \$10,000 per day for each day during which the violation occurs.

NMT 5.7 CIVIL PENALTY ASSESSMENT PROCEDURES. All violations of statutes referenced in NMT 5.6, NMT 5.6.2, and NMT 5.6.3 will be investigated and summarized in a complaint filed by an authorized investigator of the PUC or the CSP. The investigation will include, as applicable, the nature and gravity of any violations, the degree of culpability, any history of violations, and other public safety concerns. The complaint will be served in person or by certified mail at the motor carrier's last known address on file with the CSP or the CDOT.

NMT 5.7.1 CIVIL PENALTIES ASSESSED PURSUANT §§42-20-406 (3) AND 42-20-505 (2), CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed pursuant to the statute and will appear on the complaint prior to service.

NMT 5.7.2 NOTICE AND RESPONSE FOR VIOLATIONS OF NMT 5.6 AND §42-20-505 (1), CRS. Complaints containing violations of NMT 4, NMT 5.6, and §42-20-505 (1), CRS, must provide notice of an opportunity to appear before the Chief to contest the violation or to present mitigating factors to be considered in determining the amount of the civil penalty to be assessed.

NMT 5.7.2.1 CARRIER RESPONSE TO COMPLAINT. Within 30 days of service of the complaint, the carrier must file a written response containing:

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NMT 5.7.2.1.1 A request for a formal hearing before the Chief according to §24-4-105, CRS;

NMT 5.7.2.1.2 A request for an informal hearing before the Chief; or

NMT 5.7.2.1.3 A waiver of the right to a hearing before the Chief.

NMT 5.7.2.2 **REQUEST FOR INFORMAL HEARING WAIVES FORMAL HEARING.** A request for an informal hearing before the Chief will constitute a waiver of the right to a formal hearing pursuant to **UNDER** §24-4-105, CRS.

NMT 5.7.2.3. **FAILURE TO FILE TIMELY RESPONSE TO COMPLAINT.** Failure to timely file a written response will constitute a default. Upon entry of a default, the Chief will assess a civil penalty against the carrier. For good cause shown, the entry of default may be set aside by the Chief within 10 days of the default.

NMT 5.7.3 **CHIEF WILL ISSUE A FINAL WRITTEN AGENCY DECISION.** Within 30 days of receiving all relevant information, the Chief will issue a final written agency decision to include the specific violations and civil penalties assessed. The final agency decision will be served ~~upon~~ **ON** the carrier in person, or by first-class mail at the last known address on file with the CSP or the CDOT, whichever is more current.

NMT 5.8 **SCHEDULING OF NUCLEAR MATERIALS TRANSPORTS.** Motor vehicles transporting nuclear materials must schedule trips through all Colorado municipalities of over 50,000 in population to avoid rush-hour traffic.

NMT 5.8.1 **RUSH-HOUR DEFINED.** For purposes of these rules, rush-hour is defined to be between 6:00 am and 9:00 am and 3:00 pm to 6:00 pm, Monday through Friday.

NMT 5.8.2 **GEOGRAPHIC APPLICABILITY.** As a practical matter, this scheduling requirement applies to the transport of nuclear materials through the cities of Ft. Collins, Denver (greater metropolitan area), Colorado Springs, and Pueblo.

NMT 5.8.3 **ACCESS OF FT. COLLINS WEIGH STATION DURING RUSH-HOUR.** Motor vehicles transporting nuclear materials may access the CSP POE weigh station on Interstate 25 in Ft. Collins during rush-hour periods to be inspected as required by §42-20-404, CRS.

NMT 5.8.4 **TEMPORARY SCHEDULE VARIANCES.** Provided a variance is not in violation of ~~applicable~~ **RELEVANT** state statutes, appropriate federal regulations, or these rules, and is in the best interests of public safety, the CSP Hazardous Materials Section may consider and grant requests allowing for the transport of nuclear materials through areas identified in NMT 5.8.2 during hours otherwise prohibited by NMT 5.8 and NMT 5.8.1.

NMT 5.9 **ESCORT REQUIREMENTS FOR NUCLEAR MATERIALS TRANSPORTS.** Based ~~upon~~ **ON** security and/or emergency response concerns, the CSP may require motor vehicles transporting nuclear materials to be escorted by a Hazardous Materials Team when traveling within or through Colorado.

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NMT 5.9.1 HAZARDOUS MATERIALS TEAM IS NOT A REPLACEMENT FOR IRRADIATED REACTOR FUEL TRANSPORT ESCORTS. When required, an CSP Hazardous Materials Team escort will supplement, but not replace, the escort(s) required for a shipment of irradiated reactor fuel under the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.9.2 LICENSEE WILL BE NOTIFIED IF CSP ESCORT IS REQUIRED. A licensee, as defined within 10 CFR 2.4, will be notified that a CSP Hazardous Materials Team escort is required following the receipt of the shipment notification by the Governor or Governor's designee, consistent with the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.10 NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS. A driver of a motor vehicle involved in a spill or potential spill of nuclear materials must comply with the incident notification provisions contained in HMT 2.3.

~~NMT~~**HMT 5.10.1 NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** If the driver of a motor vehicle transporting nuclear materials is involved in a motor vehicle crash, regardless of whether there is damage to the motor vehicle transporting the nuclear materials, the CSP must be immediately notified at (303) 239 – 4501.

PART 6

NUCLEAR MATERIAL ROUTE DESIGNATION

(NMR)

NMR 6.0 ROUTES TO BE USED FOR THE TRANSPORTATION OF NUCLEAR MATERIALS. To ensure safe and environmentally acceptable; transportation of nuclear materials within Colorado, motor vehicles transporting nuclear materials must travel only on the following designated highway segments:

NMR 6.0.1 N I-25 TO E I-70 AND ITS REVERSE. For vehicles traveling North on Interstate Highway 25 and then going East on Interstate Highway 70, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.1.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 225; then,

NMR 6.0.1.2 On Interstate Highway 225 between the junction with Interstate Highway 25 and the junction with Interstate Highway 70; then,

NMR 6.0.1.3 On Interstate Highway 70 between the junction with Interstate Highway 225 and the Colorado – Kansas state line.

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

NMR 6.0.2 **W I-70 to N I-25 AND ITS REVERSE.** For vehicles traveling West on Interstate Highway 70 and then going North on Interstate Highway 25, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.2.1 On Interstate Highway 70 between the Colorado – Kansas state line and the junction with Interstate Highway 270; then,

NMR 6.0.2.2 On Interstate Highway 270 between the junction with Interstate Highway 70 and the junction with Interstate Highway 25; then,

NMR 6.0.2.3 On Interstate Highway 25 between the junction with Interstate Highway 270 and the Colorado – Wyoming state line.

NMR 6.0.3 **N I-25 AT CO – WY AND CO – NM AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction.

NMR 6.0.3.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line.

NMR 6.0.4 **N. I-25 TO N I-76 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going North on Interstate Highway 76, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.4.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 76; then,

NMR 6.0.4.2 On Interstate Highway 76 between the junction with Interstate Highway 25 and the Colorado – Nebraska state line.

NMR 6.1 **PROHIBITED HIGHWAY SEGMENTS.** Motor vehicles transporting nuclear materials shall under no circumstance travel on those state highway segments designated as follows:

NMR 6.1.1 **MILEPOST 361.630.** On Interstate Highway 70 between the Colorado – Utah state line and the junction with US 40, at milepost 361.630.

NMR 6.1.2: **MILEPOSTS 274.039 AND 276.572.** On Interstate Highway 70 between the junction with Interstate Highway 25 at milepost 274.039 and the junction with State Highway 2 at milepost 276.572.

NMR 6.2 **ROUTE DEVIATION EXCEPTIONS.** No carrier transporting nuclear materials shall deviate from the routes designated in this ~~p~~Part 6 except for:

NMR 6.2.1 **EMERGENCY SAFETY.** In cases of emergency conditions making the continued use of the designated route unsafe;

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

NMR 6.2.2 **ROAD CLOSURE:** When the designated route is closed due to road conditions, road construction, or maintenance operations;

NMR 6.2.3 **LOCAL OPERATION:** To make local pick-ups and deliveries; or

NMR 6.2.4 **REFUELING.** When making local pick-ups and deliveries, or when refueling, the carrier must minimize the distance traveled on non-designated routes.

NMR 6.3 **EMERGENCY ROAD CLOSURE.** The closing of a public road that is designated as a nuclear materials route, or restrictions on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303)-273-1900. The CSP Denver Regional Communication Center must be contacted where these events occur outside of normal business hours at (303)-239-4501.

NMR 6.3.1 **DETERMINATION OF ALTERNATE ROUTE.** When a nuclear materials route is restricted and/or closed, the CSP will determine if a temporary alternate route should be identified.

NMR 6.3.2 **NOTIFICATION OF TEMPORARY DESIGNATION.** The CSP will notify the appropriate local law enforcement agencies and affected industry ~~regarding~~ **CONCERNING** any temporary closure and if an alternate route has been temporarily designated. The CSP will similarly notify the same upon the termination of temporary closure and/or temporary alternate route designation.

NMR 6.3.3 **ESCORT REQUIRED.** Vehicles transporting nuclear materials are required to be escorted when traveling off a designated nuclear materials route due to an emergency road closure or other conditions that restrict the movement of traffic over the same. The escort will be provided by the CSP, or when previously arranged by the CSP, by the local law enforcement agency in whose jurisdiction the closure or restriction occurs.

PART 7

INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS

(HMA)

HMA 7.0 **AUTHORITY.** The CSP is mandated by the provisions of §42-20-108.5, CRS, to adopt rules and regulations concerning the intrastate transportation of agricultural products in Colorado.

HMA 7.1 **APPLICABILITY.** These rules and regulations apply to any person transporting an agricultural product consistent with 49 CFR 173.5, as revised October 1, ~~2022~~ **2023**.

HMA 7.2 **DEFINITIONS.** For purposes of this Part 7, the following definitions apply:

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

HMA 7.2.1 **AGRICULTURAL PRODUCT:** As defined by §42-20-108.5 (2) (a), CRS, is a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to, a fertilizer, pesticide, soil amendment, or fuel. An agricultural product is limited to materials in Classes 3, 8, or 9, divisions 2.1, 2.2, 5.1, 6.1, or an ORM-D material as identified in 49 CFR 172 and 173.

HMA 7.2.2 **FARMER:** As defined by §42-20-108.5 (2) (b), CRS, is a person or such person's agent or contractor engaged in the production or raising of crops, poultry, or livestock.

HMA 7.3 **EXEMPTIONS FROM THE FEDERAL RULES IN 49 CFR 173.5.** The Chief hereby adopts by rule and regulation the federal agricultural product exemption provisions of 49 CFR 173.5, as authorized by §42-20-108.5, CRS.

PART 8

PUBLICATIONS, RESOURCES, **EFFECTIVE DATE**, AND SEVERABILITY

(HPR)

HPR 8.0 **PUBLICATIONS AND RULES INCORPORATED BY REFERENCE.** All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as is required by §24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are adopted as each may be amended within these rules, consistent with §24-4-103 (12.5), CRS:

HPR 8.01.1 Commercial Vehicle Safety Alliance (~~2023~~**2024**). **North American Standard Out-of-Service Criteria (OOSC)**. April 1, ~~2023~~**2024**. Greenbelt, MD: Author.

HPR 8.01.2 U.S. Department of Transportation Federal Motor Carrier Safety Administration (~~2022~~**2023**). **Federal Motor Carrier Safety Regulations (FMCSRs)**, 49 CFR 40, 380, 382, 385, 387, 390, 397, 399, and Appendix A (October 1, ~~2022~~**2023**). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.3 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (~~2022~~**2023**). **Pipeline and Hazardous Materials Safety Regulations (PHMSRs)**, 49 CFR 107, 171 -173, 177, 178, and 180 (October 1, ~~2022~~**PART-2023**). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.4 Nuclear Regulatory Commission (~~2022~~**2023**). **Nuclear Regulatory Commission Regulations (NRCRs)**, 10 CFR 2.4, 71.97, 73.37, and 180 (~~2022~~**2023**). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.1 **COPIES OF PUBLICATIONS MAINTAINED BY THE CSP.** The CSP Hazardous Materials Section will maintain copies of the complete texts of each of the aforementioned publications,

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

standards, guidelines, and rules, and will make them available for public inspection during regular business hours. Interested parties may access these documents free of charge online. Interested parties may also inspect referenced incorporated materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit at 700 Kipling St., Lakewood, CO., 80215. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organizations of their original issue:

HPR 8.1.1 **2023-2024 Out-of-Service Inspection Criteria:** Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, Maryland, 20770-6319. Phone: (301)-830-6143. Email: CVSAHQ@CVSA.ORG.

HPR 8.1.2 **Federal Motor Carrier Safety Regulations (FMCSRs):** Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832-5660. Website: WWW.FMCSA.DOT.GOV.

HPR 8.1.3 **Pipeline and Hazardous Materials Safety Regulations (PHMSRs):** Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: (202)-366-4433. Website: WWW.PHMSA.DOT.GOV.

HPR 8.1.4 **Nuclear Regulatory Commission Regulations (NRCRs).** U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001. Phone: 1-(800)-368-5642 or (301)-415-7000. Website: WWW.NRC.GOV.

HPR 8.1.5 **2020 Emergency Response Guidebook.** Hazardous Materials Training Program, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: 1-(202)-366-4900. Website: WWW.PHMSA.DOT.GOV.

HPR 8.2 **LATER EDITIONS ARE NOT INCORPORATED BY REFERENCE.** These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference herein.

HPR 8.3 **RULES ARE AVAILABLE ONLINE.** These rules are available online through the CDPS Rulemaking Information website at [HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

HPR 8.4 **INQUIRIES ABOUT RULES.** All contact with the CSP ~~regarding~~ **CONCERNING** these rules should be addressed to the Colorado State Patrol Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401. Phone (303)-273-1900.

HPR 8.5 **EFFECTIVE DATE.** **THE EFFECTIVE DATE OF THESE RULES IS APRIL 1, 2024.** ~~**SEVERABILITY.**~~
~~If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.~~



COLORADO ^(/)

Department of Public Safety

[Home \(/\)](#) [CDPS Rules and Regulations](#)

CDPS Rules and Regulations

Links

[Stakeholder Engagement Protocol: How You Can Get Involved \(/cdps-rulemaking-stakeholder-engagement-protocol\)](#)

[CDPS Rules on the Secretary of State's Website](#)

[Learn About Rulemaking in Colorado](#)

Stakeholder Engagement and Accessibility

The process of adopting, reviewing, and changing rules and regulations is a public one. We encourage your participation in our rulemaking process. Please see the information below for upcoming rulemaking hearings and how to submit comments. You are always welcome to attend any hearings associated with the rulemaking process, and your comments and questions will be taken into consideration during the rulemaking process.

We are committed to providing equitable access to our services, including the rulemaking process. Our ongoing accessibility efforts strive to align with the Web Content Accessibility Guidelines (WCAG) versions 2.2, level AA criteria and to comply with the accommodation requests under the Americans with Disabilities Act.

For more information, any questions you have, including accommodation requests or assistance in accessing our rulemaking documents and participating in our rulemaking hearings, please contact the Department Rules Administrator Christine Moreno via email christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995.

All Colorado Department of Public Safety rules currently in effect are available on the [Secretary of State's Website](#) .

CDPS Regulatory Reports

[2024 Regulatory Agenda and 2023 Regulatory Agenda Report \(/cdps-regulatory-reports\)](#)

The following rules are included in the CDPS rule review and rulemaking schedule for calendar year 2024.

January 2024

- 8 CCR 1507-1
- 8 CCR 1507-20
- 8 CCR 1507-28
- 8 CCR 1507-37
- 8 CCR 1507-42
- 8 CCR 1507-42
- 8 CCR 1507-46

April 2024

- 8 CCR 1507-40

June 2024

- 8 CCR 1507-11
- 8 CCR 1507-30

Hearings & Proposed Rulemaking

Proposed and completed rulemaking for the calendar year are listed below. Stakeholder notices include drafts of the the proposed new or amended rules along with invitations and information for stakeholder and public comments. Upcoming rulemaking hearing announcements include the draft of the proposed rules, information on the meeting time, date and virtual platform/link (hearings are held virtually unless otherwise noted), and invitation to submit comments before the hearing. Completed rulemaking hearings include the adopted rules, hearing exhibits, and hearing information. Rulemaking hearings are held to review and to update rules and regulations to remain consist with Colorado statutes, Code of Federal Regulations (CFR) and/or national criteria.

CDPS is committed to the full inclusion of all individuals. As part of this commitment, CDPS will ensure reasonable accommodations are provided to enable all people to engage fully in our trainings, meetings and events. To request accommodations, please contact Rules Administrator, Christine Moreno at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995, at least 2 weeks prior to the hearing/meeting. Please contact Rules Administrator, Christine Moreno at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995, if you need any of the materials translated into a language other than English or provided in an alternative format for accessibility.

Proposed Rulemaking Stakeholder Notices

- **8 CCR 1507-71 School Security Disbursement fund program**
 - The Office of School Safety adopted emergency rules, effective January 11, 2024, to better align with statutory requirements for eligible entities that may apply for funding and to update the purposes for which funding may be used.
 - Draft of adopted Emergency Rules [\(PDF\)](#).
(<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-71%20SSD%20Emer%20Rules%20Adopted%2001-11-2024%20JL.pdf>) or [\(Docx\)](#).
(<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-71%20SSD%20Emer%20Rules%20Adopted%2001-11-2024%20JL.docx>).
 - The permanent rulemaking hearing will be held in early March, 2024. Updated hearing information will be posted in mid-January.
- **8 CCR 1507-47 Colorado Nonprofit Security Grant program**
 - The Division of Homeland Security and Emergency Management is in the emergency rulemaking process, amending this rule to set forth provisions for additional money allocated to this fund. The additional funds will be available to existing eligible program applicants for use in the remainder of the fiscal year.
 - The permanent rulemaking hearing will be held in March, 2024. Updated hearing information, along with the redlined draft and adopted emergency rules, will be posted by early February.

Upcoming Public Hearings

- January 30, 2024 - 1:00 pm MST - Hybrid Hearing

- The Colorado State Patrol (CSP) will hold a hybrid virtual and in-person public rulemaking hearing on Tuesday, January 30, 2024, beginning at 1:00 pm. Virtual hearing via Google meet. In-person hearing location: Carrell Hall, Building 100 15165 S. Golden Rd., Golden, CO 80401
- Stakeholder Notice/ Invitation to Comment - Deadline for pre-hearing comments via email or phone - Friday, January 26, 2024 5:00 pm, MST
- Drafts of proposed rules for this hearing are in PDF format. Please contact CDPS Rules Administrator, Chris Moreno at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or 719-343-0995, for assistance with rules document accessibility for users with disabilities and/or for requests for accommodation
- Proposed amendments to the following five rules will be presented during this hearing (click on the rule link for further rule hearing details):
 - **8 CCR 1507-22 Rules and Regulations Concerning Claims for Reimbursement for the Costs of Response and Mitigations of Hazardous Substance Incidents**
(<https://publicsafety.colorado.gov/8-ccr-1507-22-claims-for-reimbursement-response-and-mitigation-hazardous-substance-incidents>)
 - Draft of Proposed Rules (PDF)
(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-22_NPRM%20Copy_120123.pdf)
 - **8 CCR 1507-1 Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles** (<https://publicsafety.colorado.gov/8-ccr-1507-1-minimum-standards-for-the-operation-of-commercial-vehicles-january-30-2024>)
 - Draft of Proposed Rules (PDF)
(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_DORA_NPRM%20122823.pdf)
 - **8 CCR 1507-28 Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance** (<https://publicsafety.colorado.gov/8-ccr-1507-28-port-of-entry-rules-for-commercial-motor-carrier-size-weight-and-clearance-january-30>)
 - Draft of Proposed Rules (PDF)
(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-28_REDLINE%20V3_010424_postNPRM.pdf)
 - **8 CCR 1507-58 Rules and Regulations Concerning the Colorado State Patrol Third-Party Commercial Vehicle VIN Verification Program**
(<https://publicsafety.colorado.gov/8-ccr-1507-58-csp-third-party-commercial-vehicle-vin-verification-program-january-30-2024>)
 - Draft of Proposed Rules (PDF)
(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-58_DORA_NPRM%20filing.pdf)
 - **8 CCR 1507-25 Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Interstate Transportation of Agricultural Products in the State of Colorado**
(<https://publicsafety.colorado.gov/8-ccr-1507-25-permitting-routing-transportation-of-hazardous-and-nuclear-materials-and-intrastate>)

- Draft of [Proposed Rules \(PDF\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_DORA_NPRM_122823.pdf).
(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_DORA_NPRM_122823.pdf).

Completed Hearings & Rulemaking

- [8 CCR 1507-37 Wildfire Resilient Homes Grant Program](https://publicsafety.colorado.gov/8-ccr-1507-37-wildfire-resilient-homes-grant-program) (<https://publicsafety.colorado.gov/8-ccr-1507-37-wildfire-resilient-homes-grant-program>) - January 4, 2024
- [8 CCR 1507-12 Persons Dealing with Fireworks](https://publicsafety.colorado.gov/8-ccr-1507-12-rulemaking-amendment-hearing-november-16-2023) (<https://publicsafety.colorado.gov/8-ccr-1507-12-rulemaking-amendment-hearing-november-16-2023>) - December 19, 2023

Get Involved, Stay Informed!

To receive CDPS regulatory notices, submit comments on CDPS Rules, and to request further information on CDPS Rules and rulemaking, please contact Rules Administrator [Christine Moreno](mailto:Christine.Moreno@state.co.us) (<mailto:Christine.Moreno@state.co.us>).

To receive email notification for Notices of Rulemaking, including Proposed Rules, Adopted Permanent or Emergency Rules, and the associated Attorney General Opinions published by the Secretary of State in the Colorado Register, sign up using [this form](https://www.coloradosos.gov/CCR/EmailSubscription.do) (<https://www.coloradosos.gov/CCR/EmailSubscription.do>).

For further information on how to request a cost-benefit analysis on a proposed rule, visit the Department of Regulatory Agencies (DORA) webpage on [Rulemaking and Cost-Benefit Analysis](https://coprrr.colorado.gov/rulemaking-and-cost-benefit-analysis#:~:text=If%20you%20would%20like%20to%20email%20a%20request%20for%20a,the%20proposed%20rule%20) (<https://coprrr.colorado.gov/rulemaking-and-cost-benefit-analysis#:~:text=If%20you%20would%20like%20to%20email%20a%20request%20for%20a,the%20proposed%20rule%20>

About CDPS Rulemaking and Stakeholder Engagement

Virtually all state government agencies issue rules or regulations of some kind. Most rules and regulations exist at the direction of the state legislature in order to regulate certain business and personal activities. Rules and regulations exist because it's easier to update them, eliminate them, or alter them administratively than it is to pass new legislation as conditions change.

CDPS Protocol: How We Engage Stakeholders

Find out how the processes CDPS uses to engage stakeholder and how you can get involved by visiting our [Stakeholder Engagement Protocol Page](/cdps-rulemaking-stakeholder-engagement-protocol) (</cdps-rulemaking-stakeholder-engagement-protocol>).

 8 CCR 1507-22 NPRM Copy 120123.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-22_NPRM%20Copy_120123.pdf)	200.01 KB
 8 CCR 1507-1 DORA NPRM 122823.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_DORA_NPRM%20122823.pdf)	368.47 KB
 8 CCR 1507-58 DORA NPRM filing.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-58_DORA_NPRM%20filing.pdf)	254.57 KB
 8 CCR 1507-25 DORA NPRM 122823.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_DORA_NPRM_122823.pdf)	465.02 KB
 8 CCR 1507-28 REDLINE V3 010424_postNPRM.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-28_REDLINE%20V3_010424_postNPRM.pdf)	208.64 KB
 8 CCR 1507-71 SSD Emer Rules Adopted 01-11-2024 JL.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-71%20SSD%20Emer%20Rules%20Adopted%2001-11-2024%20JL.pdf)	239.42 KB
 8 CCR 1507-71 SSD Emer Rules Adopted 01-11-2024 JL.docx (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-71%20SSD%20Emer%20Rules%20Adopted%2001-11-2024%20JL.docx)	76.92 KB

Footer

Contact

For emergencies, please call [911 \(tel:911\)](tel:911).

To report aggressive or drunk drivers, call [*277 \(tel:*277\)](tel:*277) from your mobile phone.

To contact a division within CDPS, please see our [Contact Us list \(/contacts\)](/contacts).

To submit a records request, visit our [CORAs instructions page \(/contact-us/colorado-open-records-request\)](/contact-us/colorado-open-records-request).

Explore [careers with CDPS \(/cdps-careers\)](/cdps-careers)! .

[CDPS Social Media Terms of Use & Guidelines \(/cdps-social-media-guidelines\)](/cdps-social-media-guidelines)

Resources & Info

[Colorado.gov](https://colorado.gov)

Connect with state of Colorado government services & help.

211 Colorado

A confidential and multilingual service to access vital resources across the state.

Call 211 (tel:211) or 866-760-6489 (tel:866-760-6489) or Text your ZIP CODE to 898-211

CO-HELP

Colorado's call line for general questions about the COVID-19.

Call 303-389-1687 (tel:303-389-1687) or 877-462-2911 (tel:877-462-2911).

Accessibility

The State of Colorado is committed to providing equitable access to our services to all Coloradans. Our ongoing accessibility effort works towards being in line with the Web Content Accessibility Guidelines (WCAG) version 2.2, level AA criteria. We welcome comments on how to improve this website's accessibility for users with disabilities and for requests for accommodations to any State of Colorado services. Please submit suggestions via this form (<https://publicsafety.colorado.gov/submit-feedback-on-this-website>).



No Public Cost-Benefit Analysis Request for Rule - HM ROUTING RULES -

1 message

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: angelina.page@state.co.us

Fri, Jan 19, 2024 at 7:56 PM

The deadline for public Cost-Benefit Analysis requests has passed for the following Proposed Rule:

Department: Department of Public Safety
Rulemaking Agency: Colorado State Patrol
Rule ID: 10090
Title or Subject: Rules and Regulations Concerning the Permitting, Routing & Transporting Hazardous and Nuclear Materials and The Intrastate Transportation of Agricultural Products in the State of Colorado
Submitted by: Angelina M Page
Date Submitted: 12/29/2023
Deadline for Public Cost-Benefit Analysis Request: January 15, 2024 11:59 pm

No public requests were received by the deadline. A Cost-Benefit Analysis is not required for this submission.

Please contact us at DORA_OPR_Website@state.co.us if you have further questions regarding this e-mail message.



Filing of NPRM and Public Hearing Information: 8 CCR 1507-25, Hazmat Routing Rules

Page - CDPS, Angelina <angelina.page@state.co.us>

Mon, Jan 8, 2024 at 8:00 AM



Dear Stakeholders, Interested Parties, and Governmental Colleagues:

If you are receiving this email, you have been identified as an interested party or stakeholder potentially having an interest in 8 CCR 1507-25, the "Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate

Transportation of Agricultural Products in the State of Colorado," hereafter referenced as the "Hazmat Routing Rules."

Attached to this email are two documents. First, a letter providing information about the filing of the Notice of Public Rulemaking (NPRM) with the Colorado Secretary of State and Colorado Department of Rulemaking for these rules that provides important information concerning the date, place, and time of the public hearing for these rules, virtual attendance information, and details on how to submit comments in response to this rulemaking. Second, is a copy of the redlined rules as filed with the Colorado Secretary of State and Department of Regulatory Agencies.

Please remember that the copy of the rules provided with this email may be updated before the public hearing date. You may easily obtain an updated copy of the rules and any posted exhibits by visiting the CDPS Rulemaking Information Website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>. You will also find an active link to the virtual hearing at that site. Alternatively, you may request copies of the rules and/or supporting exhibits related to this rulemaking by emailing this address.

If you have any questions or comments concerning the attached documents, please do not hesitate to contact either Captain Sean Schlessman of the CSP Hazardous Materials Section or CSP Rulemaking Coordinator Angelina Page. Contact information for Captain Schlessman and Coordinator Page may be found in the letter attached to this email. If you would like to no longer receive notice of rulemaking efforts as they relate to the Hazmat Routing Rules, please respond to this email with a request to remove your name from future email distributions.

Sincerely,

Angelina M. Page, Esq.
SRP Program Coordinator
POE Branch AdOps Manager
CSP Rulemaking Coordinator
Colorado Port of Entry Branch
Colorado State Patrol
303-273-1864 (office)
303-815-9027 (mobile)
303-278-2434 (primary fax)
303-273-1939 (secondary fax)
angelina.page@state.co.us (email)

Upcoming Dates Away from or Out of the Office or Delayed Response Times:

2 attachments



8 CCR 1507-25_DORA_NPRM_122823.pdf

466K



PostNPRM Letter to all stakeholders_8 CCR 1507-25_HM Routing Rules.pdf

243K



COLORADO

State Patrol

Department of Public Safety

Operational Services Branch
Hazardous Materials Section
15065 S. Golden Rd.
Golden, CO 80401

November 17, 2023

RE: Open Comment Invitation for 8 CCR 1507-25, the “Rules and Regulations Concerning the Permitting, Routing, & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado.”

Dear Stakeholders, Interested Parties, and Governmental Colleagues:

If you are receiving this letter, you have been identified as an interested party or stakeholder potentially having an interest in 8 CCR 1507-25, the “Rules and Regulations Concerning the Permitting, Routing, & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado,” hereafter referenced as the “Hazmat Routing Rules.”

The Colorado State Patrol is proposing to make changes to the Hazmat Routing Rules:

- Responding to recent changes in statute codified by the passage of Colorado Senate Bill SB 23-280, amending the permissive curfew and routing provisions of §42-20-301, CRS. As now amended, §42-20-301, CRS, allows the CSP to apply restrictions approved by the Transportation Commission affecting the transportation of hazardous and agricultural products through the EJMT.
- Updating references to the CRS, CVSA Inspection Criteria, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

Included with this letter is a redlined copy of the Hazmat Routing Rules with the changes being proposed. The included draft reflects in strikeout, blue, and red text the edits and changes proposed to the rules. This working document is being provided as a resource to assist in the development of any questions or comments in response to the proposed changes.

Responses to the changes proposed are invited and will be considered in finalizing the draft of the Hazmat Routing Rules that will be included as part of the Notice of Public Rulemaking (NPRM) that will be filed shortly with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies (DORA). Written comments during this informal pre-filing invitation period are highly encouraged and the CSP is open to receiving responses for up to 15 days from the date of this letter, through December 2, 2023.



Comments sent by US Mail should be addressed to Captain Sean Schlessman of the Hazardous Materials Section at 15065 S. Golden Rd., Golden, CO., 80401. Comments by email should be sent to the Colorado State Patrol Rulemaking Coordinator, Angelina Page, at Angelina.Page@state.co.us in addition to Captain Schlessman at Sean.Schlessman@state.co.us.

The Colorado State Patrol is committed to maintaining clear and open communications with all stakeholders and otherwise interested parties throughout the rulemaking process. Please do not hesitate to contact Captain Sean Schlessman of the Colorado State Patrol Hazardous Materials Section at 303-273-1910 or Rulemaking Coordinator Angelina Page at 303-815-9027 with any questions.

We thank you for your support and commitment to this process.

Sincerely,



Angelina M. Page, Esq.
CSP Rulemaking Coordinator

Office: 303-273-1864
Mobile: 303-815-9027
Email: angelina.page@state.co.us

Want to receive notices of rulemaking events by email?
Please contact the Branch Rulemaking Coordinator with your email address and request to be included in future notices by email!





COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS

AND

THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

8 CCR 1507-25

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Under §42-20-108 (1) and (2), CRS, the Chief of the Colorado State Patrol has the authority to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous materials by motor vehicles within the state of Colorado. Under §§42-20-403, 42-20-504, and 42-20-508, CRS, the Chief of the CSP has the authority to promulgate rules and regulations for the permitting, routing, and the safe transportation of nuclear materials by motor vehicles within the state of Colorado. Under §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations that exempt agricultural products from the hazardous rules.

Amendments are being proposed to 8 CCR 1507-25:

- In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of §42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT.
- Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

It has been declared by the General Assembly that the permitting, routing, and transportation of hazardous and nuclear materials is a matter of statewide interest and concern. The absence of rules to carry out the purpose of the statutes applicable thereto is contrary to the public health, peace, safety, and welfare of this state. For these reasons, it is necessary that these rules, inclusive of the revisions proposed, are adopted.

Colonel Matthew C. Packard
Chief, Colorado State Patrol

Date of Adoption

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS
AND
THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

PART 1

GENERAL STATEMENTS

- 1.0** **AUTHORITY.** The Chief of the Colorado State Patrol is authorized by §42-20-108 (1) and (2), CRS, and §§42-20-403, 42-20-504, and 42-20-508, to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous and nuclear materials by motor vehicle within Colorado, in either interstate or intrastate transportation. Additionally, consistent with §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations exempting agricultural products from hazardous materials rules.
- 1.1** **APPLICABILITY.** These rules and regulations apply to all persons who transport, ship, or cause to be transported or shipped, hazardous, nuclear, or agricultural materials or products by motor vehicle over the public roads of Colorado.
- 1.2** **REQUIRED COMPLIANCE WITH 8 CCR 1507-1.** All commercial vehicles that transport hazardous and/or nuclear materials must comply with 8 CCR 1507-1, the Rules and Regulations Concerning the Minimum Standards for the Operation of Commercial Vehicles.
- 1.3** **GENERAL DEFINITIONS.** Unless otherwise specified, definitions of general applicability throughout these rules are:
- 1.3.1** **CDOT:** Colorado Department of Transportation.
- 1.3.2** **CDPHE:** Colorado Department of Public Health and Environment.
- 1.3.3** **CDPS:** Colorado Department of Public Safety.
- 1.3.4** **CFR:** Code of Federal Regulations.
- 1.3.5** **CHIEF:** ~~Means~~ **THE** Chief of the Colorado State Patrol. Unless otherwise specified, also includes the designees of the Chief of the Colorado State Patrol where **THE** designation is permissible and consistent with applicable **STATE** statute and applicable CDPS and CSP rules and policies.
- 1.3.6** **CSP:** Colorado State Patrol.

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- 1.3.7 CVSA:** Commercial Vehicle Safety Alliance.
- 1.3.8 ENFORCEMENT OFFICIAL:** As identified within §42-20-103 (2), CRS, is limited to a peace officer who is an officer of the CSP as described in §§ 16-2.5-101 and 16-2.5-114, CRS; a certified peace officer who is a certified Port of Entry officer as described in §§16-2.5-102 and 16-2.5-115, CRS; a peace officer who is an investigating official of the Public Utilities Commission as described in §§ 16-2.5-101 and 16-2.5-143, CRS; or any peace officer as described in §16-2.5-101, CRS.
- 1.3.9 FMCSA:** Federal Motor Carrier Safety Administration.
- 1.3.10 FMCSR:** Federal Motor Carrier Safety Regulations.
- 1.3.11 HAZARDOUS MATERIALS:** As defined within §42-20-103 (3), CRS, are those materials listed in Tables 1 and 2 of 49 CFR 172.504, excluding highway route-controlled quantities of radioactive materials as defined in 49 CFR 173.403 (2), excluding ores and the wastes and tailing therefrom, and excluding special fireworks where the aggregate amount of flash powder does not exceed 50 pounds.
- 1.3.12 MOTOR VEHICLE:** As defined within §42-20-103 (4), CRS, is any device capable of moving from place to place on public roads. The term includes, ~~but is not limited to,~~ any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto.
- 1.3.13 MOU:** Memorandum of Understanding.
- 1.3.14 OOS:** Out-of-Service.
- 1.3.15 PERSON:** As defined within §42-20-103 (6), CRS, is an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons.
- 1.3.16 POE:** Port of Entry, a ~~branch~~**SECTION** of the CSP.
- 1.3.17 PUC:** Public Utilities Commission.

PART 2

HAZARDOUS MATERIALS TRANSPORTATION

(HMT)

HMT 2.0 APPLICATION OF 49 CFR TO THE TRANSPORTATION OF HAZARDOUS MATERIALS. The transportation of hazardous materials by motor vehicle must occur consistent with the regulations contained in:

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49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials, Driving and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulations as the same were effective on October 1, ~~2022~~ **2023**. §42-20-108 (3), CRS, provides that these federal regulations may be used as general guidelines by the Chief in the promulgation of these rules. These rules adopt the aforementioned sections of the CFR to support the enforcement of regulations ~~applicable to~~ **CONCERNING** the transportation of hazardous materials with the following modifications:

- HMT 2.0.1** **DEFINITION OF PERSON.** The definition of a person is as it is described within these rules. The definition of person set forth within ~~§49 CFR 107.1~~ is not applicable.
- HMT 2.0.2** **INAPPLICABILITY OF FEDERAL HAZARDOUS MATERIALS REGULATIONS EXEMPTION TO PERSONS AND FUNCTIONS.** §49 CFR 171.1 (d) (5), as it exempts specific functions from the hazardous materials regulations, is specifically not adopted by these rules and does not apply.
- HMT 2.1** **CVSA INSPECTION STANDARDS.** Through an MOU, ~~dated October 21, 2022,~~ with the CVSA **DATED OCTOBER 21, 2022**, the CSP, as a division of the CDPS, **AGREES TO** adopts the CVSA inspection procedures, decal application policies, and OOS criteria established for the inspection of commercial motor vehicles.
- HMT 2.2** **APPLICABILITY OF CVSA OPERATIONS MANUAL.** Enforcement Officials performing safety inspections ~~upon~~ **ON** motor vehicles transporting hazardous materials will use the inspection procedures, decal application policies, and OOS criteria, as each appears in the CVSA Operations Manual, effective April 1, ~~2023~~ **2024**.
- HMT 2.3** **HAZARDOUS MATERIALS INCIDENT NOTIFICATION.** A driver of a motor vehicle transporting hazardous materials as cargo involved in a hazardous materials spill or incident must immediately provide notice of the nature and location of the hazardous materials spill or incident to the law enforcement agency in closest proximity thereto, consistent with the requirements of §42-20-113 (3), CRS.

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HMT 2.3.1. IMMEDIATE NOTICE REGARDING HAZARDOUS MATERIALS AS CARGO. A driver of a motor vehicle involved in an incident having the potential to result or that does result in the potential spilling or release of cargo classified as hazardous materials will immediately notify the nearest law enforcement agency of the location of the incident and any other information minimally necessary for an informed response.

HMT 2.3.2. IMMEDIATE NOTICE REGARDING SPILL OR RELEASE OF FUEL FROM VEHICLE FUEL TANK. A driver of a motor vehicle involved in a spill of hazardous material from a fuel tank providing fuel for the motor vehicle and/or equipment thereon, will give immediate notice of the spill or release location and any other information minimally necessary for an informed response to the nearest law enforcement agency.

HMT 2.3.3. MINIMALLY NECESSARY INFORMATION REQUIRED. As it applies within these rules, “minimally necessary **INFORMATION**” **AS IT APPLIES TO NOTIFICATION OF HAZARDOUS MATERIALS INCIDENTS UNDER PART HMT 2.3 OF THESE RULES** includes, but is not limited to the following:

HMT 2.3.3.1 The name of the person reporting the incident;

HMT 2.3.3.2 The phone number at which the person reporting the incident can be contacted;

HMT 2.3.3.3 The type of incident;

HMT 2.3.3.4 The type of motor vehicle involved;

HMT 2.3.3.5 The name of the motor carrier involved, if applicable;

HMT 2.3.3.6 The extent of injuries, if any;

HMT 2.3.3.7 The classification, name, and quantity of the hazardous materials involved; and

HMT 2.3.3.8 If a continuing danger to public safety or the environment exists at the scene.

HMT 2.3.4 NOTICE TO CSP AND CDPHE. As soon as possible after making an initial notification of a hazardous material spill/incident to the nearest law enforcement agency, the driver **OF THE MOTOR VEHICLE INVOLVED**, or a company representative **THEREFORE** will provide the same minimally necessary information to the:

HMT 2.3.4.1 CSP at (303) 239-4501; and

HMT 2.3.4.2 The CDPHE Environmental Spill Reporting Line at (877) 518-5608.

HMT 2.4 AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS. Enforcement Officials, as are identified within these rules or as is consistent with 8 CCR 1507-1, are authorized by §42-4-235 (1) (a), CRS, to perform commercial motor vehicle inspections.

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HMT 2.4.1. ENFORCEMENT OFFICIALS MUST MEET INSPECTOR QUALIFICATIONS.

Enforcement Officials authorized to perform commercial motor vehicle safety inspections by §42-4-235 (1) (a), CRS, and upon the drivers thereof, are required to meet the inspector qualifications referenced in §42-4-235 (4) (a) (I), CRS, when performing CVSA North American Standard Safety Inspections. All Enforcement ~~o~~Officials performing Level I – VI CVSA North American Standard Safety Inspections must also maintain the certification requirements prescribed in the current CVSA Operations Manual referenced by these rules and incorporated ~~as part 8 of~~ **INTO** 8 CCR 1507-1.

HMT 2.4.2 AUTHORITY TO INSPECT. Enforcement Officials have the authority to inspect motor vehicles, motor vehicle drivers, cargo, and any required documents outlined in 49 CFR 383, 387, 390, 391, 392, 393, 395, 397, and 399, as revised October 1, ~~2022~~**2023**.

HMT 2.4.3 CSP ENFORCEMENT OFFICIALS AND COMPLIANCE REVIEWS. CSP Enforcement Officials certified by the FMCSA according to 49 CFR 385, Subpart C, to perform Compliance Reviews and Safety Audits have the authority to enter the facilities of and inspect any motor carrier consistent with §42-4-235 (1) (c), CRS, and any required records and supporting documents are outlined in 49 CFR 40, 380, 382, 383, 385, 387, 390, 391, 392, 393, 395, 396, 397, and 399, and Appendix A, revised October 1, ~~2022~~**2023**.

HMT 2.4.4 MOTOR VEHICLE OOS CRITERIA. The CSP incorporates by reference ~~for enforcement purposes~~ the CVSA North American Uniform OOS Criteria **FOR ENFORCEMENT PURPOSES**, as revised and effective April 1, ~~2023~~**2024**. Enforcement Officials will use the CVSA North American Uniform OOS Criteria when determining whether a motor vehicle or driver should be placed OOS according to §42-20-110, CRS.

HMT 2.4.5 SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person having a hazardous materials transport permit and engaged in the transportation of hazardous materials. Violations discovered during inspections or compliance reviews are shared to promote the joint interests of public safety and effective enforcement of hazardous materials transport permit conditions, these rules, ~~applicable~~**RELEVANT** statutes, and regulations.

HMT 2.4.6 PENALTIES FOR VIOLATIONS. Any person shipping or transporting hazardous materials in violation of any of the rules of this part is guilty of a misdemeanor. Upon conviction thereof, a person will be subject to a fine and/or imprisonment, as each is indicated within §42-20-109, CRS.

PART 3

HAZARDOUS MATERIALS PERMITS

(HMP)

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HMP 3.0 **DEFINITIONS.** For purposes of this part, the following definitions apply:

HMP 3.0.1 **LIABILITY INSURANCE OR SURETY:** As used in these rules, means insurance or surety for public liability.

HMP 3.0.2 **LONGER VEHICLE COMBINATION (LVC):** Is any number of vehicle configurations, including a truck tractor as a power unit and multiple trailer combinations, as identified within §42-4-505 (2) (a) – (d), CRS.

HMP 3.0.3 **PEACE OFFICER:** Is defined in §16-2.5-101, CRS, and ~~will include~~ **INCLUDES** Peace Officers who are certified Port of Entry Officers as **ARE** described in §§ 16-2.5-101 and 16-2.5-115, CRS.

HMP 3.0.4 **PUBLIC LIABILITY:** Is a liability for bodily injury or property damage, including liability for environmental restoration, as discussed within 49 CFR 387.5.

HMP 3.0.5. **TRANSMIX:** Also known as Petroleum Distillates, N.O.S., and only as used within this section, is a mixture of refined products specifically and individually exempted under HMP 3.4.3 of these rules. Transmix, as defined by these rules, is a combination of gasoline, diesel, jet fuel, and/or other refined petroleum products transported to processing plants for purposes of distillation and product separation. Transmix falls under UN1268 and is placarded as Class 3 hazardous materials.

HMP 3.1 **ANNUAL HAZARDOUS MATERIALS PERMIT APPLICATIONS AND FEES.** The fees assessed for hazardous materials permits, annually or per trip, are set within Colorado statute ~~and are found in~~ **UNDER** §42-20-202 (1) (b) and (c), CRS. The annual hazardous materials transport permit fee schedule is based on the number of motor vehicles an applicant operates within Colorado and is found within §42-20-202 (1) (b), CRS. Consistent with §42-20-201, CRS, the CDOT is responsible for the review and approval of any submitted applications and renewals for annual hazardous materials transport permits.

HMP 3.1.1 **ALL ANNUAL APPLICATIONS PROCESSED BY CDOT.** All applications and renewals for Hazardous Materials Transportation Permits and all applicable fees due therefore are to be submitted to the CDOT Division of Transportation Development OSOW Permits Unit. The CDOT Division of Transportation Development OSOW Permits Unit may be contacted at 2829 W. Howard Pl., Denver, ~~Colorado~~ **CO.**, 80204, or by phone at (303)-757-9539. Information may also be found online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov). All applicable fees must be paid in a manner acceptable to the CDOT.

HMP 3.2 **CONDITIONS APPLICABLE TO HAZARDOUS MATERIALS PERMITS.** Several conditions apply to the issue and use of annual hazardous materials permits. These conditions, detailed within applicable statutes, also include but are not limited to the following specifically identified requirements:

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- HMP 3.2.1. USDOT NUMBER REQUIRED.** Hazardous materials transporters within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 390.19 before the submission of an annual permit application.
- HMP 3.2.2. ANNUAL PERMIT FEE AFFECTED BY NUMBER OF VEHICLES.** The fee assessed by the CDOT for an annual permit is determined by the number of vehicles being permitted and will be as described within §42-20-202 (1) (b), CRS.
- HMP 3.2.3. MUST COMMUNICATE AN INCREASE IN VEHICLES TO CDOT.** Any increase in the total number of declared vehicles permitted to be operating within or through Colorado must be communicated in writing through the completion of an amended request and the payment of any additional fees determined to be due to the CDOT.
- HMP 3.2.4. MUST OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE CONSISTENT WITH §42-20-202 (2) (a) AND (3) (a), CRS.** Persons applying for and receiving an annual hazardous materials transport permit must **ALWAYS** obtain and maintain public liability insurance or a surety ~~at all times~~ that must not be less than the minimum limits established within 49 CFR 387 with schedules and endorsements covering all vehicles that may be operated by, for, or under the control of the applicant or permit holder. Applicant must cause to file with the CDOT one of the following:
- HMP 3.2.4.1** A National Association of Regulatory Utility Commission (NARUC) “FORM E,” “Uniform Major Carrier Bodily Injury and Property Damage Liability Certificate of Insurance,” executed by a duly authorized agent of the insurer. Also required with this filing is the MCS-90, “Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980,” issued by an insurer or insurers, and signed by an authorized representative of the insurance company or companies;
- HMP 3.2.4.2** A Form MCS-82, “Motor Carrier Surety Bond for Public Liability under Section 30 of the Motor Carrier Safety Act of 1980,” issued by a surety, and signed by an “Attorney-in-Fact,” with a copy of the Power of Attorney attached; or
- HMP 3.2.4.3** A copy of a written decision, order, or authorization of the FMCSA authorizing the motor carrier to self-insure ~~pursuant to~~ **UNDER** 49 CFR 387.309.
- HMP 3.2.5 ALL LIABILITY OR INSURANCE COVERAGE MUST MATCH THE EXACT NAME.** All insurance and surety forms coverage must be filed ~~with~~ **USING OR UNDER** the exact name, initial, corporate, and trade name if any, and address, as it is included in the annual hazardous materials permit application filed and maintained by the CDOT.
- HMP 3.2.6 NOTICE OF INSURANCE OR SURETY CANCELLATION OR NON-RENEWAL REQUIRED.** Every insurance certificate or surety bond required by and filed with the CDOT must be kept in full force and effect, unless and until canceled by a 30-day written notice or not renewed by a 90-day written notice on a NARUC “FORM K,” (Uniform Notice of Cancellation of Motor Carrier Insurance Policies); “FORM BMC 35,” (Notice of

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Cancellation Motor Carrier Insurance); or “FORM BMC 36,” (Notice of Cancellation of Motor Carrier Surety Bond), as may be appropriate, from the insurer or surety to the CDOT. The 30-day and 90-day notice will commence from the date the notice is received by the CDOT and the insurance certificate or surety bond must contain a statement to this effect.

HMP 3.2.7 **NO UNAUTHORIZED ALTERATIONS.** No annual permit is to be altered, amended, or copied, unless authorized in writing by the CDOT or, in the case of a single trip permit (as discussed within HMP 3.3 of these rules), by an **eEnforcement eOfficial**.

HMP 3.2.8 **PERMITS MUST BE AVAILABLE FOR INSPECTION.** The required permits must be readily available for inspection as required by §42-20-203, CRS. This requirement is met if a **pPeace eOfficer** or Enforcement Officials can electronically verify the permit is valid at the time of contact.

HMP 3.3 **SINGLE TRIP HAZARDOUS MATERIALS PERMITS.** Under §42-20-202 (1) (c), CRS, single trip permits may be obtained from the CSP at all CSP POE weigh stations. Each person transporting hazardous materials in, to, from, or through Colorado who has not previously obtained a valid annual hazardous materials transport permit from the CDOT must apply for and pay for a single trip hazardous materials transport permit at the nearest CSP POE weigh station or to a CSP POE officer or office.

HMP 3.3.1 **VALID FOR 72 HOURS.** Each single trip permit will be valid for a single continuous business venture, but in no event will the permit be valid for more than 72 hours, unless extended by any Enforcement Official for any reason the official deems advisable. Reasons for an extension by an Enforcement Official may include mechanical difficulties and road and weather conditions.

HMP 3.3.2 **ISSUED UPON APPROVAL AND PAYMENT.** A single trip hazardous materials permit will be issued upon the approval of a complete single trip permit application and the payment of a \$25 permit fee.

HMP 3.3.3 **PROOF OF LIABILITY INSURANCE OR SURETY REQUIRED.** Persons applying for a hazardous materials transportation single trip permit are required by §42-20-202 (3) (a), CRS, to supply proof of liability insurance or surety or sign a verification at the time of the permit application.

HMP 3.3.4. **SUBSEQUENT PROOF REQUIRED WHERE VERIFICATION STATEMENT SUBMITTED- SINGLE TRIP HAZARDOUS MATERIALS PERMIT.** Applicants who sign a verification instead of supplying acceptable proof of financial responsibility (liability insurance or surety) must forward it to the CDOT Division of Transportation Development OSOW Permits Unit within 30 days of ~~issuance of~~ the permit’s **ISSUE**.

HMP 3.3.4.1 Their copy of the single trip hazardous materials permit; and

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HMP 3.3.4.2 A legible copy of acceptable proof of financial responsibility as is required by §42-20-202, CRS, having matching information as is defined in paragraph HMP 3.2.5 of these rules.

HMP 3.4 **LVCs AND THE TRANSPORTATION OF HAZARDOUS MATERIALS.** LVCs operating under the provisions of the CDOT Rules and Regulations promulgated according to the provisions of §43-4-505, CRS, are prohibited from transporting the following specified hazardous material types and quantities:

HMP 3.4.1 **TABLE 1, 49 CFR 172.504.** Any quantity of hazardous material within the hazard classes specified in 49 CFR 172.504, Table 1.

HMP 3.4.2 **TABLE 2, 49 CFR 172.504.** Any material, unless otherwise specified herein, within the hazardous classes specified in 49 CFR 172.504, Table 2 that:

HMP 3.4.2.1 Exceeds 55 gallons per package.

HMP 3.4.2.2 Is transported in quantities using containment systems in excess of 3,500 gallons, except as provided in HMP 3.4.3 of these rules.

HMP 3.4.2.3 Is classified as a “Material Poisonous by Inhalation” as it is defined in 49 CFR 171.8.

HMP 3.4.2.4 Requires evacuation of populated areas as specified in **TABLES 1, 2, AND 3 IN** the most current version of the North American Emergency Response Guidebook in publication as of April 1, 2020, as referenced by these rules.

HMP 3.4.3 **PETROLEUM-BASED PRODUCTS ARE EXEMPT FROM LVC TRANSPORT PROHIBITION.** The prohibition of subparagraph HMP 3.4.2.2 does not apply to the following petroleum-based products when transported in bulk quantities in an LVC of the type described in §42-4-505 (c) and (d), CRS:

HMP 3.4.3.1 Gasoline, UN1203;

HMP 3.4.3.2 Diesel Fuel, NA1993;

HMP 3.4.3.3 Crude Oil, UN1267;

HMP 3.4.3.4 Liquefied Petroleum Gas (LPG), UN1075;

HMP 3.4.3.5 Aviation Fuel, UN1863; or

HMP 3.4.3.6 Transmix, UN1268.

HMP 3.4.4 **COMPLIANCE WITH OTHER APPLICABLE LAWS.** Persons operating LVCs must operate consistently with all other applicable **RELEVANT** provisions of state law, rules, and regulations.

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HMP 3.5 **PENALTIES FOR VIOLATIONS.** Upon conviction, any person shipping or transporting hazardous materials in violation of any rule in this Part 3 is subject to the penalties set forth within §42-20-204, CRS.

PART 4

HAZARDOUS MATERIALS ROUTE DESIGNATION

(HMR)

HMR 4.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 29-22-101, CRS, apply to these rules and regulations. The following definitions also apply:

HMR 4.0.1 **PETITION:** As used within these rules, means a CSP Hazardous Materials Route Designation Packet, including the route analysis process, worksheets, and petitions resolution.

HMR 4.0.2 **PETITIONING ENTITY OR ENTITIES:** As used within these rules, means local governmental entities, CDOT, a public highway authority, and any governmental entity that is a partner in a public-private partnership concerning any highway, road, or street it maintains, when making an application to the CSP for a new hazardous materials route designation, or a change to an existing route designation as it is allowed under §42-20-302 (1) (a) – (e), CRS.

HMR 4.0.3 **ROUTING FACTORS:** As used within these rules, these are factors that must be considered and specifically addressed as part of any application petitioning the CSP for a new hazardous materials route designation or to change an existing route designation. As it applies to petitions submitted to the CSP, Petitioning Entities must address each of the routing factors referenced by these rules and/or identified by §49 CFR 397.71 (b) (9). If a factor is inapplicable to a route petition, the Petitioning Entity must specifically indicate the factor and the bases for inapplicability.

HMR 4.0.4 **SENSITIVE AREAS:** Sensitive Areas are areas that may experience a disparate impact in the event of exposure to the release of hazardous materials. This disparate impact may be environmental, social, etc., and could result in a greater demand for emergency and public resources in the event of an emergency related to the release of hazardous materials. Sensitive Areas include, but are not limited to private homes; commercial buildings; special populations in hospitals, schools, prisons, stadiums, senior or group homes; communities having a higher number of ESL-speaking individuals or individuals having physical, and/or mental disabilities, as compared to surrounding communities; water sources; and natural areas such as parks, wetlands, and wildlife reserves.

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HMR 4.0.5 **SPECIAL POPULATIONS:** Groups, individuals, or institutions included in a population that could be potentially exposed in the event of a hazardous materials incident which are also members of groups that may not be able or are unable to mobilize effectively in response to a threat to public health or safety without the assistance of emergency or other public services personnel.

HMR 4.1 **PETITION APPLICATIONS FOR ROUTE DESIGNATIONS.** Petitioning Entities seeking to petition for a new or change to an existing hazardous materials route designation should consult with and request guidance from the CDOT Division of Transportation Development OSOW Permits Unit and the CSP Hazardous Materials Section ~~regarding~~ **CONCERNING** the process, format, and substance of the route petition.

HMR 4.1.1 **INTRODUCTORY INFORMATION FROM CDOT.** Introductory information on the **PETITION APPLICATION** process, FAQs, and unit contact information from CDOT is available online at <HTTPS://WWW.CODOT.GOV/BUSINESS/HAZMAT-ROUTING/CURRENTHAZMATROUTES>. Correspondence to CDOT may be addressed to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Pl., Denver, CO., 80204.

HMR 4.1.2 **GUIDANCE DOCUMENT IS AVAILABLE FROM THE CSP HAZARDOUS MATERIALS SECTION.** A guidance document outlining the minimum required elements and documentation that should be included as part of a hazardous materials route designation petition application is available from the CSP Hazardous Materials Section upon request by calling (303)-273-1900 or **BY CONTACTING THE CSP HAZARDOUS MATERIALS SECTION** online at <HTTPS://CSP.COLORADO.GOV/SERVICES-WE-PROVIDE/HAZARDOUS-MATERIALS>.

HMR 4.2 **PETITION APPLICATION SUBMISSION ACCORDING TO §42-20-302, CRS.** Petitioning Entities making an application to the CSP for a new hazardous materials route designation or ~~for~~ a change in an existing route designation consistent with §42-20-302, CRS, may submit a petition application for either **PURPOSE** to the CSP, no more than once a year.

HMR 4.3 **CONSIDERATION FACTORS OF 49 CFR 397 ARE ADOPTED.** 49 CFR 397 is adopted without amendment by these rules. All ~~of~~ the factors identified for consideration by 49 CFR 397.71 (b) (9) apply to all new and existing hazardous materials routing petitions. 49 CFR 397.71 sets forth 13 categories of factors that must be considered when any **NEW OR EXISTING** hazardous materials route, ~~new or existing,~~ is the subject of a hazardous materials routing petition application. Any petition applications delivered to the CSP after an initial CSP application review that does not include discussion of these factors will not be deemed to be received, will **INSTEAD** be determined incomplete, and will be returned to the submitting **PETITIONING** eEntity for correction and resubmission without prejudice. Broadly, these 13 categories are:

HMR 4.3.1 **POPULATION DENSITY.** The population that will be potentially exposed in the event hazardous materials are released, inclusive of residents, employees, motorists, and other persons in the area, with specific discussion of any of those persons or groups

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that may be ~~considered to be~~ special populations. The relationship between population density levels and the potential release of hazardous materials must also be addressed.

HMR 4.3.2 **TYPE OF HIGHWAY.** The type and characteristics of the highway to be traveled must be identified.

HMR 4.3.3 **TYPES AND QUANTITIES OF HAZARDOUS MATERIALS:** The type and amount of hazardous materials that will or are normally transported along the petitioned route.

HMR 4.3.4 **EMERGENCY RESPONSES CAPABILITIES:** An analysis of the emergency response capabilities resulting from consultation with the appropriate fire, law enforcement, and highway safety agencies. The analysis must consider and identify the proximity of facilities and resources to the potential impact zone in the event hazardous materials are released and must be ~~included with~~ **OUTLINED WITHIN** the petition **APPLICATION**. Furthermore, local governmental authorities petitioning for a new or changes to an existing hazardous material route designation must provide the CSP Hazardous Materials Section with the following information on the hazardous materials emergency response services within their jurisdiction:

HMR 4.3.4.1 The names, addresses, points of contact, radio frequencies, call signs, and emergency and non-emergency phone numbers of all agencies who provide emergency services along the proposed route(s) and available alternatives;

HMR 4.3.4.2 Which of the agencies identified respond to hazardous materials incidents and during what periods services are available;

HMR 4.3.4.3 Which of the agencies identified have emergency response teams and the total number of teams each agency has;

HMR 4.3.4.4 The total number of emergency response personnel available for each agency, their level of hazardous materials training; and

HMR 4.3.4.5 An inventory list, or other information identifying the hazardous materials response equipment available from each agency.

HMR 4.3.5 **RESULTS OF COMMUNITY OUTREACH/CONSULTATION.** **THE** Petitioning Entity must include the results of any consultation conducted with persons and/or entities who will be affected by the petitioned-for routing or routing change.

HMR 4.3.6 **DISCUSSION OF SPECIFIC EXPOSURE AND RISK FACTORS:** **THE** Petitioning Entity must include a discussion specifying the exposure and risk factors associated with any of the hazardous materials likely to be transported along the petitioned route. Exposure risks for sensitive areas and special populations must be addressed.

HMR 4.3.7 **TERRAIN CONSIDERATIONS:** Discussion of topography along and adjacent to the petitioned routing that may affect the severity of an accident, control of hazardous materials in the event of a release, and impact the control and clean-up of the release of any hazardous materials must be included.

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HMR 4.3.8 **CONTINUITY OF ROUTES:** Information on any outreach efforts to adjacent jurisdictions to consult and ensure routing continuity should be included.

HMR 4.3.9 **ALTERNATE ROUTES:** Information relevant to any alternate routes considered must be included. Petitioning Entities should include detailed and specific information as to why the route being petitioned for is the most **OR MORE** appropriate option and is safer than ~~the alternative~~ **OTHER** option(s) or, in the event of an existing route, the current route. Any references to statistical data, published works, or written analysis require full reference information and may require a copy of the referenced information to be included as part of the petition application.

HMR 4.3.10 **EFFECTS ON COMMERCE:** The routing proposed will not impose an unreasonable burden upon interstate or intrastate commerce.

HMR 4.3.11 **DELAYS IN TRANSPORTATION:** The routing proposed will not create unnecessary delays in the transport of hazardous materials.

HMR 4.3.12 **CLIMATIC CONDITIONS:** Weather conditions that are unique to a proposed route must be addressed within the petition application, including the impact of the weather conditions ~~upon~~ **ON** the potential release of any hazardous materials, control of a hazardous materials release, and clean-up thereof.

HMR 4.3.13 **CONGESTION AND ACCIDENT HISTORY:** Petitioning Entities should also consider the congestion and accident history of the specific route they are petitioning to become a hazardous materials route or to make changes to and the impact of these factors ~~upon~~ **ON** the public emergency response, and to general transportation in the event of a potential hazardous materials release.

HMR 4.4 **INITIAL PETITION APPLICATION REVIEW BEFORE CSP “RECEIPT.”** Before formal submission and receipt of a hazardous materials **ROUTING** petition, Petitioning Entities may request an initial review of the application draft from the CSP Hazardous Materials Section. The initial review is limited only to determining that all required elements of the hazardous materials **ROUTING** petition application are addressed by the applicant and identifying the need for any additional supporting documentation ~~regarding~~ **CONCERNING** statements and information ~~set forth~~ **CONTAINED** within the application.

HMR 4.4.1 **INITIAL REVIEW NOT AN OPINION.** The initial review will not indicate an opinion of the CSP regarding the potential success of the petition ~~regarding~~ **APPLICATION CONCERNING** the specified route designation or route designation amendment(s) proposed.

HMR 4.4.2 **RESULTS OF INITIAL REVIEW COMMUNICATED BY EMAIL.** Any findings resulting from an initial petition review will be informally communicated to the Petitioning Entity by email at an address provided by the Petitioning Entity to the CSP Hazardous Materials Section.

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HMR 4.4.3 **FAILURE TO REQUEST REVIEW IS NOT PREJUDICIAL.** The decision of a Petitioning Entity to not request and make available a hazardous materials routing petition to the CSP Hazardous Materials Section for initial review will not prejudice the receipt of the petition application. Petition applications submitted by Petitioning Entities that do not receive an initial review and are returned as not received for being incomplete will be encouraged to seek an initial review of the application upon resubmission in the written response of the CSP Hazardous Materials Section returning the application.

HMR 4.5 **INCOMPLETE HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Hazardous materials routing petition applications delivered to the CSP will only be determined completely consistent with §42-20-302 (4), CRS, if the application satisfies all application criteria set forth within these rules, ~~applicable~~ **RELEVANT** statutes, and federal regulations.

HMR 4.5.1 **RETURN FOR COMPLETION.** Applications determined to be incomplete will be returned to the Petitioning Entity with a written statement from the CSP Hazardous Materials Section within 20 calendar days of submission. For purposes of these rules, the date of submission will be the date of a hazardous materials routing application is delivered to the CSP Hazardous Materials Section. The written statement from the CSP included with the returned application will provide ~~information~~ **GUIDANCE** identifying what information is missing from **OR IS INSUFFICIENTLY ADDRESSED WITHIN** the **HAZARDOUS MATERIALS ROUTING** petition application.

HMR 4.5.2 **APPLICATIONS MAY REQUIRE ADDITIONAL DOCUMENTATION.** Upon submission, the CSP Hazardous Materials Section may determine that additional information, supporting statements, conclusions, or efforts related to the petition may be required. Petitioning Entities will have 14 calendar days to respond to any request from the CSP Hazardous Materials Section for this information. Failure to provide information within 14 calendar days may result in the petition application being determined incomplete and returned to the Petitioning Entity, consistent with these rules. Satisfactory receipt of the requested information will result in the **ROUTING** petition application being determined “complete.”

HMR 4.5.3 **SINGLE APPLICATION PER YEAR PROHIBITION INAPPLICABLE.** **HAZARDOUS MATERIALS ROUTING** Petition applications determined to be incomplete and returned to Petitioning Entities for completion and resubmission are not subject to the statutory one application per year limitation supported by these rules and ~~set forth~~ **DETAILED** within §42-20-302, CRS. This limitation only applies to petition applications submitted to the CSP Hazardous Materials Section consistent with §42-20-302 (1), CRS, and determined to be “complete” according to §42-20-302 (4), CRS. All **HAZARDOUS MATERIALS ROUTING** petition applications delivered to the CSP Hazardous Materials Section are ~~considered to be~~ “submitted” as is required by §42-20-302 (1), CRS, but a petition application is not considered to be accepted and “Received” by the CSP until the petition is determined to be “complete” according to §42-20-303 (4), CRS.

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HMR 4.6 **COMPLETE PETITION APPLICATION FILING DATE.** The filing date for a “complete” hazardous materials routing petition application, as it is presented within §42-20-302 (4), CRS, is the date of its acceptance and receipt by the CSP. Petitioning Entities will be notified in writing of the date of receipt/filing. Additional details ~~regarding~~ **OUTLINING** statutory requirements applicable to the **HAZARDOUS MATERIALS ROUTE** petitioning process and relevant timelines thereto will also be included.

HMR 4.7 **DELIVERY OF DRAFT OR FINAL HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Petitioning Entities should deliver prepared **HAZARDOUS MATERIALS ROUTING** petitions for initial review or consideration as complete petition applications to the Colorado State Patrol Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401-3990. Petitioning Entities may also arrange for electronic delivery of hazardous materials route petition applications by first calling the CSP Hazardous Materials Section at (303)-273-1900.

HMR 4.8 **HAZARDOUS MATERIALS ROUTE DESIGNATION SIGNS.** Under §42-20-303, CRS, local government authorities electing to use signs to provide notice of approved hazardous materials route designations within their jurisdiction must use the hazardous materials route designation and/or restriction sign standards adopted by the CDOT.

HMR 4.8.1 **LOCATION OF SIGNAGE MUST BE SPECIFIED.** Local governmental authorities must specify the location of each sign erected to mark an approved hazardous materials route in writing to the CSP Hazardous Materials Section within 60 days of a route designation approval.

HMR 4.9 **USE OF PROFESSIONAL QUALITY MAPS.** Local governmental authorities must submit copies of their professional quality maps within 60 days of an approved hazardous materials route designation to the CSP Hazardous Materials Section for approval. Local governmental authorities electing to use professional quality maps to identify approved hazardous materials route designations within their jurisdictions consistent with §42-20-302 (8), CRS, must meet the following minimum requirements:

HMR 4.9.1 **MAP SCALE.** The map scale should be of sufficient proportions to clearly show the passage of a designated hazardous materials route within or through the jurisdiction.

HMR 4.9.2 **MAP COLORS.** Designated hazardous materials routes or other approved route restrictions must be printed in red on a white background. All other printing should be in black.

HMR 4.9.3 **MAP LEGEND.** The map legend should clearly describe the graphic representations used within the map.

HMR 4.9.4 **MAP GRAPHICS.** The map should use graphic symbols that clearly represent the differences between designated hazardous materials and other routes, other highways, and jurisdiction boundaries.

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HMR 4.9.5 **MAP ROUTE INFORMATION.** The map should include a telephone number where the operator of a motor vehicle transporting hazardous materials can obtain additional information on hazardous materials and other routes, guidance regarding restrictions within the jurisdiction, or emergency assistance on a 24-hour basis.

HMR 4.10 **DATA CHANGES AFFECTING APPROVED HAZARDOUS MATERIALS ROUTE PETITIONS.**

Petitioning Entities must communicate changes in the original data and/or information relied upon to evaluate the risk level associated with an approved route to the CSP Hazardous Materials Section immediately, or as soon as is practicable, following the change. A change would be ~~considered to be~~, but not be limited to:

HMR 4.10.1 **ACCIDENT RATE.** A substantial change in the accident rate initially reported; or

HMR 4.10.2 **CONSIDERATION FACTORS.** A substantial change in the mandatory or subjective **CONSIDERATION** factors affecting the route or **AS ARE** required to be considered by 49 CFR 391.71 (b) (9), and/or applicable statutes or these rules.

HMR 4.10.3 **EMERGENCY SERVICES INFORMATION.** Any changes to information relevant to available emergency services. Any changes ~~regarding~~ **ABOUT** emergency services identified by a Petitioning Entity must be communicated in writing as soon as possible, but no later than 45 days following the change to the CSP Hazardous Materials Section.

HMR 4.10.3.1 **CDOT EXEMPTED.** The CDOT is generally not required to provide notice of changes to relevant emergency services along designated hazardous materials routes. However, where the CDOT submits a petition for a local governmental authority by agreement according to §42-20-302 (9), CRS, provisions must be made within the agreement between the CDOT and the local governmental authority for compliance with this reporting requirement.

HMR 4.11 **DESIGNATED ROUTE REVIEWS, SURVEYS AND EXEMPTIONS.** The CSP will periodically review the status of designated routes to determine if the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, continue to be met. Upon review, routes demonstrating a change in the risk level of the route toward a higher risk factor, or that are impacted significantly by a change to a mandatory or subjective factor, may be subject to reevaluation by the CSP.

HMR 4.11.1 **ROUTE DETERMINED TO NO LONGER MEET §42-20-302 (8) (a) (I) – (IV), CRS.**
The CSP will notify Petitioning Entities in writing if any designated hazardous materials route within their jurisdiction no longer meets the acceptance terms specified within §42-20-302 (8) (a) (I) – (IV), CRS, following reevaluation or a route review.

HMR 4.11.1.1 **CSP CONSULTATION REGARDING ~~REGARDING~~ **CONCERNING** ROUTE STATUS.** If a designated hazardous materials route no longer meets the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, the CSP will consult with the Petitioning Entity to coordinate the submission of a revised petition. Petitions submitted for a change in an existing route designation are subject to the conditions and procedures of §42-20-302, CRS.

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HMR 4.11.2 COMPLETION OF DESIGNATED ROUTE ROAD SURVEYS. The CSP will conduct complete route surveys on designated hazardous materials routes on an as-needed basis. These surveys will be conducted to determine the type and quantity of materials being transported and the frequency of such transportation. Surveys conducted in incorporated areas will only be done after consultation with the appropriate local government agency.

HMR 4.11.3 NO ADDITIONAL EXCEPTIONS OR EXEMPTIONS. There will be no exceptions and/or exemptions to designated hazardous materials routes other than those already specified within Title 42, Article 20, CRS.

HMR 4.12 HAZARDOUS MATERIALS PARKING REGULATIONS AND ORDINANCES. The approval criteria set forth by these rules herein apply only to those parking regulations and ordinances submitted by local governmental jurisdictions ~~which~~ **THAT** affect vehicles transporting hazardous materials operating in conjunction with the use of a designated hazardous materials route or routes. Local governmental jurisdictions requiring approval of parking regulations or ordinances under §42-20-302, CRS, must submit a copy of the proposed regulations or ordinances to the CSP Hazardous Materials Section for review consistent with these rules.

HMR 4.12.1 MUST NOT UNREASONABLY LIMIT PARKING. For purposes of these rules, parking regulations or ordinances may be deemed to unreasonably limit parking of vehicles transporting hazardous materials when they are at variance with and more stringent than the regulations of the United States Department of Transportation published in 49 CFR 397, as revised October 1, ~~2022~~ **2023**. Parking regulations or ordinances adopted by local governmental jurisdictions according to the authority provided in §42-20-302 (2), CRS, as it is amended, must not unreasonably limit parking:

HMR 4.12.1.1 On or near a designated hazardous materials route;

HMR 4.12.1.2 ~~For the purpose of picking~~ **TO PICK** up or ~~delivery~~ **DELIVER** of hazardous materials;

HMR 4.12.1.3 In an emergency, i.e., breakdown or accident; or

HMR 4.12.1.4 For a rest stop, i.e., meals, restroom breaks, or to comply with the driver's hours of service requirements as they are defined in 49 CFR 395, revised October 1, ~~2022~~ **2023**.

HMR 4.12.2 NO SPECIAL PAYMENT OR PERMIT IS REQUIRED. No parking regulation or ordinance will require a permit or payment of a fee for parking which is necessary and incident to the transportation of hazardous materials on or near a hazardous materials route. This provision does not apply where fees are collected from all motor vehicles, regardless of the type of commodity being transported, i.e., metered parking.

HMR 4.13 ROUTES DESIGNATED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS. Permanently designated hazardous materials routes for the transportation of hazardous materials are as specified herein:

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HMR 4.13.1 NORTH – SOUTH HAZARDOUS MATERIALS ROUTES DESIGNATED UNDER PURSUANT TO §42-20-305, CRS:

HMR 4.13.1.1 Colorado 9 from US 40 in Kremmling to Interstate 70 in Silverthorne.

HMR 4.13.1.2 Colorado 13 from Wyoming to Moffat County Road 183 North of Craig.

HMR 4.13.1.3 Colorado 13 from US 40 West of Craig Sout to US 6 West of Rifle.

HMR 4.13.1.4 Colorado 17 from US 285 near Mineral Hot Springs to US 160 near Alamosa.

HMR 4.13.1.5 Interstate 25 from Wyoming to New Mexico.

HMR 4.13.1.6 Colorado 47 from Interstate 25 to the junction of US 50.

HMR 4.13.1.7 Colorado 71 from Colorado 14 to US 24 in Limon (East junction).

HMR 4.13.1.8 Colorado 71 from US 24 in Limon (West junction) to US 50 near Rocky Ford.

HMR 4.13.1.9 Colorado 79 from Colorado 52 to Interstate 70 at Bennet.

HMR 4.13.1.10 Colorado 83 from US 24 to Colorado 115.

HMR 4.13.1.11 Colorado 91 from Interstate 70 to US 24 near Leadville.

HMR 4.13.1.12 Colorado 113 from Nebraska to US 138.

HMR 4.13.1.13 Colorado 115 from Colorado 83 to US 50.

HMR 4.13.1.14 Colorado 119 from Colorado 157 to Colorado 52.

HMR 4.13.1.15 Colorado 125 from Wyoming to US 40 West of Granby.

HMR 4.13.1.16 Colorado 127 from Wyoming to Colorado 125.

HMR 4.13.1.17 US 138 from Colorado 113 to US 6 (Chestnut St.) in Sterling.

HMR 4.13.1.18 Colorado 139 from Colorado 64 in Rangely to Interstate 70 near Loma.

HMR 4.13.1.19 Colorado 141 from Interstate 70 business loop near Grand Junction to US 50.

HMR 4.13.1.20 Colorado 141 from US 50 to US 491.

HMR 4.13.1.21 Colorado 157 from US 36 to Colorado 119.

HMR 4.13.1.22 Interstate 225 from Interstate 70 to Interstate 25.

HMR 4.13.1.23 US 287 from US 40 in Kit Carson to Oklahoma.

HMR 4.13.1.24 US 285 from US 160 in Alamosa to New Mexico.

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HMR 4.13.1.25 US 285 from Colorado 470 to Colorado 112.

HMR 4.13.1.26 US 491 from Utah to New Mexico.

HMR 4.13.1.27 US 285 from Colorado 112 to US 160.

HMR 4.13.1.28 US 85 from Wyoming to Interstate 76.

HMR 4.13.1.29 Colorado 71 from Nebraska to Colorado 14.

HMR 4.13.1.30 US 385 from Interstate 76 in Julesburg to US 40 in Cheyenne Wells.

HMR 4.13.1.31 The City of Lamar's Second Street from US 50/385 to Maple Street.

HMR 4.13.1.32 The City of Lamar's Maple Street from Second Street to US 50/287.

HMR 4.13.1.33 The City of Craig's Great Divide Road from US 40 North to the city limits.

HMR 4.13.1.34 Moffat County Road 7 (Great Divide Road) from **THE** Craig city limits North to Moffat County Road 183.

HMR 4.13.1.35 Moffat County Road 183 from Moffat County Road 7 (Great Divide Road) East to Colorado 13.

HMR 4.13.1.36 E-470 between the South Interchange with Interstate 25 at Exit 194 and through to the North Interchange with Interstate 25 at Exit 228.

HMR 4.13.2 **EAST – WEST HAZARDOUS MATERIALS ROUTES DESIGNATED PURSUANT TO §42-20-305, CRS:**

HMR 4.13.2.1 US 6 (Loveland Pass) from Interstate 70 just East of the Eisenhower/Johnson Tunnels to Interstate 70 at Silverthorne.

HMR 4.13.2.2 US 6 from Colorado 13 West of Rifle West to Exit/Entrance number 87 on Interstate 70.

HMR 4.13.2.3 US 6 from State Highway 14 (Main St.) in Sterling to Nebraska.

HMR 4.13.2.4 Colorado 10 from Interstate 25 in Walsenburg to US 50 in La Junta.

HMR 4.13.2.5 Colorado 14 from US 40 to Colorado 125.

HMR 4.13.2.6 Colorado 14 from Interstate 25 to US 6 in Sterling.

HMR 4.13.2.7 US 24 from Colorado 91 at Leadville to Interstate 25 in Colorado Springs.

HMR 4.13.2.8 US 24 from Colorado 83 to Interstate 70 at West Limon (Exit 359).

HMR 4.13.2.9 US 24 business route from US 24 on the West side of Limon to the West junction of Colorado 71.

HMR 4.13.2.10 US 24 business route from the East junction of Colorado 71 (in Limon) to Interstate 70 (Exit 363).

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HMR 4.13.2.11 US 34 from Interstate 25 to Interstate 76.

HMR 4.13.2.12 US 34 from the West junction of Colorado 71 to Nebraska.

HMR 4.13.2.13 US 36 from Interstate 25 to Colorado 157.

HMR 4.13.2.14 US 36 from Interstate 70 in Byers to Kansas.

HMR 4.13.2.15 US 40 from Utah to the intersection of Colorado 13 West of Craig.

HMR 4.13.2.16 US 40 from Moffat County Road CG 2 (First Street) just East of Craig to Interstate 70.

HMR 4.13.2.17 US 40 from Interstate 70 (Exit 363) in Limon to Kansas.

HMR 4.13.2.18 US 50 from the North junction of Colorado 141 near Grand Junction to Kansas.

HMR 4.13.2.19 Colorado 52 from Colorado 119 to Colorado 79.

HMR 4.13.2.20 Colorado 64 from US 40 in Dinosaur to Colorado 13.

HMR 4.13.2.21 Interstate 70 from Utah to US 6 at Silverthorne (Loveland Pass).

HMR 4.13.2.22 Interstate 70 from US 6 just East of Loveland Pass to Interstate 25.

HMR 4.13.2.23 Interstate 70 from Interstate 27 to Kansas.

HMR 4.13.2.24 Interstate 70 business route from Interstate 70 East of Grand Junction to Colorado 141.

HMR 4.13.2.25 Interstate 76 from Interstate 25 to Nebraska.

HMR 4.13.2.26 Colorado 112 from US 285 to US 160.

HMR 4.13.2.27 US 160 from New Mexico to Interstate 25 business route in Walsenburg, South to Exit 49 on Interstate 25.

HMR 4.13.2.28 Interstate 270 from Interstate 70 to Interstate 76.

HMR 4.13.2.29 Colorado 470 from US 285 to Interstate 70.

HMR 4.13.2.30 US 550 from US 160 to New Mexico.

HMR 4.13.2.31 The City of Craig's First Street from Colorado 13 East to the city limits at Colorado 394.

HMR 4.13.2.32 Moffat County Road CG 2 (First Street) from Craig city limits at Colorado 394 East to US 40.

HMR 4.13.3 **ADDITIONAL ROUTES FOR GASOLINE, DIESEL FUEL, AND LIQUIFIED PETROLEUM GAS (LPG).** While generally required to employ designated state, federal,

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and interstate roadways, transporters of ~~G~~gasoline, ~~D~~diesel ~~F~~fuel, and LPG may routinely travel on the following state and federal highways:

HMR 4.13.3.1 US 160 from Interstate 25 to the Kansas border.

HMR 4.13.3.2 US 350 from US 160 to US 50.

HMR 4.13.3.3 US 385 from US 50 to US 40.

HMR 4.13.3.4 SH 96 from SH 71 to the Kansas border.

HMR 4.13.3.5 SH 109 from US 160 to East 3rd Street in La Junta.

HMR 4.13.4 **ADDITIONAL ROUTE FOR GASOLINE, DIESEL FUEL, LPG, AND CRUDE OIL.** While generally required to employ designated state, federal, and interstate roadways, transporters of gasoline, diesel fuel, LPG, and crude oil may routinely travel on Weld County Road 49, also identified as Weld County Highway, between Interstate 76 and US 34.

HMR 4.14 **CLOSING OF DESIGNATED HAZARDOUS MATERIALS ROUTES MUST BE COMMUNICATED.** The closing of a public road that is designated as a hazardous materials route, or restriction on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303) 273 – 1900. The CSP Denver Regional Communications Center must be contacted when these events occur outside of normal business hours at (303) 273 – 4501.

HMR 4.15 **CSP DECLARATION OF EMERGENCY, TEMPORARY, OR ALTERNATE HAZARDOUS MATERIALS ROUTES.** Under §42-20-301 (1) (a), CRS, the CSP has the sole authority to designate which public roads are permitted to be used by motor vehicles transporting hazardous materials and which are not. Included in this authority is the ability to apply conditions to the use of hazardous materials routes consistent with the scope of authority provided to the CSP through §42-20-301, CRS.

HMR 4.15.1 **ROUTING IN RESPONSE TO EMERGENCY DECLARATION.** In the event of a declaration of emergency, the Chief may determine a temporary alternate hazardous materials transportation route or routes which then may remain in effect for a period not to exceed the duration of the declared emergency.

HMR 4.15.2 **TEMPORARY ROUTING IN RESPONSE TO EVENTS.** Consistent with the authority granted by §42-20-301 (1) (b), CRS, the CSP may include or apply conditions or restrictions to vehicles transporting hazardous materials not defined as agricultural products and are listed in Tables 1 and 2 of 49 CFR 172.504 that are consistent with the restrictions of §42-20-301 (1) (b) and (2), CRS.

HMR 4.15.2.1 **CONSTRUCTION, WEATHER, AND OTHER LIMITED EVENTS.** The CSP may temporarily declare an alternate route when a hazardous materials route is restricted and/or closed due to highway construction, weather, or other

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restrictions or conditions affecting the movement of traffic (i.e., traffic incidents, motorcades, or other special events). The temporary route declaration will be for a set period not to exceed the activity or event affecting the ability to use a designated hazardous materials route.

HMR 4.15.3 TEMPORARY ROUTING UNDER §42-20-301 (b), CRS, IN RESPONSE TO OTHER

CONDITIONS. As may be advisable and in the interest of public welfare and safety, the CSP may exercise its authority under §42-20-301 (b), CRS, to temporarily designate public roads or to apply conditions to the use of existing designated hazardous materials routes in response to specific conditions reasonably determined by the CSP to present an immediate negative impact to public welfare and safety. Notice of any temporary hazardous material routing designation will be forwarded to the CDOT and the affected municipality, city, city and county, affected industry, and/or the affected road and bridge authority.

HMR 4.15.3.1 EFFECTIVE INITIAL DESIGNATION PERIOD. An initial temporary hazardous materials route designation or initial conditions determination affecting a hazardous materials route by the CSP will remain in effect for a period not to exceed the duration of the condition nor to exceed 12 months absent subsequent review by the CSP.

HMR 4.15.3.2 CONDITION REVIEW, EXTENSION, AND RESOLUTION. A temporary hazardous materials route designation or conditions upon an existing hazardous materials route by the CSP may not remain in effect beyond 12 months without a review to evaluate if the condition(s) reasonably determined to present the immediate negative impact(s) to public welfare and safety remain. If this evaluation results in a determination that the condition(s) persists, the CSP will extend the temporary designation initially for up to 180 days.

HMR 4.15.3.2.1 OPPORTUNITY TO PETITION OR CORRECT. A Petitioning Entity or the CDOT is encouraged to either take appropriate action consistent with resolving the condition(s) necessitating the temporary alternate route designation or to petition the CSP for a permanent routing designation. Either may be accomplished at any point before or after a temporary route designation. It is encouraged that such actions commence before the expiration of any 180-day extension resulting out of a 12-month review of a temporary route designation by the CSP.

HMR 4.15.3.2.2 ACTION DURING TEMPORARY DESIGNATION PERIOD. Before the expiration of any temporary alternate routing designation, the CSP may consider any substantive steps taken to either address the condition(s) ~~which~~-**THAT** resulted in the temporary, alternate designation or an impending or received hazardous materials Routing Petition Application when determining if it is appropriate to extend a designation for an additional period.

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HMR 4.15.3.3 TEMPORARY DESIGNATION OR CONDITIONS REPRESENT INFORMAL NOTICE A HAZARDOUS MATERIALS ROUTE MAY NO LONGER SATISFY THE STATUTE.

Temporary designation of a hazardous materials route or the determination to apply temporary restrictions to an existing hazardous materials route by the CSP in response to a condition **OR CONDITIONS** reasonably determined to represent an immediate negative impact on public welfare and safety represents informal notice that an existing designated hazardous materials route may no longer satisfy statutory approval requirements referenced within these rules. Temporary route designations or temporary conditions placed ~~upon~~ **ON** an existing designated hazardous materials route will result in a route review within 12 months from the CSP that may result in permanent changes to existing routing or alternate route determination(s), consistent with the route review process outlined in these rules.

HMR 4.15.3.3.1 PETITION CONSULTATION. If determined appropriate, the CSP will consult with an affected Petitioning Entity to submit a petition consistent with §42-20-302, CRS, and these rules.

HMR 4.15.3.4 NO CURFEWS EXCEPT AS PERMISSIBLE UNDER §42-20-301 (3) (b), CRS.

EXCEPT FOR THE APPLICATION OF DECISIONS OF THE TRANSPORTATION COMMISSION AFFECTING THE PERMISSIBLE HOURS OF OPERATION FOR THE EJMT BY THE CSP AS PERMISSIBLE THROUGH §42-20-301 (3) (b), CRS, THE CSP WILL NOT IMPOSE HOURS OF OPERATION OR CURFEWS AS CONDITIONS OR RESTRICTIONS AS PART OF A DESIGNATED ROUTE RESTRICTION OR CONDITION. MOREOVER, THE CSP WILL NOT IMPOSE CONDITIONS OR RESTRICTIONS ON MOTOR VEHICLES BEING USED TO TRANSPORT TO OR FROM A FARM OR RANCH PRODUCTS NECESSARY FOR AGRICULTURAL PRODUCTION AND OPERATED CONSISTENT WITH §42-20-302 (c), CRS, BEYOND THOSE CONDITIONS AFFECTING PERMISSIBLE HOURS OF OPERATION FOR THE EJMT, CONSISTENT WITH §42-20-302 (3) (a) AND (b), CRS. ~~Consistent with §42-20-301 (1) (b) and (c), CRS, the CSP will not impose curfews or conditions affecting the hours of operation or to motor vehicles being used to transport to or from a farm or ranch products necessary for agricultural production.~~

HMR 4.15.3.5 APPLICABLE TO TABLES 1 AND 2, 49 CFR 172.504, AS LIMITED BY STATUTE.

Any CSP temporary hazardous materials route designations or conditions upon existing designated hazardous materials routes apply only to those materials listed in Tables 1 and 2 of 49 CFR 172.504 as specifically provided within §42-20-301 (2), CRS.

HMR 4.15.3.6 NOTICE TEMPORARY ROUTE DESIGNATION IS NO LONGER VALID.

Upon determination that conditions no longer reasonably warrant a temporary hazardous materials route designation or conditions **APPLIED** by the CSP, the CSP will provide notice to the CDOT and any affected municipality, city, county and county, affected industry, and/or affected road/bridge authority.

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HMR 4.16 **VIOLATION PENALTY.** Any person convicted of shipping or transporting hazardous materials in violation of any of the rules of this part will be subject to the penalties set forth within §42-20-305, CRS.

PART 5

TRANSPORTATION OF NUCLEAR MATERIALS

(NMT)

NMT 5.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 42-20-402, CRS, apply to these rules and regulations. The following additional definition will also apply:

NMT 5.0.1 **COMPLAINT:** A written document stating the essential facts and supporting documentation regarding any offense(s) charged.

NMT 5.1 **APPLICATION OF 49 CFR TO NUCLEAR MATERIALS TRANSPORTATION AND APPLICATION OF ARTICLE 10 CFR TO LICENSEES WITHIN COLORADO.** The transportation of nuclear materials, as they are defined within §42-20-402 (3) (a) – (c), CRS by motor vehicles in Colorado must comply with the regulations contained in:

49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials Driving; and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulation as the same were effective on October 1, ~~2022~~ **2023**. Authorize by §42-20-403, CRS, these rules are promulgated by the Chief for the safe transportation of nuclear materials with the following modifications:

NMT 5.1.1 **DEFINITION OF PERSON.** The definition of a person provided within 49 CFR 107.1 does not apply. Instead, the definition of person set forth by ~~p~~Part 1.3.15 of these rules will apply.

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- NMT 5.1.2** **ADVANCE NOTIFICATION OF NUCLEAR SHIPMENTS.** Licensees shipping a highway route-controlled quantity of nuclear material, as defined in 49 CFR 173.403, within or through the state, and not otherwise required to comply with the provisions of 10 CFR 71.97 **or** 73.37, must provide advanced notification of the nuclear shipment to the Governor or ~~his~~-**THEIR** designee under the requirements of 10 CFR 71.97 (c).
- NMT 5.2** **INSPECTION REQUIREMENTS.** Inspection procedures by the CSP are consistent with the CVSA inspection procedures, decal application policies, and OOS criteria as **EACH** are published and **ARE** in effect April 1, ~~2023~~-**2024**.
- NMT 5.2.1** **SHIPMENTS ENTERING COLORADO.** All motor vehicles carrying nuclear materials and entering Colorado on public roads must be inspected by an authorized Enforcement Official of the CSP nearest to the point at which the shipment of nuclear materials enters the state or at a location specified by the CSP.
- NMT 5.2.2** **SHIPMENTS ORIGINATING IN COLORADO.** All motor vehicles carrying nuclear materials where the shipment thereof originates within Colorado must be inspected by an authorized **CSP** Enforcement Official ~~of the CSP~~ at the point of origin.
- NMT 5.2.3** **CONTINUED TRANSPORT AFTER A CRASH.** Before being authorized to continue after a crash, a motor vehicle and shipping container transporting nuclear materials must be inspected by a qualified inspector consistent with NMT 5 of these rules and applicable statutes.
- NMT 5.2.4** **NO TRANSPORT OF NUCLEAR MATERIALS ABSENT PERMIT.** No person will transport nuclear materials into, within, through, or out of Colorado unless and until a permit authorizing the transportation of the nuclear materials is issued consistent with statutes, these rules, and applicable rules adopted by the CDOT.
- NMT 5.3** **NUCLEAR MATERIALS ANNUAL PERMIT APPLICATIONS AND FEES.** Upon review and approval of an annual nuclear materials transportation permit application, the CDOT will issue an annual nuclear materials transportation permit according to the authority provided by §42-20-501, CRS. All annual nuclear materials transportation permit applications and fees must be submitted to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Place, Denver, ~~CO, Colorado~~, 80204. Information about the application, fees, terms, and process may be downloaded from **THE** CDOT online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov).
- NMT 5.3.1** **ANNUAL COST AND TERM.** The annual nuclear materials transport permit fee is \$500 unless otherwise indicated and each permit will be valid for one year from the date of ~~issuance~~-**ISSUE**. All applicable fees due must be paid in a manner acceptable to the CDOT.
- NMT 5.3.2** **ADDITIONAL APPLICABLE NUCLEAR TRANSPORT FEES.** In addition to the annual permit fee, each carrier must pay a \$200 fee for each shipment that is transported, unless otherwise indicated. Payment of these fees must occur consistent with §42-20-502, CRS.

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NMT 5.3.2.1 REGULAR MONTHLY SHIPMENTS. If regularly scheduled nuclear materials shipments are made, the carrier may arrange with the CDOT to pay shipment fees monthly.

NMT 5.4. CONDITIONS APPLICABLE TO NUCLEAR MATERIALS PERMITS. The following conditions apply to the use of nuclear materials permits in Colorado:

NMT 5.4.1 SHIPPING PAPERS REQUIRED. Each person transporting nuclear materials within this state must carry a copy of the shipping papers required in 49 CFR 172, Subpart C, as revised October 1, ~~2022~~**2023**, and a paper or electronic copy of the nuclear materials transportation permit in the vehicle.

NMT 5.4.2 USDOT NUMBER REQUIRED. Nuclear materials transporters operating within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 290.19 before the submission of a nuclear materials transport application.

NMT 5.4.3 NUCLEAR TRANSPORTATION PERMIT COPY REQUIRED. A copy of the nuclear materials transportation permit must be placed in each motor vehicle operated within or through Colorado except that, if a peace officer or any other Enforcement Official may determine that the nuclear materials transportation permit can be electronically verified at the time of the contact, a copy of the permit need not be carried by the person transporting **THE** nuclear materials.

NMT 5.4.4 NUCLEAR TRANSPORTATION PERMIT NOT TO BE ALTERED. No nuclear materials transportation permit is to be altered, amended, or copied unless authorized in writing by the CDOT, or, in the instance of a single permit, by any law Enforcement Official.

NMT 5.5- AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS RELATED TO THE TRANSPORT OF NUCLEAR MATERIALS. Enforcement Officials of the CSP and/or the PUC have the authority to and may inspect motor vehicles, drivers, books, and records relevant to the transport of nuclear materials **BY MOTOR VEHICLES.**

NMT 5.5.1- CSP INSPECTION OF NUCLEAR MATERIALS TRANSPORTERS. CSP Enforcement Officials have the authority to and may at any time inspect any vehicle, driver, cargo, shipping papers, nuclear materials transportation permit, and any other papers required by law or rule to be carried when transporting nuclear materials on public roads in Colorado.

NMT 5.5.2- CSP AND PUC INSPECTION OF RECORDS RELEVANT TO NUCLEAR MATERIALS TRANSPORTATION. CSP and PUC Enforcement Officials have the authority to and may inspect any books and records of any carrier, shipper, or the person transporting, shipping, or casing the transport or shipment of any nuclear materials within Colorado.

NMT 5.5.3- SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person

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having a nuclear materials transport permit and engaged in the transport of hazardous materials **BY MOTOR VEHICLE**. Violations discovered during inspections or compliance reviews are shared to promote the joint interest of public safety and effective enforcement of nuclear materials transport permit conditions, these rules, applicable statutes, and regulations.

NMT 5.6- VIOLATIONS- CIVIL PENALTIES: Any person who violates any provision of Article 20, Title 42, Parts 4 and 5, CRS, or these rules and regulations, except for those violations enumerated in subsection (3) of §§42-20-406, CRS, and of §42-20-505, CRS, is subject to a civil penalty of not more than n\$10,000 per day for each day during which a violation occurs. The penalty will be assessed by the Chief upon receipt of a complaint by any investigative personnel of the PUC or CSP, and after written notice and opportunity for a hearing according to §24-4-105, CRS.

NMT 5.6.1 VIOLATIONS OF §§42-20-406 (3) AND 42-20-505, CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed **CONSISTENT WITH** ~~pursuant to~~ statute and will appear on the complaint prior to service.

NMT 5.6.2 VIOLATIONS ARE SUBJECT TO PENALTIES WITHIN §42-20-505, CRS. Any person who violates any of the provisions of NMT 5.3 or NMT 5.4 of these rules is subject to the civil penalties listed in §42-20-505, CRS.

NMT 5.6.3. PENALTIES ASSESSED DAILY FOR VIOLATION OF §42-20-408, CRS. Any person who violates a compliance order of the Chief which is not subject to a stay pending judicial review and which has been issued according to §42-20-408, CRS, will be subject to a civil penalty of not more than \$10,000 per day for each day during which the violation occurs.

NMT 5.7 CIVIL PENALTY ASSESSMENT PROCEDURES. All violations of statutes referenced in NMT 5.6, NMT 5.6.2, and NMT 5.6.3 will be investigated and summarized in a complaint filed by an authorized investigator of the PUC or the CSP. The investigation will include, as applicable, the nature and gravity of any violations, the degree of culpability, any history of violations, and other public safety concerns. The complaint will be served in person or by certified mail at the motor carrier's last known address on file with the CSP or the CDOT.

NMT 5.7.1 CIVIL PENALTIES ASSESSED PURSUANT §§42-20-406 (3) AND 42-20-505 (2), CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed pursuant to the statute and will appear on the complaint prior to service.

NMT 5.7.2 NOTICE AND RESPONSE FOR VIOLATIONS OF NMT 5.6 AND §42-20-505 (1), CRS. Complaints containing violations of NMT 4, NMT 5.6, and §42-20-505 (1), CRS, must provide notice of an opportunity to appear before the Chief to contest the violation or to present mitigating factors to be considered in determining the amount of the civil penalty to be assessed.

NMT 5.7.2.1 CARRIER RESPONSE TO COMPLAINT. Within 30 days of service of the complaint, the carrier must file a written response containing:

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NMT 5.7.2.1.1 A request for a formal hearing before the Chief according to §24-4-105, CRS;

NMT 5.7.2.1.2 A request for an informal hearing before the Chief; or

NMT 5.7.2.1.3 A waiver of the right to a hearing before the Chief.

NMT 5.7.2.2 **REQUEST FOR INFORMAL HEARING WAIVES FORMAL HEARING.** A request for an informal hearing before the Chief will constitute a waiver of the right to a formal hearing pursuant to ~~UNDER~~ §24-4-105, CRS.

NMT 5.7.2.3. **FAILURE TO FILE TIMELY RESPONSE TO COMPLAINT.** Failure to timely file a written response will constitute a default. Upon entry of a default, the Chief will assess a civil penalty against the carrier. For good cause shown, the entry of default may be set aside by the Chief within 10 days of the default.

NMT 5.7.3 **CHIEF WILL ISSUE A FINAL WRITTEN AGENCY DECISION.** Within 30 days of receiving all relevant information, the Chief will issue a final written agency decision to include the specific violations and civil penalties assessed. The final agency decision will be served ~~upon~~ **ON** the carrier in person, or by first-class mail at the last known address on file with the CSP or the CDOT, whichever is more current.

NMT 5.8 **SCHEDULING OF NUCLEAR MATERIALS TRANSPORTS.** Motor vehicles transporting nuclear materials must schedule trips through all Colorado municipalities of over 50,000 in population to avoid rush-hour traffic.

NMT 5.8.1 **RUSH-HOUR DEFINED.** For purposes of these rules, rush-hour is defined to be between 6:00 am and 9:00 am and 3:00 pm to 6:00 pm, Monday through Friday.

NMT 5.8.2 **GEOGRAPHIC APPLICABILITY.** As a practical matter, this scheduling requirement applies to the transport of nuclear materials through the cities of Ft. Collins, Denver (greater metropolitan area), Colorado Springs, and Pueblo.

NMT 5.8.3 **ACCESS OF FT. COLLINS WEIGH STATION DURING RUSH-HOUR.** Motor vehicles transporting nuclear materials may access the CSP POE weigh station on Interstate 25 in Ft. Collins during rush-hour periods to be inspected as required by §42-20-404, CRS.

NMT 5.8.4 **TEMPORARY SCHEDULE VARIANCES.** Provided a variance is not in violation of ~~applicable~~ **RELEVANT** state statutes, appropriate federal regulations, or these rules, and is in the best interests of public safety, the CSP Hazardous Materials Section may consider and grant requests allowing for the transport of nuclear materials through areas identified in NMT 5.8.2 during hours otherwise prohibited by NMT 5.8 and NMT 5.8.1.

NMT 5.9 **ESCORT REQUIREMENTS FOR NUCLEAR MATERIALS TRANSPORTS.** Based ~~upon~~ **ON** security and/or emergency response concerns, the CSP may require motor vehicles transporting nuclear materials to be escorted by a Hazardous Materials Team when traveling within or through Colorado.

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NMT 5.9.1 **HAZARDOUS MATERIALS TEAM IS NOT A REPLACEMENT FOR IRRADIATED REACTOR FUEL TRANSPORT ESCORTS.** When required, a CSP Hazardous Materials Team escort will supplement, but not replace, the escort(s) required for a shipment of irradiated reactor fuel under the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.9.2 **LICENSEE WILL BE NOTIFIED IF CSP ESCORT IS REQUIRED.** A licensee, as defined within 10 CFR 2.4, will be notified that a CSP Hazardous Materials Team escort is required following the receipt of the shipment notification by the Governor or Governor's designee, consistent with the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.10 **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** A driver of a motor vehicle involved in a spill or potential spill of nuclear materials must comply with the incident notification provisions contained in HMT 2.3.

NMT 5.10.1 **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** If the driver of a motor vehicle transporting nuclear materials is involved in a motor vehicle crash, regardless of whether there is damage to the motor vehicle transporting the nuclear materials, the CSP must be immediately notified at (303) 239 – 4501.

PART 6

NUCLEAR MATERIAL ROUTE DESIGNATION

(NMR)

NMR 6.0 **ROUTES TO BE USED FOR THE TRANSPORTATION OF NUCLEAR MATERIALS.** To ensure safe and environmentally acceptable transportation of nuclear materials within Colorado, motor vehicles transporting nuclear materials must travel only on the following designated highway segments:

NMR 6.0.1 **N I-25 TO E I-70 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going East on Interstate Highway 70, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.1.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 225; then,

NMR 6.0.1.2 On Interstate Highway 225 between the junction with Interstate Highway 25 and the junction with Interstate Highway 70; then,

NMR 6.0.1.3 On Interstate Highway 70 between the junction with Interstate Highway 225 and the Colorado – Kansas state line.

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NMR 6.0.2 **W I-70 to N I-25 AND ITS REVERSE.** For vehicles traveling West on Interstate Highway 70 and then going North on Interstate Highway 25, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.2.1 On Interstate Highway 70 between the Colorado – Kansas state line and the junction with Interstate Highway 270; then,

NMR 6.0.2.2 On Interstate Highway 270 between the junction with Interstate Highway 70 and the junction with Interstate Highway 25; then,

NMR 6.0.2.3 On Interstate Highway 25 between the junction with Interstate Highway 270 and the Colorado – Wyoming state line.

NMR 6.0.3 **N I-25 AT CO – WY AND CO – NM AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction.

NMR 6.0.3.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line.

NMR 6.0.4 **N. I-25 TO N I-76 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going North on Interstate Highway 76, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.4.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 76; then,

NMR 6.0.4.2 On Interstate Highway 76 between the junction with Interstate Highway 25 and the Colorado – Nebraska state line.

NMR 6.1 **PROHIBITED HIGHWAY SEGMENTS.** Motor vehicles transporting nuclear materials shall under no circumstance travel on those state highway segments designated as follows:

NMR 6.1.1 **MILEPOST 361.630.** On Interstate Highway 70 between the Colorado – Utah state line and the junction with US 40, at milepost 361.630.

NMR 6.1.2~~r~~ **MILEPOSTS 274.039 AND 276.572.** On Interstate Highway 70 between the junction with Interstate Highway 25 at milepost 274.039 and the junction with State Highway 2 at milepost 276.572.

NMR 6.2 **ROUTE DEVIATION EXCEPTIONS.** No carrier transporting nuclear materials shall deviate from the routes designated in this ~~p~~Part 6 except for:

NMR 6.2.1 **EMERGENCY SAFETY.** In cases of emergency conditions making the continued use of the designated route unsafe;

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NMR 6.2.2 **ROAD CLOSURE:** When the designated route is closed due to road conditions, road construction, or maintenance operations;

NMR 6.2.3 **LOCAL OPERATION:** To make local pick-ups and deliveries; or

NMR 6.2.4 **REFUELING.** When making local pick-ups and deliveries, or when refueling, the carrier must minimize the distance traveled on non-designated routes.

NMR 6.3 **EMERGENCY ROAD CLOSURE.** The closing of a public road that is designated as a nuclear materials route, or restrictions on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303)-273-1900. The CSP Denver Regional Communication Center must be contacted where these events occur outside of normal business hours at (303)-239-4501.

NMR 6.3.1 **DETERMINATION OF ALTERNATE ROUTE.** When a nuclear materials route is restricted and/or closed, the CSP will determine if a temporary alternate route should be identified.

NMR 6.3.2 **NOTIFICATION OF TEMPORARY DESIGNATION.** The CSP will notify the appropriate local law enforcement agencies and affected industry ~~regarding~~ **CONCERNING** any temporary closure and if an alternate route has been temporarily designated. The CSP will similarly notify the same upon the termination of temporary closure and/or temporary alternate route designation.

NMR 6.3.3 **ESCORT REQUIRED.** Vehicles transporting nuclear materials are required to be escorted when traveling off a designated nuclear materials route due to an emergency road closure or other conditions that restrict the movement of traffic over the same. The escort will be provided by the CSP, or when previously arranged by the CSP, by the local law enforcement agency in whose jurisdiction the closure or restriction occurs.

PART 7

INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS

(HMA)

HMA 7.0 **AUTHORITY.** The CSP is mandated by the provisions of §42-20-108.5, CRS, to adopt rules and regulations concerning the intrastate transportation of agricultural products in Colorado.

HMA 7.1 **APPLICABILITY.** These rules and regulations apply to any person transporting an agricultural product consistent with 49 CFR 173.5, as revised October 1, ~~2022~~ **2023**.

HMA 7.2 **DEFINITIONS.** For purposes of this Part 7, the following definitions apply:

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

HMA 7.2.1 **AGRICULTURAL PRODUCT:** As defined by §42-20-108.5 (2) (a), CRS, is a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to, a fertilizer, pesticide, soil amendment, or fuel. An agricultural product is limited to materials in Classes 3, 8, or 9, divisions 2.1, 2.2, 5.1, 6.1, or an ORM-D material as identified in 49 CFR 172 and 173.

HMA 7.2.2 **FARMER:** As defined by §42-20-108.5 (2) (b), CRS, is a person or such person's agent or contractor engaged in the production or raising of crops, poultry, or livestock.

HMA 7.3 **EXEMPTIONS FROM THE FEDERAL RULES IN 49 CFR 173.5.** The Chief hereby adopts by rule and regulation the federal agricultural product exemption provisions of 49 CFR 173.5, as authorized by §42-20-108.5, CRS.

PART 8

PUBLICATIONS, RESOURCES, **EFFECTIVE DATE**, AND SEVERABILITY

(HPR)

HPR 8.0 **PUBLICATIONS AND RULES INCORPORATED BY REFERENCE.** All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as is required by §24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are adopted as each may be amended within these rules, consistent with §24-4-103 (12.5), CRS:

HPR 8.01.1 Commercial Vehicle Safety Alliance (~~2023~~**2024**). **North American Standard Out-of-Service Criteria (OOSC)**. April 1, ~~2023~~**2024**. Greenbelt, MD: Author.

HPR 8.01.2 U.S. Department of Transportation Federal Motor Carrier Safety Administration (~~2022~~**2023**). **Federal Motor Carrier Safety Regulations (FMCSRs)**, 49 CFR 40, 380, 382, 385, 387, 390, 397, 399, and Appendix A (October 1, ~~2022~~**2023**). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.3 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (~~2022~~**2023**). **Pipeline and Hazardous Materials Safety Regulations (PHMSRs)**, 49 CFR 107, 171 -173, 177, 178, and 180 (October 1, ~~2022~~**PART 2023**). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.4 Nuclear Regulatory Commission (~~2022~~**2023**). **Nuclear Regulatory Commission Regulations (NRCRs)**, 10 CFR 2.4, 71.97, 73.37, and 180 (~~2022~~**2023**). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.1 **COPIES OF PUBLICATIONS MAINTAINED BY THE CSP.** The CSP Hazardous Materials Section will maintain copies of the complete texts of each of the aforementioned publications,

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standards, guidelines, and rules, and will make them available for public inspection during regular business hours. Interested parties may access these documents free of charge online. Interested parties may also inspect referenced incorporated materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit at 700 Kipling St., Lakewood, CO., 80215. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organizations of their original issue:

HPR 8.1.1 ~~2023-2024~~ **Out-of-Service Inspection Criteria:** Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, Maryland, 20770-6319. Phone: (301)-830-6143. Email: CVSAHQ@CVSA.ORG.

HPR 8.1.2 **Federal Motor Carrier Safety Regulations (FMCSRs):** Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832-5660. Website: WWW.FMCSA.DOT.GOV.

HPR 8.1.3 **Pipeline and Hazardous Materials Safety Regulations (PHMSRs):** Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: (202)-366-4433. Website: WWW.PHMSA.DOT.GOV.

HPR 8.1.4 **Nuclear Regulatory Commission Regulations (NRCRs).** U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001. Phone: 1-(800)-368-5642 or (301)-415-7000. Website: WWW.NRC.GOV.

HPR 8.1.5 **2020 Emergency Response Guidebook.** Hazardous Materials Training Program, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: (202)-366-4900. Website: WWW.PHMSA.DOT.GOV.

HPR 8.2 **LATER EDITIONS ARE NOT INCORPORATED BY REFERENCE.** These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference herein.

HPR 8.3 **RULES ARE AVAILABLE ONLINE.** These rules are available online through the CDPS Rulemaking Information website at [HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

HPR 8.4 **INQUIRIES ABOUT RULES.** All contact with the CSP ~~regarding~~ **CONCERNING** these rules should be addressed to the Colorado State Patrol Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401. Phone (303)-273-1900.

HPR 8.5 **EFFECTIVE DATE.** **IF ADOPTED, THE EFFECTIVE DATE OF THESE RULES WILL BE APRIL 1, 2024.** ~~**SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.~~

Publication Note: All ~~strikeout~~ text reflects deletions; all **red and RED CAPITALIZED** text reflects additions, and all **blue text** reflects existing text that has been relocated. Text may also reflect a ~~combination of strikeout and blue font~~ to indicate where the text has been removed from the document.

HPR 8.6 **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.

EXHIBIT 8
PRE-FILING COMMENTS

NO COMMENTS RECEIVED



Filing of NPRM and Public Hearing Information: 8 CCR 1507-25, Hazmat Routing Rules

Page - CDPS, Angelina <angelina.page@state.co.us>

Mon, Jan 8, 2024 at 8:00 AM



Dear Stakeholders, Interested Parties, and Governmental Colleagues:

If you are receiving this email, you have been identified as an interested party or stakeholder potentially having an interest in 8 CCR 1507-25, the "Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate

Transportation of Agricultural Products in the State of Colorado," hereafter referenced as the "Hazmat Routing Rules."

Attached to this email are two documents. First, a letter providing information about the filing of the Notice of Public Rulemaking (NPRM) with the Colorado Secretary of State and Colorado Department of Rulemaking for these rules that provides important information concerning the date, place, and time of the public hearing for these rules, virtual attendance information, and details on how to submit comments in response to this rulemaking. Second, is a copy of the redlined rules as filed with the Colorado Secretary of State and Department of Regulatory Agencies.

Please remember that the copy of the rules provided with this email may be updated before the public hearing date. You may easily obtain an updated copy of the rules and any posted exhibits by visiting the CDPS Rulemaking Information Website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>. You will also find an active link to the virtual hearing at that site. Alternatively, you may request copies of the rules and/or supporting exhibits related to this rulemaking by emailing this address.

If you have any questions or comments concerning the attached documents, please do not hesitate to contact either Captain Sean Schlessman of the CSP Hazardous Materials Section or CSP Rulemaking Coordinator Angelina Page. Contact information for Captain Schlessman and Coordinator Page may be found in the letter attached to this email. If you would like to no longer receive notice of rulemaking efforts as they relate to the Hazmat Routing Rules, please respond to this email with a request to remove your name from future email distributions.

Sincerely,

Angelina M. Page, Esq.
SRP Program Coordinator
POE Branch AdOps Manager
CSP Rulemaking Coordinator
Colorado Port of Entry Branch
Colorado State Patrol
303-273-1864 (office)
303-815-9027 (mobile)
303-278-2434 (primary fax)
303-273-1939 (secondary fax)
angelina.page@state.co.us (email)

Upcoming Dates Away from or Out of the Office or Delayed Response Times:

2 attachments



8 CCR 1507-25_DORA_NPRM_122823.pdf

466K



PostNPRM Letter to all stakeholders_8 CCR 1507-25_HM Routing Rules.pdf

243K



COLORADO

State Patrol

Department of Public Safety

Operational Services Branch

Hazardous Materials Section

15065 S. Golden Rd.
Golden, CO 80401

January 8, 2024

RE: NPRM with Colorado Secretary of State (SOS) and Department of Regulatory Agencies (DORA), Invitation for Comments, and Public Hearing Information for 8 CCR 1507-25, the “Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado.”

Dear Stakeholders, Interested Parties, and Governmental Colleagues:

If you are receiving this letter, you have been identified as an interested party or stakeholder potentially having an interest in 8 CCR 1507-25, the “Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado,” hereafter referenced as the “Hazmat Routing Rules.”

The CSP is proposing to make changes to the Hazmat Routing Rules:

- Responding to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, amending the permissive curfew and routing provisions of §42-20-301, CRS. As now amended, §42-20-301, CRS, allows the CSP to apply restrictions to hazardous materials routes approved by the Transportation Commission, including routes affecting the transportation of hazardous materials and agricultural products through the EJMT.
- Updating references to the CRS, CVSA, Inspection Criteria, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

Included with this letter is a redlined copy of the Hazmat Routing Rules with the changes being proposed and as recently filed online with the Colorado SOS and DORA. The draft included reflects in strikeout, red, and blue text the edits and changes CSP is proposing to the rules. This document is being included as a resource to assist in the development of any questions or comments in response to the proposed changes.

Responses to the proposed changes and comments from stakeholders are invited and encouraged to be submitted in advance of the public hearing scheduled for Tuesday, January 30, 2024, at 1:00 p.m. Submitting comments in advance will allow the CSP opportunity to review and consider the substance of any responses and potentially update the changes proposed to the rules in response thereto before the hearing. All stakeholders, interested parties, and governmental colleagues are encouraged to attend the public hearing in person at the CSP Academy being held in



Carrell Hall, Building 100, 15165 S. Golden Rd., Golden, CO., 80401, or to attend virtually using Google Meet:

Video call link: <https://meet.google.com/mjg-mbgn-xiu>

Or dial: (US) +1 435-272-4726 PIN: 654 391 136#

More phone numbers: <https://tel.meet/mjg-mbgn-xiu?pin=4840108109535>

An active link for the hearing is accessible online through the CDPS Rulemaking Information website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>. A link for the public hearing may also be requested by sending an email to the CSP Rulemaking Coordinator at Angelina.Page@state.co.us.

All responses and comments received before and through the end of the public comment period for these rules will be considered and included as exhibits for this rulemaking. Comments sent by USPS should be addressed to Captain Sean Schlessman of the CSP Hazardous Materials Section at 15065 S. Golden Rd., Golden, CO., 80401. Comments by email should be sent to the CSP Rulemaking Coordinator, Angelina Page, at Angelina.Page@state.co.us in addition to Captain Schlessman at Sean.Schlessman@state.co.us.

The CSP is committed to maintaining clear and open communications throughout the rulemaking process. Stakeholders, interested parties, and governmental colleagues are encouraged to view the rules and any exhibits as they are uploaded and/or updated on the CDPS Rulemaking Information website between now and January 24, 2024. Consistent with §24-4-103 (4), (a), CRS, no further updates or changes will be made to the redline version of the rules in the five days before the public hearing.

Please do not hesitate to contact Captain Sean Schlessman of the CSP Hazardous Materials Section at 303-273-1910 or Rulemaking Coordinator Angelina Page at 303-815-9027 with any questions.

We thank you for your support and commitment to this process.

Sincerely,



Angelina M. Page, Esq.
CSP Rulemaking Coordinator

Office: 303-273-1864
Mobile: 303-815-9027
Email: angelina.page@state.co.us

**Want to receive notices of rulemaking events
by email?**

Please contact the Branch Rulemaking
Coordinator with your email address and
request to be included in future notices by
email!



COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS

AND

THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

8 CCR 1507-25

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Under §42-20-108 (1) and (2), CRS, the Chief of the Colorado State Patrol has the authority to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous materials by motor vehicles within the state of Colorado. Under §§42-20-403, 42-20-504, and 42-20-508, CRS, the Chief of the CSP has the authority to promulgate rules and regulations for the permitting, routing, and the safe transportation of nuclear materials by motor vehicles within the state of Colorado. Under §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations that exempt agricultural products from the hazardous rules.

Amendments are being proposed to 8 CCR 1507-25:

- In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of §42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT.
- Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

It has been declared by the General Assembly that the permitting, routing, and transportation of hazardous and nuclear materials is a matter of statewide interest and concern. The absence of rules to carry out the purpose of the statutes applicable thereto is contrary to the public health, peace, safety, and welfare of this state. For these reasons, it is necessary that these rules, inclusive of the revisions proposed, are adopted.

Colonel Matthew C. Packard
Chief, Colorado State Patrol

Date of Adoption

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COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS
AND
THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

PART 1

GENERAL STATEMENTS

- 1.0** **AUTHORITY.** The Chief of the Colorado State Patrol is authorized by §42-20-108 (1) and (2), CRS, and §§42-20-403, 42-20-504, and 42-20-508, to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous and nuclear materials by motor vehicle within Colorado, in either interstate or intrastate transportation. Additionally, consistent with §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations exempting agricultural products from hazardous materials rules.
- 1.1** **APPLICABILITY.** These rules and regulations apply to all persons who transport, ship, or cause to be transported or shipped, hazardous, nuclear, or agricultural materials or products by motor vehicle over the public roads of Colorado.
- 1.2** **REQUIRED COMPLIANCE WITH 8 CCR 1507-1.** All commercial vehicles that transport hazardous and/or nuclear materials must comply with 8 CCR 1507-1, the Rules and Regulations Concerning the Minimum Standards for the Operation of Commercial Vehicles.
- 1.3** **GENERAL DEFINITIONS.** Unless otherwise specified, definitions of general applicability throughout these rules are:
- 1.3.1** **CDOT:** Colorado Department of Transportation.
- 1.3.2** **CDPHE:** Colorado Department of Public Health and Environment.
- 1.3.3** **CDPS:** Colorado Department of Public Safety.
- 1.3.4** **CFR:** Code of Federal Regulations.
- 1.3.5** **CHIEF:** ~~Means~~ The Chief of the Colorado State Patrol. Unless otherwise specified, also includes the designees of the Chief of the Colorado State Patrol where THE designation is permissible and consistent with applicable STATE statute and applicable CDPS and CSP rules and policies.
- 1.3.6** **CSP:** Colorado State Patrol.

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- 1.3.7 **CVSA**: Commercial Vehicle Safety Alliance.
- 1.3.8 **ENFORCEMENT OFFICIAL**: As identified within §42-20-103 (2), CRS, is limited to a peace officer who is an officer of the CSP as described in §§ 16-2.5-101 and 16-2.5-114, CRS; a certified peace officer who is a certified Port of Entry officer as described in §§16-2.5-102 and 16-2.5-115, CRS; a peace officer who is an investigating official of the Public Utilities Commission as described in §§ 16-2.5-101 and 16-2.5-143, CRS; or any peace officer as described in §16-2.5-101, CRS.
- 1.3.9 **FMCSA**: Federal Motor Carrier Safety Administration.
- 1.3.10 **FMCSR**: Federal Motor Carrier Safety Regulations.
- 1.3.11 **HAZARDOUS MATERIALS**: As defined within §42-20-103 (3), CRS, are those materials listed in Tables 1 and 2 of 49 CFR 172.504, excluding highway route-controlled quantities of radioactive materials as defined in 49 CFR 173.403 (2), excluding ores and the wastes and tailing therefrom, and excluding special fireworks where the aggregate amount of flash powder does not exceed 50 pounds.
- 1.3.12 **MOTOR VEHICLE**: As defined within §42-20-103 (4), CRS, is any device capable of moving from place to place on public roads. The term includes, ~~but is not limited to~~, any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto.
- 1.3.13 **MOU**: Memorandum of Understanding.
- 1.3.14 **OOS**: Out-of-Service.
- 1.3.15 **PERSON**: As defined within §42-20-103 (6), CRS, is an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons.
- 1.3.16 **POE**: Port of Entry, a ~~branch~~SECTION of the CSP.
- 1.3.17 **PUC**: Public Utilities Commission.

PART 2

HAZARDOUS MATERIALS TRANSPORTATION

(HMT)

HMT 2.0 **APPLICATION OF 49 CFR TO THE TRANSPORTATION OF HAZARDOUS MATERIALS.** The transportation of hazardous materials by motor vehicle must occur consistent with the regulations contained in:

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49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials, Driving and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulations as the same were effective on October 1, ~~2022~~2023. §42-20-108 (3), CRS, provides that these federal regulations may be used as general guidelines by the Chief in the promulgation of these rules. These rules adopt the aforementioned sections of the CFR to support the enforcement of regulations ~~applicable to~~ CONCERNING the transportation of hazardous materials with the following modifications:

- HMT 2.0.1** **DEFINITION OF PERSON.** The definition of a person is as it is described within these rules. The definition of person set forth within ~~§49 CFR 107.1~~ is not applicable.
- HMT 2.0.2** **INAPPLICABILITY OF FEDERAL HAZARDOUS MATERIALS REGULATIONS EXEMPTION TO PERSONS AND FUNCTIONS.** §49 CFR 171.1 (d) (5), as it exempts specific functions from the hazardous materials regulations, is specifically not adopted by these rules and does not apply.
- HMT 2.1** **CVSA INSPECTION STANDARDS.** Through an MOU, ~~dated October 21, 2022,~~ with the CVSA DATED OCTOBER 21, 2022, the CSP, as a division of the CDPS, AGREES TO adopts the CVSA inspection procedures, decal application policies, and OOS criteria established for the inspection of commercial motor vehicles.
- HMT 2.2** **APPLICABILITY OF CVSA OPERATIONS MANUAL.** Enforcement Officials performing safety inspections ~~upon~~ ON motor vehicles transporting hazardous materials will use the inspection procedures, decal application policies, and OOS criteria, as each appears in the CVSA Operations Manual, effective April 1, ~~2023~~2024.
- HMT 2.3** **HAZARDOUS MATERIALS INCIDENT NOTIFICATION.** A driver of a motor vehicle transporting hazardous materials as cargo involved in a hazardous materials spill or incident must immediately provide notice of the nature and location of the hazardous materials spill or incident to the law enforcement agency in closest proximity thereto, consistent with the requirements of §42-20-113 (3), CRS.

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HMT 2.3.1 **IMMEDIATE NOTICE REGARDING HAZARDOUS MATERIALS AS CARGO.** A driver of a motor vehicle involved in an incident having the potential to result or that does result in the potential spilling or release of cargo classified as hazardous materials will immediately notify the nearest law enforcement agency of the location of the incident and any other information minimally necessary for an informed response.

HMT 2.3.2 **IMMEDIATE NOTICE REGARDING SPILL OR RELEASE OF FUEL FROM VEHICLE FUEL TANK.** A driver of a motor vehicle involved in a spill of hazardous material from a fuel tank providing fuel for the motor vehicle and/or equipment thereon, will give immediate notice of the spill or release location and any other information minimally necessary for an informed response to the nearest law enforcement agency.

HMT 2.3.3 **MINIMALLY NECESSARY INFORMATION REQUIRED.** ~~As it applies within these rules, “m~~Minimally necessary INFORMATION,” AS IT APPLIES TO NOTIFICATION OF HAZARDOUS MATERIALS INCIDENTS UNDER PART HMT 2.3 OF THESE RULES ~~includes, but is not limited to the following:~~

HMT 2.3.3.1 The name of the person reporting the incident;

HMT 2.3.3.2 The phone number at which the person reporting the incident can be contacted;

HMT 2.3.3.3 The type of incident;

HMT 2.3.3.4 The type of motor vehicle involved;

HMT 2.3.3.5 The name of the motor carrier involved, if applicable;

HMT 2.3.3.6 The extent of injuries, if any;

HMT 2.3.3.7 The classification, name, and quantity of the hazardous materials involved; and

HMT 2.3.3.8 If a continuing danger to public safety or the environment exists at the scene.

HMT 2.3.4 **NOTICE TO CSP AND CDPHE.** As soon as possible after making an initial notification of a hazardous material spill/incident to the nearest law enforcement agency, the driver ~~OF THE MOTOR VEHICLE INVOLVED,~~ or a company representative ~~THEREFORE~~ will provide the same minimally necessary information to the:

HMT 2.3.4.1 CSP at (303) 239-4501; and

HMT 2.3.4.2 The CDPHE Environmental Spill Reporting Line at (877) 518-5608.

HMT 2.4 **AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS.** Enforcement Officials, as are identified within these rules or as is consistent with 8 CCR 1507-1, are authorized by §42-4-235 (1) (a), CRS, to perform commercial motor vehicle inspections.

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HMT 2.4.1 ENFORCEMENT OFFICIALS MUST MEET INSPECTOR QUALIFICATIONS.

Enforcement Officials authorized to perform commercial motor vehicle safety inspections by §42-4-235 (1) (a), CRS, and upon the drivers thereof, are required to meet the inspector qualifications referenced in §42-4-235 (4) (a) (I), CRS, when performing CVSA North American Standard Safety Inspections. All Enforcement ~~o~~Officials performing Level I – VI CVSA North American Standard Safety Inspections must also maintain the certification requirements prescribed in the current CVSA Operations Manual referenced by these rules and incorporated ~~as part 8 of~~ INTO 8 CCR 1507-1.

HMT 2.4.2 AUTHORITY TO INSPECT. Enforcement Officials have the authority to inspect motor vehicles, motor vehicle drivers, cargo, and any required documents outlined in 49 CFR 383, 387, 390, 391, 392, 393, 395, 397, and 399, as revised October 1, ~~2022~~2023.

HMT 2.4.3 CSP ENFORCEMENT OFFICIALS AND COMPLIANCE REVIEWS. CSP Enforcement Officials certified by the FMCSA according to 49 CFR 385, Subpart C, to perform Compliance Reviews and Safety Audits have the authority to enter the facilities of and inspect any motor carrier consistent with §42-4-235 (1) (c), CRS, and any required records and supporting documents are outlined in 49 CFR 40, 380, 382, 383, 385, 387, 390, 391, 392, 393, 395, 396, 397, and 399, and Appendix A, revised October 1, ~~2022~~2023.

HMT 2.4.4 MOTOR VEHICLE OOS CRITERIA. The CSP incorporates by reference ~~for enforcement purposes~~ the CVSA North American Uniform OOS Criteria ~~FOR ENFORCEMENT PURPOSES~~, as revised and effective April 1, ~~2023~~2024. Enforcement Officials will use the CVSA North American Uniform OOS Criteria when determining whether a motor vehicle or driver should be placed OOS according to §42-20-110, CRS.

HMT 2.4.5 SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person having a hazardous materials transport permit and engaged in the transportation of hazardous materials. Violations discovered during inspections or compliance reviews are shared to promote ~~the joint interests of public safety and effective enforcement of hazardous materials transport permit conditions, these rules, applicable~~ RELEVANT statutes, and regulations.

HMT 2.4.6 PENALTIES FOR VIOLATIONS. Any person shipping or transporting hazardous materials in violation of any of the rules of this part is guilty of a misdemeanor. Upon conviction thereof, a person will be subject to a fine and/or imprisonment, as each is indicated within §42-20-109, CRS.

PART 3

HAZARDOUS MATERIALS PERMITS

(HMP)

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HMP 3.0 **DEFINITIONS.** For purposes of this part, the following definitions apply:

HMP 3.0.1 **LIABILITY INSURANCE OR SURETY:** As used in these rules, means insurance or surety for public liability.

HMP 3.0.2 **LONGER VEHICLE COMBINATION (LVC):** Is any number of vehicle configurations, including a truck tractor as a power unit and multiple trailer combinations, as identified within §42-4-505 (2) (a) – (d), CRS.

HMP 3.0.3 **PEACE OFFICER:** Is defined in §16-2.5-101, CRS, and ~~will include~~ **INCLUDES** Peace Officers who are certified Port of Entry Officers as **ARE** described in §§ 16-2.5-101 and 16-2.5-115, CRS.

HMP 3.0.4 **PUBLIC LIABILITY:** Is a liability for bodily injury or property damage, including liability for environmental restoration, as discussed within 49 CFR 387.5.

HMP 3.0.5 **TRANSMIX:** Also known as Petroleum Distillates, N.O.S., and only as used within this section, is a mixture of refined products specifically and individually exempted under HMP 3.4.3 of these rules. Transmix, as defined by these rules, is a combination of gasoline, diesel, jet fuel, and/or other refined petroleum products transported to processing plants for purposes of distillation and product separation. Transmix falls under UN1268 and is placarded as Class 3 hazardous materials.

HMP 3.1 **ANNUAL HAZARDOUS MATERIALS PERMIT APPLICATIONS AND FEES.** The fees assessed for hazardous materials permits, annually or per trip, are set within Colorado statute ~~and are found in~~ **UNDER** §42-20-202 (1) (b) and (c), CRS. The annual hazardous materials transport permit fee schedule is based on the number of motor vehicles an applicant operates within Colorado and is found within §42-20-202 (1) (b), CRS. Consistent with §42-20-201, CRS, the CDOT is responsible for the review and approval of any submitted applications and renewals for annual hazardous materials transport permits.

HMP 3.1.1 **ALL ANNUAL APPLICATIONS PROCESSED BY CDOT.** All applications and renewals for Hazardous Materials Transportation Permits and all applicable fees due therefore are to be submitted to the CDOT Division of Transportation Development OSOW Permits Unit. The CDOT Division of Transportation Development OSOW Permits Unit may be contacted at 2829 W. Howard Pl., Denver, ~~Colorado~~ **CO.**, 80204, or by phone at (303)-757-9539. Information may also be found online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov). All applicable fees must be paid in a manner acceptable to the CDOT.

HMP 3.2 **CONDITIONS APPLICABLE TO HAZARDOUS MATERIALS PERMITS.** Several conditions apply to the issue and use of annual hazardous materials permits. These conditions, detailed within applicable statutes, also include but are not limited to the following specifically identified requirements:

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- HMP 3.2.1** **USDOT NUMBER REQUIRED.** Hazardous materials transporters within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 390.19 before the submission of an annual permit application.
- HMP 3.2.2** **ANNUAL PERMIT FEE AFFECTED BY NUMBER OF VEHICLES.** The fee assessed by the CDOT for an annual permit is determined by the number of vehicles being permitted and will be as described within §42-20-202 (1) (b), CRS.
- HMP 3.2.3** **MUST COMMUNICATE AN INCREASE IN VEHICLES TO CDOT.** Any increase in the total number of declared vehicles permitted to be operating within or through Colorado must be communicated in writing through the completion of an amended request and the payment of any additional fees determined to be due to the CDOT.
- HMP 3.2.4** **MUST OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE CONSISTENT WITH §42-20-202 (2) (a) AND (3) (a), CRS.** Persons applying for and receiving an annual hazardous materials transport permit must ALWAYS obtain and maintain public liability insurance or a surety-at all times that must not be less than the minimum limits established within 49 CFR 387 with schedules and endorsements covering all vehicles that may be operated by, for, or under the control of the applicant or permit holder. Applicant must cause to file with the CDOT one of the following:
- HMP 3.2.4.1** A National Association of Regulatory Utility Commission (NARUC) “FORM E,” “Uniform Major Carrier Bodily Injury and Property Damage Liability Certificate of Insurance,” executed by a duly authorized agent of the insurer. Also required with this filing is the MCS-90, “Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980,” issued by an insurer or insurers, and signed by an authorized representative of the insurance company or companies;
- HMP 3.2.4.2** A Form MCS-82, “Motor Carrier Surety Bond for Public Liability under Section 30 of the Motor Carrier Safety Act of 1980,” issued by a surety, and signed by an “Attorney-in-Fact,” with a copy of the Power of Attorney attached; or
- HMP 3.2.4.3** A copy of a written decision, order, or authorization of the FMCSA authorizing the motor carrier to self-insure pursuant to UNDER 49 CFR 387.309.
- HMP 3.2.5** **ALL LIABILITY OR INSURANCE COVERAGE MUST MATCH THE EXACT NAME.** All insurance and surety forms coverage must be filed with- USING OR UNDER the exact name, initial, corporate, and trade name if any, and address, as it is included in the annual hazardous materials permit application filed and maintained by the CDOT.
- HMP 3.2.6** **NOTICE OF INSURANCE OR SURETY CANCELLATION OR NON-RENEWAL REQUIRED.** Every insurance certificate or surety bond required by and filed with the CDOT must be kept in full force and effect, unless and until canceled by a 30-day written notice or not renewed by a 90-day written notice on a NARUC “FORM K,” (Uniform Notice of Cancellation of Motor Carrier Insurance Policies); “FORM BMC 35,” (Notice of

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Cancellation Motor Carrier Insurance); or “FORM BMC 36,” (Notice of Cancellation of Motor Carrier Surety Bond), as may be appropriate, from the insurer or surety to the CDOT. The 30-day and 90-day notice will commence from the date the notice is received by the CDOT and the insurance certificate or surety bond must contain a statement to this effect.

HMP 3.2.7 **NO UNAUTHORIZED ALTERATIONS.** No annual permit is to be altered, amended, or copied, unless authorized in writing by the CDOT or, in the case of a single trip permit (as discussed within HMP 3.3 of these rules), by an eEnforcement eOfficial.

HMP 3.2.8 **PERMITS MUST BE AVAILABLE FOR INSPECTION.** The required permits must be readily available for inspection as required by §42-20-203, CRS. This requirement is met if a pPeace eOfficer or Enforcement Officials can electronically verify the permit is valid at the time of contact.

HMP 3.3 **SINGLE TRIP HAZARDOUS MATERIALS PERMITS.** Under §42-20-202 (1) (c), CRS, single trip permits may be obtained from the CSP at all CSP POE weigh stations. Each person transporting hazardous materials in, to, from, or through Colorado who has not previously obtained a valid annual hazardous materials transport permit from the CDOT must apply for and pay for a single trip hazardous materials transport permit at the nearest CSP POE weigh station or to a CSP POE officer or office.

HMP 3.3.1 **VALID FOR 72 HOURS.** Each single trip permit will be valid for a single continuous business venture, but in no event will the permit be valid for more than 72 hours, unless extended by any Enforcement Official for any reason the official deems advisable. Reasons for an extension by an Enforcement Official may include mechanical difficulties and road and weather conditions.

HMP 3.3.2 **ISSUED UPON APPROVAL AND PAYMENT.** A single trip hazardous materials permit will be issued upon the approval of a complete single trip permit application and the payment of a \$25 permit fee.

HMP 3.3.3 **PROOF OF LIABILITY INSURANCE OR SURETY REQUIRED.** Persons applying for a hazardous materials transportation single trip permit are required by §42-20-202 (3) (a), CRS, to supply proof of liability insurance or surety or sign a verification at the time of the permit application.

HMP 3.3.4 **SUBSEQUENT PROOF REQUIRED WHERE VERIFICATION STATEMENT SUBMITTED- SINGLE TRIP HAZARDOUS MATERIALS PERMIT.** Applicants who sign a verification instead of supplying acceptable proof of financial responsibility (liability insurance or surety) must forward it to the CDOT Division of Transportation Development OSOW Permits Unit within 30 days of issuance of the permit’s ISSUE. WITH THIS MUST BE INCLUDED:

HMP 3.3.4.1 Their-A copy of the APPLICANT’S single trip hazardous materials permit;
and

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HMP 3.3.4.2 A legible copy of acceptable proof of financial responsibility as is required by §42-20-202, CRS, having matching information as is defined in paragraph HMP 3.2.5 of these rules.

HMP 3.4 **LVCs AND THE TRANSPORTATION OF HAZARDOUS MATERIALS.** LVCs operating under the provisions of the CDOT Rules and Regulations promulgated according to the provisions of §43-4-505, CRS, are prohibited from transporting the following specified hazardous material types and quantities:

HMP 3.4.1 **TABLE 1, 49 CFR 172.504.** Any quantity of hazardous material within the hazard classes specified in 49 CFR 172.504, Table 1.

HMP 3.4.2 **TABLE 2, 49 CFR 172.504.** Any material, unless otherwise specified herein, within the hazardous classes specified in 49 CFR 172.504, Table 2 that:

HMP 3.4.2.1 Exceeds 55 gallons per package.

HMP 3.4.2.2 Is transported in quantities using containment systems in excess of 3,500 gallons, except as provided in HMP 3.4.3 of these rules.

HMP 3.4.2.3 Is classified as a “Material Poisonous by Inhalation” as it is defined in 49 CFR 171.8.

HMP 3.4.2.4 Requires evacuation of populated areas as specified in ~~TABLES 1, 2, AND 3~~ IN the most current version of the North American Emergency Response Guidebook in publication as of April 1, 2020, as referenced by these rules.

HMP 3.4.3 **PETROLEUM-BASED PRODUCTS ARE EXEMPT FROM LVC TRANSPORT PROHIBITION.** The prohibition of subparagraph HMP 3.4.2.2 does not apply to the following petroleum-based products when transported in bulk quantities in an LVC of the type described in §42-4-505 (c) and (d), CRS:

HMP 3.4.3.1 Gasoline, UN1203;

HMP 3.4.3.2 Diesel Fuel, NA1993;

HMP 3.4.3.3 Crude Oil, UN1267;

HMP 3.4.3.4 Liquefied Petroleum Gas (LPG), UN1075;

HMP 3.4.3.5 Aviation Fuel, UN1863; or

HMP 3.4.3.6 Transmix, UN1268.

HMP 3.4.4 **COMPLIANCE WITH OTHER APPLICABLE LAWS.** Persons operating LVCs must operate consistently with all other ~~applicable~~ RELEVANT provisions of state law, rules, and regulations.

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HMP 3.5 **PENALTIES FOR VIOLATIONS.** Upon conviction, any person shipping or transporting hazardous materials in violation of any rule in this Part 3 is subject to the penalties set forth within §42-20-204, CRS.

PART 4

HAZARDOUS MATERIALS ROUTE DESIGNATION

(HMR)

HMR 4.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 29-22-101, CRS, apply to these rules and regulations. The following definitions also apply:

HMR 4.0.1 **PETITION:** As used within these rules, means a CSP Hazardous Materials Route Designation Packet, including the route analysis process, worksheets, and petitions resolution.

HMR 4.0.2 **PETITIONING ENTITY OR ENTITIES:** As used within these rules, means local governmental entities, CDOT, a public highway authority, and any governmental entity that is a partner in a public-private partnership concerning any highway, road, or street it maintains, when making an application to the CSP for a new hazardous materials route designation, or a change to an existing route designation as it is allowed under §42-20-302 (1) (a) – (e), CRS.

HMR 4.0.3 **ROUTING FACTORS:** As used within these rules, these are factors that must be considered and specifically addressed as part of any application petitioning the CSP for a new hazardous materials route designation or to change an existing route designation. As it applies to petitions submitted to the CSP, Petitioning Entities must address each of the routing factors referenced by these rules and/or identified by §49 CFR 397.71 (b) (9). If a factor is inapplicable to a route petition, the Petitioning Entity must specifically indicate the factor and the basis for inapplicability.

HMR 4.0.4 **SENSITIVE AREAS:** Sensitive Areas are areas that may experience a disparate impact in the event of exposure to the release of hazardous materials. This disparate impact may be environmental, social, etc., and could result in a greater demand for emergency and public resources in the event of an emergency related to the release of hazardous materials. Sensitive Areas include, but are not limited to private homes; commercial buildings; special populations in hospitals, schools, prisons, stadiums, senior or group homes; communities having a higher number of ESL-speaking individuals or individuals having physical, and/or mental disabilities, as compared to surrounding communities; water sources; and natural areas such as parks, wetlands, and wildlife reserves.

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HMR 4.0.5 **SPECIAL POPULATIONS:** Groups, individuals, or institutions included in a population that could be potentially exposed in the event of a hazardous materials incident which are also members of groups that may not be able or are unable to mobilize effectively in response to a threat to public health or safety without the assistance of emergency or other public services personnel.

HMR 4.1 **PETITION APPLICATIONS FOR ROUTE DESIGNATIONS.** Petitioning Entities seeking to petition for a new or change to an existing hazardous materials route designation should consult with and request guidance from the CDOT Division of Transportation Development OSOW Permits Unit and the CSP Hazardous Materials Section ~~regarding~~ **CONCERNING** the process, format, and substance of the route petition.

HMR 4.1.1 **INTRODUCTORY INFORMATION FROM CDOT.** Introductory information on the **PETITION APPLICATION** process, FAQs, and unit contact information from CDOT is available online at [HTTPS://WWW.CODOT.GOV/BUSINESS/HAZMAT-ROUTING/CURRENTHAZMATROUTES](https://www.codot.gov/business/HAZMAT-ROUTING/CURRENTHAZMATROUTES). Correspondence to CDOT may be addressed to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Pl., Denver, CO., 80204.

HMR 4.1.2 **GUIDANCE DOCUMENT IS AVAILABLE FROM THE CSP HAZARDOUS MATERIALS SECTION.** A guidance document outlining the minimum required elements and documentation that should be included as part of a hazardous materials route designation petition application is available from the CSP Hazardous Materials Section upon request by calling (303)-273-1900 or **BY CONTACTING THE CSP HAZARDOUS MATERIALS SECTION** online at [HTTPS://CSP.COLORADO.GOV/SERVICES-WE-PROVIDE/HAZARDOUS-MATERIALS](https://CSP.COLORADO.GOV/SERVICES-WE-PROVIDE/HAZARDOUS-MATERIALS).

HMR 4.2 **PETITION APPLICATION SUBMISSION ACCORDING TO §42-20-302, CRS.** Petitioning Entities making an application to the CSP for a new hazardous materials route designation or ~~for~~ a change in an existing route designation consistent with §42-20-302, CRS, may submit a petition application for either **PURPOSE** to the CSP, no more than once a year.

HMR 4.3 **CONSIDERATION FACTORS OF 49 CFR 397 ARE ADOPTED.** 49 CFR 397 is adopted without amendment by these rules. All ~~of~~ the factors identified for consideration by 49 CFR 397.71 (b) (9) apply to all new and existing hazardous materials routing petitions. 49 CFR 397.71 sets forth 13 categories of factors that must be considered when any **NEW OR EXISTING** hazardous materials route, ~~new or existing~~, is the subject of a hazardous materials routing petition application. Any petition applications delivered to the CSP after an initial CSP application review that does not include discussion of these factors will not be deemed to be received, will **INSTEAD** be determined incomplete, and will be returned to the submitting **PETITIONING** eEntity for correction and resubmission without prejudice. Broadly, these 13 categories are:

HMR 4.3.1 **POPULATION DENSITY.** The population that will be potentially exposed in the event hazardous materials are released, inclusive of residents, employees, motorists, and other persons in the area, with specific discussion of any of those persons or groups

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that may be ~~considered to be~~ special populations. The relationship between population density levels and the potential release of hazardous materials must also be addressed.

HMR 4.3.2 **TYPE OF HIGHWAY.** The type and characteristics of the highway to be traveled must be identified.

HMR 4.3.3 **TYPES AND QUANTITIES OF HAZARDOUS MATERIALS:** The type and amount of hazardous materials that will or are normally transported along the petitioned route.

HMR 4.3.4 **EMERGENCY RESPONSES CAPABILITIES:** An analysis of the emergency response capabilities resulting from consultation with the appropriate fire, law enforcement, and highway safety agencies. The analysis must consider and identify the proximity of facilities and resources to the potential impact zone in the event hazardous materials are released and must be ~~included with~~ **OUTLINED WITHIN** the petition **APPLICATION**. Furthermore, local governmental authorities petitioning for a new or changes to an existing hazardous material route designation must provide the CSP Hazardous Materials Section with the following information on the hazardous materials emergency response services within their jurisdiction:

HMR 4.3.4.1 The names, addresses, points of contact, radio frequencies, call signs, and emergency and non-emergency phone numbers of all agencies who provide emergency services along the proposed route(s) and available alternatives;

HMR 4.3.4.2 Which of the agencies identified respond to hazardous materials incidents and during what periods services are available;

HMR 4.3.4.3 Which of the agencies identified have emergency response teams and the total number of teams each agency has;

HMR 4.3.4.4 The total number of emergency response personnel available for each agency, their level of hazardous materials training; and

HMR 4.3.4.5 An inventory list, or other information identifying the hazardous materials response equipment available from each agency.

HMR 4.3.5 **RESULTS OF COMMUNITY OUTREACH/CONSULTATION.** THE Petitioning Entity must include the results of any consultation conducted with persons and/or entities who will be affected by the petitioned-for routing or routing change.

HMR 4.3.6 **DISCUSSION OF SPECIFIC EXPOSURE AND RISK FACTORS:** THE Petitioning Entity must include a discussion specifying the exposure and risk factors associated with any of the hazardous materials likely to be transported along the petitioned route. Exposure risks for sensitive areas and special populations must be addressed.

HMR 4.3.7 **TERRAIN CONSIDERATIONS:** Discussion of topography along and adjacent to the petitioned routing that may affect the severity of an accident, control of hazardous materials in the event of a release, and impact the control and clean-up of the release of any hazardous materials must be included.

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HMR 4.3.8 **CONTINUITY OF ROUTES:** Information on any outreach efforts to adjacent jurisdictions to consult and ensure routing continuity should be included.

HMR 4.3.9 **ALTERNATE ROUTES:** Information relevant to any alternate routes considered must be included. Petitioning Entities should include detailed and specific information as to why the route being petitioned for is the most OR MORE appropriate option and is safer than ~~the alternative~~ OTHER option(s) or, in the event of an existing route, the current route. Any references to statistical data, published works, or written analysis require full reference information and may require a copy of the referenced information to be included as part of the petition application.

HMR 4.3.10 **EFFECTS ON COMMERCE:** The routing proposed will not impose an unreasonable burden upon interstate or intrastate commerce.

HMR 4.3.11 **DELAYS IN TRANSPORTATION:** The routing proposed will not create unnecessary delays in the transport of hazardous materials.

HMR 4.3.12 **CLIMATIC CONDITIONS:** Weather conditions that are unique to a proposed route must be addressed within the petition application, including the impact of the weather conditions ~~upon~~ ON the potential release of any hazardous materials, control of a hazardous materials release, and clean-up thereof.

HMR 4.3.13 **CONGESTION AND ACCIDENT HISTORY:** Petitioning Entities should also consider the congestion and accident history of the specific route they are petitioning to become a hazardous materials route or to make changes to and the impact of these factors ~~upon~~ ON the public emergency response, and to general transportation in the event of a potential hazardous materials release.

HMR 4.4 **INITIAL PETITION APPLICATION REVIEW BEFORE CSP “RECEIPT.”** Before formal submission and receipt of a hazardous materials ROUTING petition, Petitioning Entities may request an initial review of the application draft from the CSP Hazardous Materials Section. The initial review is limited only to determining that all required elements of the hazardous materials ROUTING petition application are addressed by the applicant and identifying the need for any additional supporting documentation ~~regarding~~ CONCERNING statements and information ~~set forth~~ CONTAINED within the application.

HMR 4.4.1 **INITIAL REVIEW NOT AN OPINION.** The initial review will not indicate an opinion of the CSP regarding the potential success of the petition ~~regarding~~ APPLICATION CONCERNING the specified route designation or route designation amendment(s) proposed.

HMR 4.4.2 **RESULTS OF INITIAL REVIEW COMMUNICATED BY EMAIL.** Any findings resulting from an initial petition review will be informally communicated to the Petitioning Entity by email at an address provided by the Petitioning Entity to the CSP Hazardous Materials Section.

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HMR 4.4.3 **FAILURE TO REQUEST REVIEW IS NOT PREJUDICIAL.** The decision of a Petitioning Entity to not request and make available a hazardous materials routing petition to the CSP Hazardous Materials Section for initial review will not prejudice the receipt of the petition application. Petition applications submitted by Petitioning Entities that do not receive an initial review and are returned as not received for being incomplete will be encouraged to seek an initial review of the application upon resubmission in the written response of the CSP Hazardous Materials Section returning the application.

HMR 4.5 **INCOMPLETE HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Hazardous materials routing petition applications delivered to the CSP will only be determined completely consistent with §42-20-302 (4), CRS, if the application satisfies all application criteria set forth within these rules, ~~applicable~~ RELEVANT statutes, and federal regulations.

HMR 4.5.1 **RETURN FOR COMPLETION.** Applications determined to be incomplete will be returned to the Petitioning Entity with a written statement from the CSP Hazardous Materials Section within 20 calendar days of submission. For purposes of these rules, the date of submission will be the date of a hazardous materials routing application is delivered to the CSP Hazardous Materials Section. The written statement from the CSP included with the returned application will provide ~~information~~ GUIDANCE identifying what information is missing from OR IS INSUFFICIENTLY ADDRESSED WITHIN the HAZARDOUS MATERIALS ROUTING petition application.

HMR 4.5.2 **APPLICATIONS MAY REQUIRE ADDITIONAL DOCUMENTATION.** Upon submission, the CSP Hazardous Materials Section may determine that additional information, supporting statements, conclusions, or efforts related to the petition may be required. Petitioning Entities will have 14 calendar days to respond to any request from the CSP Hazardous Materials Section for this information. Failure to provide information within 14 calendar days may result in the petition application being determined incomplete and returned to the Petitioning Entity, consistent with these rules. Satisfactory receipt of the requested information will result in the ROUTING petition application being determined “complete.”

HMR 4.5.3 **SINGLE APPLICATION PER YEAR PROHIBITION INAPPLICABLE.** HAZARDOUS MATERIALS ROUTING Petition applications determined to be incomplete and returned to Petitioning Entities for completion and resubmission are not subject to the statutory one application per year limitation supported by these rules and ~~set forth~~ DETAILED within §42-20-302, CRS. This limitation only applies to petition applications submitted to the CSP Hazardous Materials Section consistent with §42-20-302 (1), CRS, and determined to be “complete” according to §42-20-302 (4), CRS. All HAZARDOUS MATERIALS ROUTING petition applications delivered to the CSP Hazardous Materials Section are ~~considered to be~~ “submitted” as is required by §42-20-302 (1), CRS, but a petition application is not considered to be accepted and “Received” by the CSP until the petition is determined to be “complete” according to §42-20-303 (4), CRS.

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HMR 4.6 **COMPLETE PETITION APPLICATION FILING DATE.** The filing date for a “complete” hazardous materials routing petition application, as it is presented within §42-20-302 (4), CRS, is the date of its acceptance and receipt by the CSP. Petitioning Entities will be notified in writing of the date of receipt/filing. Additional details ~~regarding~~ **OUTLINING** statutory requirements applicable to the HAZARDOUS MATERIALS ROUTE petitioning process and relevant timelines thereto will also be included.

HMR 4.7 **DELIVERY OF DRAFT OR FINAL HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Petitioning Entities should deliver prepared HAZARDOUS MATERIALS ROUTING petitions for initial review or consideration as complete petition applications to the ~~Colorado State Patrol~~ CSP Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401-3990. Petitioning Entities may also arrange for electronic delivery of hazardous materials route petition applications by first calling the CSP Hazardous Materials Section at (303)-273-1900.

HMR 4.8 **HAZARDOUS MATERIALS ROUTE DESIGNATION SIGNS.** Under §42-20-303, CRS, local government authorities electing to use signs to provide notice of approved hazardous materials route designations within their jurisdiction must use the hazardous materials route designation and/or restriction sign standards adopted by the CDOT.

HMR 4.8.1 **LOCATION OF SIGNAGE MUST BE SPECIFIED.** Local governmental authorities must specify the location of each sign erected to mark an approved hazardous materials route in writing to the CSP Hazardous Materials Section within 60 days of a route designation approval.

HMR 4.9 **USE OF PROFESSIONAL QUALITY MAPS.** Local governmental authorities must submit copies of their professional quality maps within 60 days of an approved hazardous materials route designation to the CSP Hazardous Materials Section for approval. Local governmental authorities electing to use professional quality maps to identify approved hazardous materials route designations within their jurisdictions consistent with §42-20-302 (8), CRS, must meet the following minimum requirements:

HMR 4.9.1 **MAP SCALE.** The map scale should be of sufficient proportions to clearly show the passage of a designated hazardous materials route within or through the jurisdiction.

HMR 4.9.2 **MAP COLORS.** Designated hazardous materials routes or other approved route restrictions must be printed in red on a white background. All other printing should be in black.

HMR 4.9.3 **MAP LEGEND.** The map legend should clearly describe the graphic representations used within the map.

HMR 4.9.4 **MAP GRAPHICS.** The map should use graphic symbols that clearly represent the differences between designated hazardous materials and other routes, other highways, and jurisdiction boundaries.

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HMR 4.9.5 **MAP ROUTE INFORMATION.** The map should include a telephone number where the operator of a motor vehicle transporting hazardous materials can obtain additional information on hazardous materials and other routes, guidance regarding restrictions within the jurisdiction, or emergency assistance on a 24-hour basis.

HMR 4.10 **DATA CHANGES AFFECTING APPROVED HAZARDOUS MATERIALS ROUTE PETITIONS.**

Petitioning Entities must communicate changes in the original data and/or information relied upon to evaluate the risk level associated with an approved route to the CSP Hazardous Materials Section immediately, or as soon as is practicable, following the change. A change would be ~~considered to be~~, but not be limited to:

HMR 4.10.1 **ACCIDENT RATE.** A substantial change in the accident rate initially reported; or

HMR 4.10.2 **CONSIDERATION FACTORS.** A substantial change in the mandatory or subjective CONSIDERATION factors affecting the route or AS ARE required to be considered by 49 CFR 391.71 (b) (9), and/or applicable statutes or these rules.

HMR 4.10.3 **EMERGENCY SERVICES INFORMATION.** Any changes to information relevant to available emergency services. Any changes ~~regarding~~ ABOUT emergency services identified by a Petitioning Entity must be communicated in writing as soon as possible, but no later than 45 days following the change to the CSP Hazardous Materials Section.

HMR 4.10.3.1 **CDOT EXEMPTED.** The CDOT is generally not required to provide notice of changes to relevant emergency services along designated hazardous materials routes. However, where the CDOT submits a petition for a local governmental authority by agreement according to §42-20-302 (9), CRS, provisions must be made within the agreement between the CDOT and the local governmental authority for compliance with this reporting requirement.

HMR 4.11 **DESIGNATED ROUTE REVIEWS, SURVEYS AND EXEMPTIONS.** The CSP will periodically review the status of designated routes to determine if the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, continue to be met. Upon review, routes demonstrating a change in the risk level of the route toward a higher risk factor, or that are impacted significantly by a change to a mandatory or subjective factor, may be subject to reevaluation by the CSP.

HMR 4.11.1 **ROUTE DETERMINED TO NO LONGER MEET §42-20-302 (8) (a) (I) – (IV), CRS.**
The CSP will notify Petitioning Entities in writing if any designated hazardous materials route within their jurisdiction no longer meets the acceptance terms specified within §42-20-302 (8) (a) (I) – (IV), CRS, following reevaluation or a route review.

HMR 4.11.1.1 **CSP CONSULTATION REGARDING ~~CONCERNING~~ ROUTE STATUS.** If a designated hazardous materials route no longer meets the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, the CSP will consult with the Petitioning Entity to coordinate the submission of a revised petition. Petitions submitted for a change in an existing route designation are subject to the conditions and procedures of §42-20-302, CRS.

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HMR 4.11.2 COMPLETION OF DESIGNATED ROUTE ROAD SURVEYS. The CSP will conduct complete route surveys on designated hazardous materials routes on an as-needed basis. These surveys will be conducted to determine the type and quantity of materials being transported and the frequency of such transportation. Surveys conducted in incorporated areas will only be done after consultation with the appropriate local government agency.

HMR 4.11.3 NO ADDITIONAL EXCEPTIONS OR EXEMPTIONS. There will be no exceptions and/or exemptions to designated hazardous materials routes other than those already specified within Title 42, Article 20, CRS.

HMR 4.12 HAZARDOUS MATERIALS PARKING REGULATIONS AND ORDINANCES. The approval criteria set forth by these rules herein apply only to those parking regulations and ordinances submitted by local governmental jurisdictions ~~which~~ THAT affect vehicles transporting hazardous materials operating in conjunction with the use of a designated hazardous materials route or routes. Local governmental jurisdictions requiring approval of parking regulations or ordinances under §42-20-302, CRS, must submit a copy of the proposed regulations or ordinances to the CSP Hazardous Materials Section for review consistent with these rules.

HMR 4.12.1 MUST NOT UNREASONABLY LIMIT PARKING. For purposes of these rules, parking regulations or ordinances may be deemed to unreasonably limit parking of vehicles transporting hazardous materials when they are at variance with and more stringent than the regulations of the United States Department of Transportation published in 49 CFR 397, as revised October 1, ~~2022~~2023. Parking regulations or ordinances adopted by local governmental jurisdictions according to the authority provided in §42-20-302 (2), CRS, as it is amended, must not unreasonably limit parking:

HMR 4.12.1.1 On or near a designated hazardous materials route;

HMR 4.12.1.2 ~~For the purpose of picking up or delivery~~ **TO PICK up or DELIVER** of hazardous materials;

HMR 4.12.1.3 In an emergency, i.e., breakdown or accident; or

HMR 4.12.1.4 For a rest stop, i.e., meals, restroom breaks, or to comply with the driver's hours of service requirements as they are defined in 49 CFR 395, revised October 1, ~~2022~~2023.

HMR 4.12.2 NO SPECIAL PAYMENT OR PERMIT IS REQUIRED. No parking regulation or ordinance will require a permit or payment of a fee for parking which is necessary and incident to the transportation of hazardous materials on or near a hazardous materials route. This provision does not apply where fees are collected from all motor vehicles, regardless of the type of commodity being transported, i.e., metered parking.

HMR 4.13 ROUTES DESIGNATED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS. Permanently designated hazardous materials routes for the transportation of hazardous materials are as specified herein:

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HMR 4.13.1 NORTH – SOUTH HAZARDOUS MATERIALS ROUTES DESIGNATED UNDER PURSUANT TO §42-20-305, CRS:

HMR 4.13.1.1 Colorado 9 from US 40 in Kremmling to Interstate 70 in Silverthorne.

HMR 4.13.1.2 Colorado 13 from Wyoming to Moffat County Road 183 North of Craig.

HMR 4.13.1.3 Colorado 13 from US 40 West of Craig South to US 6 West of Rifle.

HMR 4.13.1.4 Colorado 17 from US 285 near Mineral Hot Springs to US 160 near Alamosa.

HMR 4.13.1.5 Interstate 25 from Wyoming to New Mexico.

HMR 4.13.1.6 Colorado 47 from Interstate 25 to the junction of US 50.

HMR 4.13.1.7 Colorado 71 from Colorado 14 to US 24 in Limon (East junction).

HMR 4.13.1.8 Colorado 71 from US 24 in Limon (West junction) to US 50 near Rocky Ford.

HMR 4.13.1.9 Colorado 79 from Colorado 52 to Interstate 70 at Bennet.

HMR 4.13.1.10 Colorado 83 from US 24 to Colorado 115.

HMR 4.13.1.11 Colorado 91 from Interstate 70 to US 24 near Leadville.

HMR 4.13.1.12 Colorado 113 from Nebraska to US 138.

HMR 4.13.1.13 Colorado 115 from Colorado 83 to US 50.

HMR 4.13.1.14 Colorado 119 from Colorado 157 to Colorado 52.

HMR 4.13.1.15 Colorado 125 from Wyoming to US 40 West of Granby.

HMR 4.13.1.16 Colorado 127 from Wyoming to Colorado 125.

HMR 4.13.1.17 US 138 from Colorado 113 to US 6 (Chestnut St.) in Sterling.

HMR 4.13.1.18 Colorado 139 from Colorado 64 in Rangely to Interstate 70 near Loma.

HMR 4.13.1.19 Colorado 141 from Interstate 70 business loop near Grand Junction to US 50.

HMR 4.13.1.20 Colorado 141 from US 50 to US 491.

HMR 4.13.1.21 Colorado 157 from US 36 to Colorado 119.

HMR 4.13.1.22 Interstate 225 from Interstate 70 to Interstate 25.

HMR 4.13.1.23 US 287 from US 40 in Kit Carson to Oklahoma.

HMR 4.13.1.24 US 285 from US 160 in Alamosa to New Mexico.

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HMR 4.13.1.25 US 285 from Colorado 470 to Colorado 112.

HMR 4.13.1.26 US 491 from Utah to New Mexico.

HMR 4.13.1.27 US 285 from Colorado 112 to US 160.

HMR 4.13.1.28 US 85 from Wyoming to Interstate 76.

HMR 4.13.1.29 Colorado 71 from Nebraska to Colorado 14.

HMR 4.13.1.30 US 385 from Interstate 76 in Julesburg to US 40 in Cheyenne Wells.

HMR 4.13.1.31 The City of Lamar's Second Street from US 50/385 to Maple Street.

HMR 4.13.1.32 The City of Lamar's Maple Street from Second Street to US 50/287.

HMR 4.13.1.33 The City of Craig's Great Divide Road from US 40 North to the city limits.

HMR 4.13.1.34 Moffat County Road 7 (Great Divide Road) from THE Craig city limits North to Moffat County Road 183.

HMR 4.13.1.35 Moffat County Road 183 from Moffat County Road 7 (Great Divide Road) East to Colorado 13.

HMR 4.13.1.36 E-470 between the South Interchange with Interstate 25 at Exit 194 and through to the North Interchange with Interstate 25 at Exit 228.

HMR 4.13.2 **EAST – WEST HAZARDOUS MATERIALS ROUTES DESIGNATED PURSUANT TO §42-20-305, CRS:**

HMR 4.13.2.1 US 6 (Loveland Pass) from Interstate 70 just East of the Eisenhower/Johnson Tunnels to Interstate 70 at Silverthorne.

HMR 4.13.2.2 US 6 from Colorado 13 West of Rifle West to Exit/Entrance number 87 on Interstate 70.

HMR 4.13.2.3 US 6 from State Highway 14 (Main St.) in Sterling to Nebraska.

HMR 4.13.2.4 Colorado 10 from Interstate 25 in Walsenburg to US 50 in La Junta.

HMR 4.13.2.5 Colorado 14 from US 40 to Colorado 125.

HMR 4.13.2.6 Colorado 14 from Interstate 25 to US 6 in Sterling.

HMR 4.13.2.7 US 24 from Colorado 91 at Leadville to Interstate 25 in Colorado Springs.

HMR 4.13.2.8 US 24 from Colorado 83 to Interstate 70 at West Limon (Exit 359).

HMR 4.13.2.9 US 24 business route from US 24 on the West side of Limon to the West junction of Colorado 71.

HMR 4.13.2.10 US 24 business route from the East junction of Colorado 71 (in Limon) to Interstate 70 (Exit 363).

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HMR 4.13.2.11 US 34 from Interstate 25 to Interstate 76.

HMR 4.13.2.12 US 34 from the West junction of Colorado 71 to Nebraska.

HMR 4.13.2.13 US 36 from Interstate 25 to Colorado 157.

HMR 4.13.2.14 US 36 from Interstate 70 in Byers to Kansas.

HMR 4.13.2.15 US 40 from Utah to the intersection of Colorado 13 West of Craig.

HMR 4.13.2.16 US 40 from Moffat County Road CG 2 (First Street) just East of Craig to Interstate 70.

HMR 4.13.2.17 US 40 from Interstate 70 (Exit 363) in Limon to Kansas.

HMR 4.13.2.18 US 50 from the North junction of Colorado 141 near Grand Junction to Kansas.

HMR 4.13.2.19 Colorado 52 from Colorado 119 to Colorado 79.

HMR 4.13.2.20 Colorado 64 from US 40 in Dinosaur to Colorado 13.

HMR 4.13.2.21 Interstate 70 from Utah to US 6 at Silverthorne (Loveland Pass).

HMR 4.13.2.22 Interstate 70 from US 6 just East of Loveland Pass to Interstate 25.

HMR 4.13.2.23 Interstate 70 from Interstate 27 to Kansas.

HMR 4.13.2.24 Interstate 70 business route from Interstate 70 East of Grand Junction to Colorado 141.

HMR 4.13.2.25 Interstate 76 from Interstate 25 to Nebraska.

HMR 4.13.2.26 Colorado 112 from US 285 to US 160.

HMR 4.13.2.27 US 160 from New Mexico to Interstate 25 business route in Walsenburg, South to Exit 49 on Interstate 25.

HMR 4.13.2.28 Interstate 270 from Interstate 70 to Interstate 76.

HMR 4.13.2.29 Colorado 470 from US 285 to Interstate 70.

HMR 4.13.2.30 US 550 from US 160 to New Mexico.

HMR 4.13.2.31 The City of Craig's First Street from Colorado 13 East to the city limits at Colorado 394.

HMR 4.13.2.32 Moffat County Road CG 2 (First Street) from Craig city limits at Colorado 394 East to US 40.

HMR 4.13.3 **ADDITIONAL ROUTES FOR GASOLINE, DIESEL FUEL, AND LIQUIFIED PETROLEUM GAS (LPG).** While generally required to employ designated state, federal,

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and interstate roadways, transporters of Gasoline, Diesel Fuel, and LPG may routinely travel on the following state and federal highways:

HMR 4.13.3.1 US 160 from Interstate 25 to the Kansas border.

HMR 4.13.3.2 US 350 from US 160 to US 50.

HMR 4.13.3.3 US 385 from US 50 to US 40.

HMR 4.13.3.4 SH 96 from SH 71 to the Kansas border.

HMR 4.13.3.5 SH 109 from US 160 to East 3rd Street in La Junta.

HMR 4.13.4 **ADDITIONAL ROUTE FOR GASOLINE, DIESEL FUEL, LPG, AND CRUDE OIL.** While generally required to employ designated state, federal, and interstate roadways, transporters of gasoline, diesel fuel, LPG, and crude oil may routinely travel on Weld County Road 49, also identified as Weld County Highway, between Interstate 76 and US 34.

HMR 4.14 **CLOSING OF DESIGNATED HAZARDOUS MATERIALS ROUTES MUST BE COMMUNICATED.** The closing of a public road that is designated as a hazardous materials route, or restriction on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303) 273 – 1900. The CSP Denver Regional Communications Center must be contacted when these events occur outside of normal business hours at (303) 273 – 4501.

HMR 4.15 **CSP DECLARATION OF EMERGENCY, TEMPORARY, OR ALTERNATE HAZARDOUS MATERIALS ROUTES.** Under §42-20-301 (1) (a), CRS, the CSP has the sole authority to designate which public roads are permitted to be used by motor vehicles transporting hazardous materials and which are not. Included in this authority is the ability to apply conditions to the use of hazardous materials routes consistent with the scope of authority provided to the CSP through §42-20-301, CRS.

HMR 4.15.1 **ROUTING IN RESPONSE TO EMERGENCY DECLARATION.** In the event of a declaration of emergency, the Chief may determine a temporary alternate hazardous materials transportation route or routes which then may remain in effect for a period not to exceed the duration of the declared emergency.

HMR 4.15.2 **TEMPORARY ROUTING IN RESPONSE TO EVENTS.** Consistent with the authority granted by §42-20-301 (1) (b), CRS, the CSP may include or apply conditions or restrictions to vehicles transporting hazardous materials not defined as agricultural products and are listed in Tables 1 and 2 of 49 CFR 172.504 that are consistent with the restrictions of §42-20-301 (1) (b) and (2), CRS.

HMR 4.15.2.1 **CONSTRUCTION, WEATHER, AND OTHER LIMITED EVENTS.** The CSP may temporarily declare an alternate route when a hazardous materials route is restricted and/or closed due to highway construction, weather, or other

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restrictions or conditions affecting the movement of traffic (i.e., traffic incidents, motorcades, or other special events). The temporary route declaration will be for a set period not to exceed the activity or event affecting the ability to use a designated hazardous materials route.

HMR 4.15.3 TEMPORARY ROUTING UNDER §42-20-301 (b), CRS, IN RESPONSE TO OTHER

CONDITIONS. As may be advisable and in the interest of public welfare and safety, the CSP may exercise its authority under §42-20-301 (b), CRS, to temporarily designate public roads or to apply conditions to the use of existing designated hazardous materials routes in response to specific conditions reasonably determined by the CSP to present an immediate negative impact to public welfare and safety. Notice of any temporary hazardous material routing designation will be forwarded to the CDOT and the affected municipality, city, city and county, affected industry, and/or the affected road and bridge authority.

HMR 4.15.3.1 EFFECTIVE INITIAL DESIGNATION PERIOD. An initial temporary hazardous materials route designation or initial conditions determination affecting a hazardous materials route by the CSP will remain in effect for a period not to exceed the duration of the condition nor to exceed 12 months absent subsequent review by the CSP.

HMR 4.15.3.2 CONDITION REVIEW, EXTENSION, AND RESOLUTION. A temporary hazardous materials route designation or conditions upon an existing hazardous materials route by the CSP may not remain in effect beyond 12 months without a review to evaluate if the condition(s) reasonably determined to present the immediate negative impact(s) to public welfare and safety remain. If this evaluation results in a determination that the condition(s) persists, the CSP will extend the temporary designation initially for up to 180 days.

HMR 4.15.3.2.1 OPPORTUNITY TO PETITION OR CORRECT. A Petitioning Entity or the CDOT is encouraged to either take appropriate action consistent with resolving the condition(s) necessitating the temporary alternate route designation or to petition the CSP for a permanent routing designation. Either may be accomplished at any point before or after a temporary route designation. It is encouraged that such actions commence before the expiration of any 180-day extension resulting out of a 12-month review of a temporary route designation by the CSP.

HMR 4.15.3.2.2 ACTION DURING TEMPORARY DESIGNATION PERIOD. Before the expiration of any temporary alternate routing designation, the CSP may consider any substantive steps taken to either address the condition(s) ~~which~~-THAT resulted in the temporary, alternate designation or an impending or received hazardous materials Routing Petition Application when determining if it is appropriate to extend a designation for an additional period.

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HMR 4.15.3.3 TEMPORARY DESIGNATION OR CONDITIONS REPRESENT INFORMAL NOTICE A HAZARDOUS MATERIALS ROUTE MAY NO LONGER SATISFY THE STATUTE.

Temporary designation of a hazardous materials route or the determination to apply temporary restrictions to an existing hazardous materials route by the CSP in response to a condition OR CONDITIONS reasonably determined to represent an immediate negative impact on public welfare and safety represents informal notice that an existing designated hazardous materials route may no longer satisfy statutory approval requirements referenced within these rules. Temporary route designations or temporary conditions placed ~~upon~~ ON an existing designated hazardous materials route will result in a route review within 12 months from the CSP that may result in permanent changes to existing routing or alternate route determination(s), consistent with the route review process outlined in these rules.

HMR 4.15.3.3.1 PETITION CONSULTATION. If determined appropriate, the CSP will consult with an affected Petitioning Entity to submit a petition consistent with §42-20-302, CRS, and these rules.

HMR 4.15.3.4 NO CURFEWS EXCEPT AS PERMISSIBLE UNDER §42-20-301 (3) (b), CRS.

EXCEPT FOR THE APPLICATION OF DECISIONS OF THE TRANSPORTATION COMMISSION AFFECTING THE PERMISSIBLE HOURS OF OPERATION FOR THE EJMT BY THE CSP AS PERMISSIBLE THROUGH §42-20-301 (3) (b), CRS, THE CSP WILL NOT IMPOSE HOURS OF OPERATION OR CURFEWS AS CONDITIONS OR RESTRICTIONS AS PART OF A DESIGNATED ROUTE RESTRICTION OR CONDITION. MOREOVER, THE CSP WILL NOT IMPOSE CONDITIONS OR RESTRICTIONS ON MOTOR VEHICLES BEING USED TO TRANSPORT TO OR FROM A FARM OR RANCH PRODUCTS NECESSARY FOR AGRICULTURAL PRODUCTION AND OPERATED CONSISTENT WITH §42-20-301 (c), CRS, BEYOND THOSE CONDITIONS AFFECTING PERMISSIBLE HOURS OF OPERATION FOR THE EJMT, CONSISTENT WITH §42-20-301 (3) (a) AND (b), CRS. ~~Consistent with §42-20-301 (1) (b) and (c), CRS, the CSP will not impose curfews or conditions affecting the hours of operation or to motor vehicles being used to transport to or from a farm or ranch products necessary for agricultural production.~~

HMR 4.15.3.5 APPLICABLE TO TABLES 1 AND 2, 49 CFR 172.504, AS LIMITED BY STATUTE.

Any CSP temporary hazardous materials route designations or conditions upon existing designated hazardous materials routes apply only to those materials listed in Tables 1 and 2 of 49 CFR 172.504 as specifically provided within §42-20-301 (2), CRS.

HMR 4.15.3.6 NOTICE TEMPORARY ROUTE DESIGNATION IS NO LONGER VALID.

Upon determination that conditions no longer reasonably warrant a temporary hazardous materials route designation or conditions APPLIED by the CSP, the CSP will provide notice to the CDOT and any affected municipality, city, county and county, affected industry, and/or affected road/bridge authority.

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HMR 4.16 **VIOLATION PENALTY.** Any person convicted of shipping or transporting hazardous materials in violation of any of the rules of this part will be subject to the penalties set forth within §42-20-305, CRS.

PART 5

TRANSPORTATION OF NUCLEAR MATERIALS

(NMT)

NMT 5.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 42-20-402, CRS, apply to these rules and regulations. The following additional definition will also apply:

NMT 5.0.1 **COMPLAINT:** A written document stating the essential facts and supporting documentation regarding any offense(s) charged.

NMT 5.1 **APPLICATION OF 49 CFR TO NUCLEAR MATERIALS TRANSPORTATION AND APPLICATION OF ARTICLE 10 CFR TO LICENSEES WITHIN COLORADO.** The transportation of nuclear materials, as they are defined within §42-20-402 (3) (a) – (c), CRS, by motor vehicles in Colorado must comply with the regulations contained in:

49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials Driving; and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulation as the same were effective on October 1, ~~2022~~-2023. Authorized by §42-20-403, CRS, these rules are promulgated by the Chief for the safe transportation of nuclear materials with the following modifications:

NMT 5.1.1 **DEFINITION OF PERSON.** The definition of a person provided within 49 CFR 107.1 does not apply. Instead, the definition of person set forth by ~~p~~Part 1.3.15 of these rules will apply.

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NMT 5.1.2 **ADVANCE NOTIFICATION OF NUCLEAR SHIPMENTS.** Licensees shipping a highway route-controlled quantity of nuclear material, as defined in 49 CFR 173.403, within or through the state, and not otherwise required to comply with the provisions of 10 CFR 71.97 OR 73.37, must provide advanced notification of the nuclear shipment to the Governor or ~~his~~-THEIR designee under the requirements of 10 CFR 71.97 (c).

NMT 5.2 **INSPECTION REQUIREMENTS.** Inspection procedures by the CSP are consistent with the CVSA inspection procedures, decal application policies, and OOS criteria as EACH are published and ARE in effect April 1, ~~2023~~-2024.

NMT 5.2.1 **SHIPMENTS ENTERING COLORADO.** All motor vehicles carrying nuclear materials and entering Colorado on public roads must be inspected by an authorized Enforcement Official of the CSP nearest to the point at which the shipment of nuclear materials enters the state or at a location specified by the CSP.

NMT 5.2.2 **SHIPMENTS ORIGINATING IN COLORADO.** All motor vehicles carrying nuclear materials where the shipment thereof originates within Colorado must be inspected by an authorized CSP Enforcement Official ~~of the CSP~~ at the point of origin.

NMT 5.2.3 **CONTINUED TRANSPORT AFTER A CRASH.** Before being authorized to continue after a crash, a motor vehicle and shipping container transporting nuclear materials must be inspected by a qualified inspector consistent with NMT 5 of these rules and applicable statutes.

NMT 5.2.4 **NO TRANSPORT OF NUCLEAR MATERIALS ABSENT PERMIT.** No person will transport nuclear materials into, within, through, or out of Colorado unless and until a permit authorizing the transportation of the nuclear materials is issued consistent with statutes, these rules, and applicable rules adopted by the CDOT.

NMT 5.3 **NUCLEAR MATERIALS ANNUAL PERMIT APPLICATIONS AND FEES.** Upon review and approval of an annual nuclear materials transportation permit application, the CDOT will issue an annual nuclear materials transportation permit according to the authority provided by §42-20-501, CRS. All annual nuclear materials transportation permit applications and fees must be submitted to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Place, Denver, CO. ~~Colorado~~, 80204. Information about the application, fees, terms, and process may be downloaded from THE CDOT online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov).

NMT 5.3.1 **ANNUAL COST AND TERM.** The annual nuclear materials transport permit fee is \$500 unless otherwise indicated and each permit will be valid for one year from the date of ~~issuance~~-ISSUE. All applicable fees due must be paid in a manner acceptable to the CDOT.

NMT 5.3.2 **ADDITIONAL APPLICABLE NUCLEAR TRANSPORT FEES.** In addition to the annual permit fee, each carrier must pay a \$200 fee for each shipment that is transported, unless otherwise indicated. Payment of these fees must occur consistent with §42-20-502, CRS.

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NMT 5.3.2.1 REGULAR MONTHLY SHIPMENTS. If regularly scheduled nuclear materials shipments are made, the carrier may arrange with the CDOT to pay shipment fees monthly.

NMT 5.4 CONDITIONS APPLICABLE TO NUCLEAR MATERIALS PERMITS. The following conditions apply to the use of nuclear materials permits in Colorado:

NMT 5.4.1 SHIPPING PAPERS REQUIRED. Each person transporting nuclear materials within this state must carry a copy of the shipping papers required in 49 CFR 172, Subpart C, as revised October 1, 2022-2023, and a paper or electronic copy of the nuclear materials transportation permit in the vehicle.

NMT 5.4.2 USDOT NUMBER REQUIRED. Nuclear materials transporters operating within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 290.19 before the submission of a nuclear materials transport application.

NMT 5.4.3 NUCLEAR TRANSPORTATION PERMIT COPY REQUIRED. A copy of the nuclear materials transportation permit must be placed in each motor vehicle operated within or through Colorado except that, if a peace officer or any other Enforcement Official may determine that the nuclear materials transportation permit can be electronically verified at the time of the contact, a copy of the permit need not be carried by the person transporting THE nuclear materials.

NMT 5.4.4 NUCLEAR TRANSPORTATION PERMIT NOT TO BE ALTERED. No nuclear materials transportation permit is to be altered, amended, or copied unless authorized in writing by the CDOT, or, in the instance of a single permit, by any law Enforcement Official.

NMT 5.5- AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS RELATED TO THE TRANSPORT OF NUCLEAR MATERIALS. Enforcement Officials of the CSP and/or the PUC have the authority to and may inspect motor vehicles, drivers, books, and records relevant to the transport of nuclear materials BY MOTOR VEHICLES.

NMT 5.5.1- CSP INSPECTION OF NUCLEAR MATERIALS TRANSPORTERS. CSP Enforcement Officials have the authority to and may at any time inspect any vehicle, driver, cargo, shipping papers, nuclear materials transportation permit, and any other papers required by law or rule to be carried when transporting nuclear materials on public roads in Colorado.

NMT 5.5.2- CSP AND PUC INSPECTION OF RECORDS RELEVANT TO NUCLEAR MATERIALS TRANSPORTATION. CSP and PUC Enforcement Officials have the authority to and may inspect any books and records of any carrier, shipper, or the person transporting, shipping, or casing the transport or shipment of any nuclear materials within Colorado.

NMT 5.5.3- SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person

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having a nuclear materials transport permit and engaged in the transport of hazardous materials BY MOTOR VEHICLE. Violations discovered during inspections or compliance reviews are shared to promote the joint interest of public safety and effective enforcement of nuclear materials transport permit conditions, these rules, applicable statutes, and regulations.

NMT 5.6- VIOLATIONS- CIVIL PENALTIES: Any person who violates any provision of Article 20, Title 42, Parts 4 and 5, CRS, or these rules and regulations, except for those violations enumerated in subsection (3) of §§42-20-406, CRS, and of §42-20-505, CRS, is subject to a civil penalty of not more than n\$10,000 per day for each day during which a violation occurs. The penalty will be assessed by the Chief upon receipt of a complaint by any investigative personnel of the PUC or CSP, and after written notice and opportunity for a hearing according to §24-4-105, CRS.

NMT 5.6.1 VIOLATIONS OF §§42-20-406 (3) AND 42-20-505, CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed CONSISTENT WITH ~~pursuant to~~ statute and will appear on the complaint prior to service.

NMT 5.6.2 VIOLATIONS ARE SUBJECT TO PENALTIES WITHIN §42-20-505, CRS. Any person who violates any of the provisions of NMT 5.3 or NMT 5.4 of these rules is subject to the civil penalties listed in §42-20-505, CRS.

NMT 5.6.3 PENALTIES ASSESSED DAILY FOR VIOLATION OF §42-20-408, CRS. Any person who violates a compliance order of the Chief which is not subject to a stay pending judicial review and which has been issued according to §42-20-408, CRS, will be subject to a civil penalty of not more than \$10,000 per day for each day during which the violation occurs.

NMT 5.7 CIVIL PENALTY ASSESSMENT PROCEDURES. All violations of statutes referenced in NMT 5.6, NMT 5.6.2, and NMT 5.6.3 will be investigated and summarized in a complaint filed by an authorized investigator of the PUC or the CSP. The investigation will include, as applicable, the nature and gravity of any violations, the degree of culpability, any history of violations, and other public safety concerns. The complaint will be served in person or by certified mail at the motor carrier's last known address on file with the CSP or the CDOT.

NMT 5.7.1 CIVIL PENALTIES ASSESSED PURSUANT §§42-20-406 (3) AND 42-20-505 (2), CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed pursuant to the statute and will appear on the complaint prior to service.

NMT 5.7.2 NOTICE AND RESPONSE FOR VIOLATIONS OF NMT 5.6 AND §42-20-505 (1), CRS. Complaints containing violations of NMT 4, NMT 5.6, and §42-20-505 (1), CRS, must provide notice of an opportunity to appear before the Chief to contest the violation or to present mitigating factors to be considered in determining the amount of the civil penalty to be assessed.

NMT 5.7.2.1 CARRIER RESPONSE TO COMPLAINT. Within 30 days of service of the complaint, the carrier must file a written response containing:

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NMT 5.7.2.1.1 A request for a formal hearing before the Chief according to §24-4-105, CRS;

NMT 5.7.2.1.2 A request for an informal hearing before the Chief; or

NMT 5.7.2.1.3 A waiver of the right to a hearing before the Chief.

NMT 5.7.2.2 **REQUEST FOR INFORMAL HEARING WAIVES FORMAL HEARING.** A request for an informal hearing before the Chief will constitute a waiver of the right to a formal hearing ~~pursuant to~~ UNDER §24-4-105, CRS.

NMT 5.7.2.3. **FAILURE TO FILE TIMELY RESPONSE TO COMPLAINT.** Failure to timely file a written response will constitute a default. Upon entry of a default, the Chief will assess a civil penalty against the carrier. For good cause shown, the entry of default may be set aside by the Chief within 10 days of the default.

NMT 5.7.3 **CHIEF WILL ISSUE A FINAL WRITTEN AGENCY DECISION.** Within 30 days of receiving all relevant information, the Chief will issue a final written agency decision to include the specific violations and civil penalties assessed. The final agency decision will be served ~~upon~~ ON the carrier in person, or by first-class mail at the last known address on file with the CSP or the CDOT, whichever is more current.

NMT 5.8 **SCHEDULING OF NUCLEAR MATERIALS TRANSPORTS.** Motor vehicles transporting nuclear materials must schedule trips through all Colorado municipalities of over 50,000 in population to avoid rush-hour traffic.

NMT 5.8.1 **RUSH-HOUR DEFINED.** For purposes of these rules, rush-hour is defined to be between 6:00 am and 9:00 am and 3:00 pm to 6:00 pm, Monday through Friday.

NMT 5.8.2 **GEOGRAPHIC APPLICABILITY.** As a practical matter, this scheduling requirement applies to the transport of nuclear materials through the cities of Ft. Collins, Denver (greater metropolitan area), Colorado Springs, and Pueblo.

NMT 5.8.3 **ACCESS OF FT. COLLINS WEIGH STATION DURING RUSH-HOUR.** Motor vehicles transporting nuclear materials may access the CSP POE weigh station on Interstate 25 in Ft. Collins during rush-hour periods to be inspected as required by §42-20-404, CRS.

NMT 5.8.4 **TEMPORARY SCHEDULE VARIANCES.** Provided a variance is not in violation of ~~applicable~~ RELEVANT state statutes, appropriate federal regulations, or these rules, and is in the best interests of public safety, the CSP Hazardous Materials Section may consider and grant requests allowing for the transport of nuclear materials through areas identified in NMT 5.8.2 during hours otherwise prohibited by NMT 5.8 and NMT 5.8.1.

NMT 5.9 **ESCORT REQUIREMENTS FOR NUCLEAR MATERIALS TRANSPORTS.** Based ~~upon~~ ON security and/or emergency response concerns, the CSP may require motor vehicles transporting nuclear materials to be escorted by a Hazardous Materials Team when traveling within or through Colorado.

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NMT 5.9.1 **HAZARDOUS MATERIALS TEAM IS NOT A REPLACEMENT FOR IRRADIATED REACTOR FUEL TRANSPORT ESCORTS.** When required, a CSP Hazardous Materials Team escort will supplement, but not replace, the escort(s) required for a shipment of irradiated reactor fuel under the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.9.2 **LICENSEE WILL BE NOTIFIED IF CSP ESCORT IS REQUIRED.** A licensee, as defined within 10 CFR 2.4, will be notified that a CSP Hazardous Materials Team escort is required following the receipt of the shipment notification by the Governor or Governor’s designee, consistent with the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.10 **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** A driver of a motor vehicle involved in a spill or potential spill of nuclear materials must comply with the incident notification provisions contained in HMT 2.3.

~~NMT~~**HMT 5.10.1** **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** If the driver of a motor vehicle transporting nuclear materials is involved in a motor vehicle crash, regardless of whether there is damage to the motor vehicle transporting the nuclear materials, the CSP must be immediately notified at (303) 239 – 4501.

PART 6

NUCLEAR MATERIAL ROUTE DESIGNATION

(NMR)

NMR 6.0 **ROUTES TO BE USED FOR THE TRANSPORTATION OF NUCLEAR MATERIALS.** To ensure safe and environmentally acceptable, transportation of nuclear materials within Colorado, motor vehicles transporting nuclear materials must travel only on the following designated highway segments:

NMR 6.0.1 **N I-25 TO E I-70 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going East on Interstate Highway 70, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.1.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 225; then,

NMR 6.0.1.2 On Interstate Highway 225 between the junction with Interstate Highway 25 and the junction with Interstate Highway 70; then,

NMR 6.0.1.3 On Interstate Highway 70 between the junction with Interstate Highway 225 and the Colorado – Kansas state line.

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NMR 6.0.2 **W I-70 to N I-25 AND ITS REVERSE.** For vehicles traveling West on Interstate Highway 70 and then going North on Interstate Highway 25, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.2.1 On Interstate Highway 70 between the Colorado – Kansas state line and the junction with Interstate Highway 270; then,

NMR 6.0.2.2 On Interstate Highway 270 between the junction with Interstate Highway 70 and the junction with Interstate Highway 25; then,

NMR 6.0.2.3 On Interstate Highway 25 between the junction with Interstate Highway 270 and the Colorado – Wyoming state line.

NMR 6.0.3 **N I-25 AT CO – WY AND CO – NM AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction.

NMR 6.0.3.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line.

NMR 6.0.4 **N. I-25 TO N I-76 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going North on Interstate Highway 76, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.4.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 76; then,

NMR 6.0.4.2 On Interstate Highway 76 between the junction with Interstate Highway 25 and the Colorado – Nebraska state line.

NMR 6.1 **PROHIBITED HIGHWAY SEGMENTS.** Motor vehicles transporting nuclear materials shall under no circumstance travel on those state highway segments designated as follows:

NMR 6.1.1 **MILEPOST 361.630.** On Interstate Highway 70 between the Colorado – Utah state line and the junction with US 40, at milepost 361.630.

NMR 6.1.2, **MILEPOSTS 274.039 AND 276.572.** On Interstate Highway 70 between the junction with Interstate Highway 25 at milepost 274.039 and the junction with State Highway 2 at milepost 276.572.

NMR 6.2 **ROUTE DEVIATION EXCEPTIONS.** No carrier transporting nuclear materials shall deviate from the routes designated in this Part 6 except for:

NMR 6.2.1 **EMERGENCY SAFETY.** In cases of emergency conditions making the continued use of the designated route unsafe;

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NMR 6.2.2 **ROAD CLOSURE:** When the designated route is closed due to road conditions, road construction, or maintenance operations;

NMR 6.2.3 **LOCAL OPERATION:** To make local pick-ups and deliveries; or

NMR 6.2.4 **REFUELING.** When making local pick-ups and deliveries, or when refueling, the carrier must minimize the distance traveled on non-designated routes.

NMR 6.3 **EMERGENCY ROAD CLOSURE.** The closing of a public road that is designated as a nuclear materials route, or restrictions on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303)-273-1900. The CSP Denver Regional Communication Center must be contacted where these events occur outside of normal business hours at (303)-239-4501.

NMR 6.3.1 **DETERMINATION OF ALTERNATE ROUTE.** When a nuclear materials route is restricted and/or closed, the CSP will determine if a temporary alternate route should be identified.

NMR 6.3.2 **NOTIFICATION OF TEMPORARY DESIGNATION.** The CSP will notify the appropriate local law enforcement agencies and affected industry ~~regarding~~ CONCERNING any temporary closure and if an alternate route has been temporarily designated. The CSP will similarly notify the same upon the termination of temporary closure and/or temporary alternate route designation.

NMR 6.3.3 **ESCORT REQUIRED.** Vehicles transporting nuclear materials are required to be escorted when traveling off a designated nuclear materials route due to an emergency road closure or other conditions that restrict the movement of traffic over the same. The escort will be provided by the CSP, or when previously arranged by the CSP, by the local law enforcement agency in whose jurisdiction the closure or restriction occurs.

PART 7

INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS

(HMA)

HMA 7.0 **AUTHORITY.** The CSP is mandated by the provisions of §42-20-108.5, CRS, to adopt rules and regulations concerning the intrastate transportation of agricultural products in Colorado.

HMA 7.1 **APPLICABILITY.** These rules and regulations apply to any person transporting an agricultural product consistent with 49 CFR 173.5, as revised October 1, ~~2022~~ 2023.

HMA 7.2 **DEFINITIONS.** For purposes of this Part 7, the following definitions apply:

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HMA 7.2.1 **AGRICULTURAL PRODUCT:** As defined by §42-20-108.5 (2) (a), CRS, is a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to, a fertilizer, pesticide, soil amendment, or fuel. An agricultural product is limited to materials in Classes 3, 8, or 9, divisions 2.1, 2.2, 5.1, 6.1, or an ORM-D material as identified in 49 CFR 172 and 173.

HMA 7.2.2 **FARMER:** As defined by §42-20-108.5 (2) (b), CRS, is a person or such person's agent or contractor engaged in the production or raising of crops, poultry, or livestock.

HMA 7.3 **EXEMPTIONS FROM THE FEDERAL RULES IN 49 CFR 173.5.** The Chief hereby adopts by rule and regulation the federal agricultural product exemption provisions of 49 CFR 173.5, as authorized by §42-20-108.5, CRS.

PART 8

PUBLICATIONS, RESOURCES, EFFECTIVE DATE, AND SEVERABILITY

(HPR)

HPR 8.0 **PUBLICATIONS AND RULES INCORPORATED BY REFERENCE.** All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as is required by §24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are adopted as each may be amended within these rules, consistent with §24-4-103 (12.5), CRS:

HPR 8.01.1 Commercial Vehicle Safety Alliance (~~2023-2024~~). **North American Standard Out-of-Service Criteria (OOSC)**. April 1, ~~2023-2024~~. Greenbelt, MD: Author.

HPR 8.01.2 U.S. Department of Transportation Federal Motor Carrier Safety Administration (~~2022-2023~~). **Federal Motor Carrier Safety Regulations (FMCSRs)**, 49 CFR 40, 380, 382, 385, 387, 390, 397, 399, and Appendix A (October 1, ~~2022-2023~~). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.3 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (~~2022-2023~~). **Pipeline and Hazardous Materials Safety Regulations (PHMSRs)**, 49 CFR 107, 171 -173, 177, 178, and 180 (October 1, ~~2022-2023~~^{PART}). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.4 Nuclear Regulatory Commission (~~2022-2023~~). **Nuclear Regulatory Commission Regulations (NRCRs)**, 10 CFR 2.4, 71.97, 73.37, and 180 (~~2022-2023~~). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.1 **COPIES OF PUBLICATIONS MAINTAINED BY THE CSP.** The CSP Hazardous Materials Section will maintain copies of the complete texts of each of the aforementioned publications,

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standards, guidelines, and rules, and will make them available for public inspection during regular business hours. Interested parties may access these documents free of charge online. Interested parties may also inspect referenced incorporated materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit at 700 Kipling St., Lakewood, CO., 80215. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organizations of their original issue:

HPR 8.1.1 ~~2023-2024~~ **Out-of-Service Inspection Criteria:** Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, Maryland, 20770-6319. Phone: (301)-830-6143. Email: CVSAHQ@CVSA.ORG.

HPR 8.1.2 **Federal Motor Carrier Safety Regulations (FMCSRs):** Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832-5660. Website: WWW.FMCSA.DOT.GOV.

HPR 8.1.3 **Pipeline and Hazardous Materials Safety Regulations (PHMSRs):** Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: (202)-366-4433. Website: WWW.PHMSA.DOT.GOV.

HPR 8.1.4 **Nuclear Regulatory Commission Regulations (NRCRs).** U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001. Phone: 1-(800)-368-5642 or (301)-415-7000. Website: WWW.NRC.GOV.

HPR 8.1.5 **2020 Emergency Response Guidebook.** Hazardous Materials Training Program, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: 1-(202)-366-4900. Website: WWW.PHMSA.DOT.GOV.

HPR 8.2 **LATER EDITIONS ARE NOT INCORPORATED BY REFERENCE.** These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference herein.

HPR 8.3 **RULES ARE AVAILABLE ONLINE.** These rules are available online through the CDPS Rulemaking Information website at [HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

HPR 8.4 **INQUIRIES ABOUT RULES.** All contact with the CSP ~~regarding~~ **CONCERNING** these rules should be addressed to the Colorado State Patrol Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401. Phone (303)-273-1900.

HPR 8.5 **EFFECTIVE DATE.** THE EFFECTIVE DATE OF THESE RULES IS APRIL 1, 2024. ~~**SEVERABILITY.**~~
If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.

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HPR 8.6 **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.

EXHIBIT 10
POST-FILING
COMMENTS
NO COMMENTS RECEIVED

COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS
AND
THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO
8 CCR 1507-25

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Under §42-20-108 (1) and (2), CRS, the Chief of the Colorado State Patrol has the authority to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous materials by motor vehicles within the state of Colorado. Under §§42-20-403, 42-20-504, and 42-20-508, CRS, the Chief of the CSP has the authority to promulgate rules and regulations for the permitting, routing, and the safe transportation of nuclear materials by motor vehicles within the state of Colorado. Under §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations that exempt agricultural products from the hazardous rules.

Amendments are being proposed to 8 CCR 1507-25:

- In response to recent changes in statute codified by the passage of Colorado Senate Bill 23-280, which amends the permissive curfew and routing provisions of §42-20-301, CRS, and allows for the CSP to apply restrictions approved by the Transportation Commission affecting the transport of hazardous and agricultural products through the EJMT.
- Updating references to the CRS, CVSA Inspector, CVSA OOS Criteria, and FMCSRs to maintain consistency with controlling and authorizing legal authorities.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

It has been declared by the General Assembly that the permitting, routing, and transportation of hazardous and nuclear materials is a matter of statewide interest and concern. The absence of rules to carry out the purpose of the statutes applicable thereto is contrary to the public health, peace, safety, and welfare of this state. For these reasons, it is necessary that these rules, inclusive of the revisions proposed, are adopted.

Colonel Matthew C. Packard
Chief, Colorado State Patrol

Date of Adoption

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COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE PATROL
RULES AND REGULATIONS CONCERNING THE PERMITTING, ROUTING & TRANSPORTATION OF
HAZARDOUS AND NUCLEAR MATERIALS
AND
THE INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS IN THE STATE OF COLORADO

PART 1

GENERAL STATEMENTS

- 1.0** **AUTHORITY.** The Chief of the Colorado State Patrol is authorized by §42-20-108 (1) and (2), CRS, and §§42-20-403, 42-20-504, and 42-20-508, to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous and nuclear materials by motor vehicle within Colorado, in either interstate or intrastate transportation. Additionally, consistent with §42-20-108.5, CRS, the Chief of the Colorado State Patrol is also authorized to adopt rules and regulations exempting agricultural products from hazardous materials rules.
- 1.1** **APPLICABILITY.** These rules and regulations apply to all persons who transport, ship, or cause to be transported or shipped, hazardous, nuclear, or agricultural materials or products by motor vehicle over the public roads of Colorado.
- 1.2** **REQUIRED COMPLIANCE WITH 8 CCR 1507-1.** All commercial vehicles that transport hazardous and/or nuclear materials must comply with 8 CCR 1507-1, the Rules and Regulations Concerning the Minimum Standards for the Operation of Commercial Vehicles.
- 1.3** **GENERAL DEFINITIONS.** Unless otherwise specified, definitions of general applicability throughout these rules are:
- 1.3.1** **CDOT:** Colorado Department of Transportation.
- 1.3.2** **CDPHE:** Colorado Department of Public Health and Environment.
- 1.3.3** **CDPS:** Colorado Department of Public Safety.
- 1.3.4** **CFR:** Code of Federal Regulations.
- 1.3.5** **CHIEF:** ~~Means~~ The Chief of the Colorado State Patrol. Unless otherwise specified, also includes the designees of the Chief of the Colorado State Patrol where THE designation is permissible and consistent with applicable STATE statute and applicable CDPS and CSP rules and policies.
- 1.3.6** **CSP:** Colorado State Patrol.

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- 1.3.7 CVSA:** Commercial Vehicle Safety Alliance.
- 1.3.8 ENFORCEMENT OFFICIAL:** As identified within §42-20-103 (2), CRS, is limited to a peace officer who is an officer of the CSP as described in §§ 16-2.5-101 and 16-2.5-114, CRS; a certified peace officer who is a certified Port of Entry officer as described in §§16-2.5-102 and 16-2.5-115, CRS; a peace officer who is an investigating official of the Public Utilities Commission as described in §§ 16-2.5-101 and 16-2.5-143, CRS; or any peace officer as described in §16-2.5-101, CRS.
- 1.3.9 FMCSA:** Federal Motor Carrier Safety Administration.
- 1.3.10 FMCSR:** Federal Motor Carrier Safety Regulations.
- 1.3.11 HAZARDOUS MATERIALS:** As defined within §42-20-103 (3), CRS, are those materials listed in Tables 1 and 2 of 49 CFR 172.504, excluding highway route-controlled quantities of radioactive materials as defined in 49 CFR 173.403 (2), excluding ores and the wastes and tailing therefrom, and excluding special fireworks where the aggregate amount of flash powder does not exceed 50 pounds.
- 1.3.12 MOTOR VEHICLE:** As defined within §42-20-103 (4), CRS, is any device capable of moving from place to place on public roads. The term includes, ~~but is not limited to~~, any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto.
- 1.3.13 MOU:** Memorandum of Understanding.
- 1.3.14 OOS:** Out-of-Service.
- 1.3.15 PERSON:** As defined within §42-20-103 (6), CRS, is an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons.
- 1.3.16 POE:** Port of Entry, a ~~branch~~SECTION of the CSP.
- 1.3.17 PUC:** Public Utilities Commission.

PART 2

HAZARDOUS MATERIALS TRANSPORTATION

(HMT)

HMT 2.0 APPLICATION OF 49 CFR TO THE TRANSPORTATION OF HAZARDOUS MATERIALS. The transportation of hazardous materials by motor vehicle must occur consistent with the regulations contained in:

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49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials, Driving and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulations as the same were effective on October 1, ~~2022~~2023. §42-20-108 (3), CRS, provides that these federal regulations may be used as general guidelines by the Chief in the promulgation of these rules. These rules adopt the aforementioned sections of the CFR to support the enforcement of regulations ~~applicable to~~ CONCERNING the transportation of hazardous materials with the following modifications:

- HMT 2.0.1** **DEFINITION OF PERSON.** The definition of a person is as it is described within these rules. The definition of person set forth within ~~§49 CFR 107.1~~ is not applicable.
- HMT 2.0.2** **INAPPLICABILITY OF FEDERAL HAZARDOUS MATERIALS REGULATIONS EXEMPTION TO PERSONS AND FUNCTIONS.** §49 CFR 171.1 (d) (5), as it exempts specific functions from the hazardous materials regulations, is specifically not adopted by these rules and does not apply.
- HMT 2.1** **CVSA INSPECTION STANDARDS.** Through an MOU, ~~dated October 21, 2022,~~ with the CVSA DATED OCTOBER 21, 2022, the CSP, as a division of the CDPS, AGREES TO adopts the CVSA inspection procedures, decal application policies, and OOS criteria established for the inspection of commercial motor vehicles.
- HMT 2.2** **APPLICABILITY OF CVSA OPERATIONS MANUAL.** Enforcement Officials performing safety inspections ~~upon~~ ON motor vehicles transporting hazardous materials will use the inspection procedures, decal application policies, and OOS criteria, as each appears in the CVSA Operations Manual, effective April 1, ~~2023~~2024.
- HMT 2.3** **HAZARDOUS MATERIALS INCIDENT NOTIFICATION.** A driver of a motor vehicle transporting hazardous materials as cargo involved in a hazardous materials spill or incident must immediately provide notice of the nature and location of the hazardous materials spill or incident to the law enforcement agency in closest proximity thereto, consistent with the requirements of §42-20-113 (3), CRS.

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HMT 2.3.1 **IMMEDIATE NOTICE REGARDING HAZARDOUS MATERIALS AS CARGO.** A driver of a motor vehicle involved in an incident having the potential to result or that does result in the potential spilling or release of cargo classified as hazardous materials will immediately notify the nearest law enforcement agency of the location of the incident and any other information minimally necessary for an informed response.

HMT 2.3.2 **IMMEDIATE NOTICE REGARDING SPILL OR RELEASE OF FUEL FROM VEHICLE FUEL TANK.** A driver of a motor vehicle involved in a spill of hazardous material from a fuel tank providing fuel for the motor vehicle and/or equipment thereon, will give immediate notice of the spill or release location and any other information minimally necessary for an informed response to the nearest law enforcement agency.

HMT 2.3.3 **MINIMALLY NECESSARY INFORMATION REQUIRED.** ~~As it applies within these rules, “m~~Minimally necessary INFORMATION,” AS IT APPLIES TO NOTIFICATION OF HAZARDOUS MATERIALS INCIDENTS UNDER PART HMT 2.3 OF THESE RULES ~~includes, but is not limited to the following:~~

HMT 2.3.3.1 The name of the person reporting the incident;

HMT 2.3.3.2 The phone number at which the person reporting the incident can be contacted;

HMT 2.3.3.3 The type of incident;

HMT 2.3.3.4 The type of motor vehicle involved;

HMT 2.3.3.5 The name of the motor carrier involved, if applicable;

HMT 2.3.3.6 The extent of injuries, if any;

HMT 2.3.3.7 The classification, name, and quantity of the hazardous materials involved; and

HMT 2.3.3.8 If a continuing danger to public safety or the environment exists at the scene.

HMT 2.3.4 **NOTICE TO CSP AND CDPHE.** As soon as possible after making an initial notification of a hazardous material spill/incident to the nearest law enforcement agency, the driver ~~OF THE MOTOR VEHICLE INVOLVED,~~ or a company representative ~~THEREFORE~~ will provide the same minimally necessary information to the:

HMT 2.3.4.1 CSP at (303) 239-4501; and

HMT 2.3.4.2 The CDPHE Environmental Spill Reporting Line at (877) 518-5608.

HMT 2.4 **AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS.** Enforcement Officials, as are identified within these rules or as is consistent with 8 CCR 1507-1, are authorized by §42-4-235 (1) (a), CRS, to perform commercial motor vehicle inspections.

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HMT 2.4.1 ENFORCEMENT OFFICIALS MUST MEET INSPECTOR QUALIFICATIONS.

Enforcement Officials authorized to perform commercial motor vehicle safety inspections by §42-4-235 (1) (a), CRS, and upon the drivers thereof, are required to meet the inspector qualifications referenced in §42-4-235 (4) (a) (I), CRS, when performing CVSA North American Standard Safety Inspections. All Enforcement ~~o~~Officials performing Level I – VI CVSA North American Standard Safety Inspections must also maintain the certification requirements prescribed in the current CVSA Operations Manual referenced by these rules and incorporated ~~as part 8 of~~ INTO 8 CCR 1507-1.

HMT 2.4.2 AUTHORITY TO INSPECT. Enforcement Officials have the authority to inspect motor vehicles, motor vehicle drivers, cargo, and any required documents outlined in 49 CFR 383, 387, 390, 391, 392, 393, 395, 397, and 399, as revised October 1, ~~2022~~2023.

HMT 2.4.3 CSP ENFORCEMENT OFFICIALS AND COMPLIANCE REVIEWS. CSP Enforcement Officials certified by the FMCSA according to 49 CFR 385, Subpart C, to perform Compliance Reviews and Safety Audits have the authority to enter the facilities of and inspect any motor carrier consistent with §42-4-235 (1) (c), CRS, and any required records and supporting documents are outlined in 49 CFR 40, 380, 382, 383, 385, 387, 390, 391, 392, 393, 395, 396, 397, and 399, and Appendix A, revised October 1, ~~2022~~2023.

HMT 2.4.4 MOTOR VEHICLE OOS CRITERIA. The CSP incorporates by reference ~~for enforcement purposes~~ the CVSA North American Uniform OOS Criteria ~~FOR ENFORCEMENT PURPOSES~~, as revised and effective April 1, ~~2023~~2024. Enforcement Officials will use the CVSA North American Uniform OOS Criteria when determining whether a motor vehicle or driver should be placed OOS according to §42-20-110, CRS.

HMT 2.4.5 SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person having a hazardous materials transport permit and engaged in the transportation of hazardous materials. Violations discovered during inspections or compliance reviews are shared to promote ~~the joint interests of public safety and effective enforcement of hazardous materials transport permit conditions, these rules, applicable~~ RELEVANT statutes, and regulations.

HMT 2.4.6 PENALTIES FOR VIOLATIONS. Any person shipping or transporting hazardous materials in violation of any of the rules of this part is guilty of a misdemeanor. Upon conviction thereof, a person will be subject to a fine and/or imprisonment, as each is indicated within §42-20-109, CRS.

PART 3

HAZARDOUS MATERIALS PERMITS

(HMP)

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HMP 3.0 **DEFINITIONS.** For purposes of this part, the following definitions apply:

HMP 3.0.1 **LIABILITY INSURANCE OR SURETY:** As used in these rules, means insurance or surety for public liability.

HMP 3.0.2 **LONGER VEHICLE COMBINATION (LVC):** Is any number of vehicle configurations, including a truck tractor as a power unit and multiple trailer combinations, as identified within §42-4-505 (2) (a) – (d), CRS.

HMP 3.0.3 **PEACE OFFICER:** Is defined in §16-2.5-101, CRS, and ~~will include~~ **INCLUDES** Peace Officers who are certified Port of Entry Officers as **ARE** described in §§ 16-2.5-101 and 16-2.5-115, CRS.

HMP 3.0.4 **PUBLIC LIABILITY:** Is a liability for bodily injury or property damage, including liability for environmental restoration, as discussed within 49 CFR 387.5.

HMP 3.0.5 **TRANSMIX:** Also known as Petroleum Distillates, N.O.S., and only as used within this section, is a mixture of refined products specifically and individually exempted under HMP 3.4.3 of these rules. Transmix, as defined by these rules, is a combination of gasoline, diesel, jet fuel, and/or other refined petroleum products transported to processing plants for purposes of distillation and product separation. Transmix falls under UN1268 and is placarded as Class 3 hazardous materials.

HMP 3.1 **ANNUAL HAZARDOUS MATERIALS PERMIT APPLICATIONS AND FEES.** The fees assessed for hazardous materials permits, annually or per trip, are set within Colorado statute ~~and are found in~~ **UNDER** §42-20-202 (1) (b) and (c), CRS. The annual hazardous materials transport permit fee schedule is based on the number of motor vehicles an applicant operates within Colorado and is found within §42-20-202 (1) (b), CRS. Consistent with §42-20-201, CRS, the CDOT is responsible for the review and approval of any submitted applications and renewals for annual hazardous materials transport permits.

HMP 3.1.1 **ALL ANNUAL APPLICATIONS PROCESSED BY CDOT.** All applications and renewals for Hazardous Materials Transportation Permits and all applicable fees due therefore are to be submitted to the CDOT Division of Transportation Development OSOW Permits Unit. The CDOT Division of Transportation Development OSOW Permits Unit may be contacted at 2829 W. Howard Pl., Denver, ~~Colorado~~ **CO.**, 80204, or by phone at (303)-757-9539. Information may also be found online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov). All applicable fees must be paid in a manner acceptable to the CDOT.

HMP 3.2 **CONDITIONS APPLICABLE TO HAZARDOUS MATERIALS PERMITS.** Several conditions apply to the issue and use of annual hazardous materials permits. These conditions, detailed within applicable statutes, also include but are not limited to the following specifically identified requirements:

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- HMP 3.2.1** **USDOT NUMBER REQUIRED.** Hazardous materials transporters within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 390.19 before the submission of an annual permit application.
- HMP 3.2.2** **ANNUAL PERMIT FEE AFFECTED BY NUMBER OF VEHICLES.** The fee assessed by the CDOT for an annual permit is determined by the number of vehicles being permitted and will be as described within §42-20-202 (1) (b), CRS.
- HMP 3.2.3** **MUST COMMUNICATE AN INCREASE IN VEHICLES TO CDOT.** Any increase in the total number of declared vehicles permitted to be operating within or through Colorado must be communicated in writing through the completion of an amended request and the payment of any additional fees determined to be due to the CDOT.
- HMP 3.2.4** **MUST OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE CONSISTENT WITH §42-20-202 (2) (a) AND (3) (a), CRS.** Persons applying for and receiving an annual hazardous materials transport permit must ALWAYS obtain and maintain public liability insurance or a surety-at all times that must not be less than the minimum limits established within 49 CFR 387 with schedules and endorsements covering all vehicles that may be operated by, for, or under the control of the applicant or permit holder. Applicant must cause to file with the CDOT one of the following:
- HMP 3.2.4.1** A National Association of Regulatory Utility Commission (NARUC) “FORM E,” “Uniform Major Carrier Bodily Injury and Property Damage Liability Certificate of Insurance,” executed by a duly authorized agent of the insurer. Also required with this filing is the MCS-90, “Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980,” issued by an insurer or insurers, and signed by an authorized representative of the insurance company or companies;
- HMP 3.2.4.2** A Form MCS-82, “Motor Carrier Surety Bond for Public Liability under Section 30 of the Motor Carrier Safety Act of 1980,” issued by a surety, and signed by an “Attorney-in-Fact,” with a copy of the Power of Attorney attached; or
- HMP 3.2.4.3** A copy of a written decision, order, or authorization of the FMCSA authorizing the motor carrier to self-insure pursuant to UNDER 49 CFR 387.309.
- HMP 3.2.5** **ALL LIABILITY OR INSURANCE COVERAGE MUST MATCH THE EXACT NAME.** All insurance and surety forms coverage must be filed with- USING OR UNDER the exact name, initial, corporate, and trade name if any, and address, as it is included in the annual hazardous materials permit application filed and maintained by the CDOT.
- HMP 3.2.6** **NOTICE OF INSURANCE OR SURETY CANCELLATION OR NON-RENEWAL REQUIRED.** Every insurance certificate or surety bond required by and filed with the CDOT must be kept in full force and effect, unless and until canceled by a 30-day written notice or not renewed by a 90-day written notice on a NARUC “FORM K,” (Uniform Notice of Cancellation of Motor Carrier Insurance Policies); “FORM BMC 35,” (Notice of

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Cancellation Motor Carrier Insurance); or “FORM BMC 36,” (Notice of Cancellation of Motor Carrier Surety Bond), as may be appropriate, from the insurer or surety to the CDOT. The 30-day and 90-day notice will commence from the date the notice is received by the CDOT and the insurance certificate or surety bond must contain a statement to this effect.

HMP 3.2.7 **NO UNAUTHORIZED ALTERATIONS.** No annual permit is to be altered, amended, or copied, unless authorized in writing by the CDOT or, in the case of a single trip permit (as discussed within HMP 3.3 of these rules), by an eEnforcement eOfficial.

HMP 3.2.8 **PERMITS MUST BE AVAILABLE FOR INSPECTION.** The required permits must be readily available for inspection as required by §42-20-203, CRS. This requirement is met if a pPeace eOfficer or Enforcement Officials can electronically verify the permit is valid at the time of contact.

HMP 3.3 **SINGLE TRIP HAZARDOUS MATERIALS PERMITS.** Under §42-20-202 (1) (c), CRS, single trip permits may be obtained from the CSP at all CSP POE weigh stations. Each person transporting hazardous materials in, to, from, or through Colorado who has not previously obtained a valid annual hazardous materials transport permit from the CDOT must apply for and pay for a single trip hazardous materials transport permit at the nearest CSP POE weigh station or to a CSP POE officer or office.

HMP 3.3.1 **VALID FOR 72 HOURS.** Each single trip permit will be valid for a single continuous business venture, but in no event will the permit be valid for more than 72 hours, unless extended by any Enforcement Official for any reason the official deems advisable. Reasons for an extension by an Enforcement Official may include mechanical difficulties and road and weather conditions.

HMP 3.3.2 **ISSUED UPON APPROVAL AND PAYMENT.** A single trip hazardous materials permit will be issued upon the approval of a complete single trip permit application and the payment of a \$25 permit fee.

HMP 3.3.3 **PROOF OF LIABILITY INSURANCE OR SURETY REQUIRED.** Persons applying for a hazardous materials transportation single trip permit are required by §42-20-202 (3) (a), CRS, to supply proof of liability insurance or surety or sign a verification at the time of the permit application.

HMP 3.3.4 **SUBSEQUENT PROOF REQUIRED WHERE VERIFICATION STATEMENT SUBMITTED- SINGLE TRIP HAZARDOUS MATERIALS PERMIT.** Applicants who sign a verification instead of supplying acceptable proof of financial responsibility (liability insurance or surety) must forward it to the CDOT Division of Transportation Development OSOW Permits Unit within 30 days of issuance of the permit’s ISSUE. WITH THIS MUST BE INCLUDED:

HMP 3.3.4.1 Their-A copy of the APPLICANT’S single trip hazardous materials permit;
and

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HMP 3.3.4.2 A legible copy of acceptable proof of financial responsibility as is required by §42-20-202, CRS, having matching information as is defined in paragraph HMP 3.2.5 of these rules.

HMP 3.4 **LVCs AND THE TRANSPORTATION OF HAZARDOUS MATERIALS.** LVCs operating under the provisions of the CDOT Rules and Regulations promulgated according to the provisions of §43-4-505, CRS, are prohibited from transporting the following specified hazardous material types and quantities:

HMP 3.4.1 **TABLE 1, 49 CFR 172.504.** Any quantity of hazardous material within the hazard classes specified in 49 CFR 172.504, Table 1.

HMP 3.4.2 **TABLE 2, 49 CFR 172.504.** Any material, unless otherwise specified herein, within the hazardous classes specified in 49 CFR 172.504, Table 2 that:

HMP 3.4.2.1 Exceeds 55 gallons per package.

HMP 3.4.2.2 Is transported in quantities using containment systems in excess of 3,500 gallons, except as provided in HMP 3.4.3 of these rules.

HMP 3.4.2.3 Is classified as a “Material Poisonous by Inhalation” as it is defined in 49 CFR 171.8.

HMP 3.4.2.4 Requires evacuation of populated areas as specified in ~~TABLES 1, 2, AND 3~~ IN the most current version of the North American Emergency Response Guidebook in publication as of April 1, 2020, as referenced by these rules.

HMP 3.4.3 **PETROLEUM-BASED PRODUCTS ARE EXEMPT FROM LVC TRANSPORT PROHIBITION.** The prohibition of subparagraph HMP 3.4.2.2 does not apply to the following petroleum-based products when transported in bulk quantities in an LVC of the type described in §42-4-505 (c) and (d), CRS:

HMP 3.4.3.1 Gasoline, UN1203;

HMP 3.4.3.2 Diesel Fuel, NA1993;

HMP 3.4.3.3 Crude Oil, UN1267;

HMP 3.4.3.4 Liquefied Petroleum Gas (LPG), UN1075;

HMP 3.4.3.5 Aviation Fuel, UN1863; or

HMP 3.4.3.6 Transmix, UN1268.

HMP 3.4.4 **COMPLIANCE WITH OTHER APPLICABLE LAWS.** Persons operating LVCs must operate consistently with all other ~~applicable~~ RELEVANT provisions of state law, rules, and regulations.

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HMP 3.5 **PENALTIES FOR VIOLATIONS.** Upon conviction, any person shipping or transporting hazardous materials in violation of any rule in this Part 3 is subject to the penalties set forth within §42-20-204, CRS.

PART 4

HAZARDOUS MATERIALS ROUTE DESIGNATION

(HMR)

HMR 4.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 29-22-101, CRS, apply to these rules and regulations. The following definitions also apply:

HMR 4.0.1 **PETITION:** As used within these rules, means a CSP Hazardous Materials Route Designation Packet, including the route analysis process, worksheets, and petitions resolution.

HMR 4.0.2 **PETITIONING ENTITY OR ENTITIES:** As used within these rules, means local governmental entities, CDOT, a public highway authority, and any governmental entity that is a partner in a public-private partnership concerning any highway, road, or street it maintains, when making an application to the CSP for a new hazardous materials route designation, or a change to an existing route designation as it is allowed under §42-20-302 (1) (a) – (e), CRS.

HMR 4.0.3 **ROUTING FACTORS:** As used within these rules, these are factors that must be considered and specifically addressed as part of any application petitioning the CSP for a new hazardous materials route designation or to change an existing route designation. As it applies to petitions submitted to the CSP, Petitioning Entities must address each of the routing factors referenced by these rules and/or identified by §49 CFR 397.71 (b) (9). If a factor is inapplicable to a route petition, the Petitioning Entity must specifically indicate the factor and the basis for inapplicability.

HMR 4.0.4 **SENSITIVE AREAS:** Sensitive Areas are areas that may experience a disparate impact in the event of exposure to the release of hazardous materials. This disparate impact may be environmental, social, etc., and could result in a greater demand for emergency and public resources in the event of an emergency related to the release of hazardous materials. Sensitive Areas include, but are not limited to private homes; commercial buildings; special populations in hospitals, schools, prisons, stadiums, senior or group homes; communities having a higher number of ESL-speaking individuals or individuals having physical, and/or mental disabilities, as compared to surrounding communities; water sources; and natural areas such as parks, wetlands, and wildlife reserves.

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HMR 4.0.5 **SPECIAL POPULATIONS:** Groups, individuals, or institutions included in a population that could be potentially exposed in the event of a hazardous materials incident which are also members of groups that may not be able or are unable to mobilize effectively in response to a threat to public health or safety without the assistance of emergency or other public services personnel.

HMR 4.1 **PETITION APPLICATIONS FOR ROUTE DESIGNATIONS.** Petitioning Entities seeking to petition for a new or change to an existing hazardous materials route designation should consult with and request guidance from the CDOT Division of Transportation Development OSOW Permits Unit and the CSP Hazardous Materials Section ~~regarding~~ CONCERNING the process, format, and substance of the route petition.

HMR 4.1.1 **INTRODUCTORY INFORMATION FROM CDOT.** Introductory information on the PETITION APPLICATION process, FAQs, and unit contact information from CDOT is available online at [HTTPS://WWW.CODOT.GOV/BUSINESS/HAZMAT-ROUTING/CURRENTHAZMATROUTES](https://www.codot.gov/business/HAZMAT-ROUTING/CURRENTHAZMATROUTES). Correspondence to CDOT may be addressed to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Pl., Denver, CO., 80204.

HMR 4.1.2 **GUIDANCE DOCUMENT IS AVAILABLE FROM THE CSP HAZARDOUS MATERIALS SECTION.** A guidance document outlining the minimum required elements and documentation that should be included as part of a hazardous materials route designation petition application is available from the CSP Hazardous Materials Section upon request by calling (303)-273-1900 or BY CONTACTING THE CSP HAZARDOUS MATERIALS SECTION online at [HTTPS://CSP.COLORADO.GOV/SERVICES-WE-PROVIDE/HAZARDOUS-MATERIALS](https://CSP.COLORADO.GOV/SERVICES-WE-PROVIDE/HAZARDOUS-MATERIALS).

HMR 4.2 **PETITION APPLICATION SUBMISSION ACCORDING TO §42-20-302, CRS.** Petitioning Entities making an application to the CSP for a new hazardous materials route designation or ~~for~~ a change in an existing route designation consistent with §42-20-302, CRS, may submit a petition application for either PURPOSE to the CSP, no more than once a year.

HMR 4.3 **CONSIDERATION FACTORS OF 49 CFR 397 ARE ADOPTED.** 49 CFR 397 is adopted without amendment by these rules. All ~~of~~ the factors identified for consideration by 49 CFR 397.71 (b) (9) apply to all new and existing hazardous materials routing petitions. 49 CFR 397.71 sets forth 13 categories of factors that must be considered when any NEW OR EXISTING hazardous materials route, ~~new or existing~~, is the subject of a hazardous materials routing petition application. Any petition applications delivered to the CSP after an initial CSP application review that does not include discussion of these factors will not be deemed to be received, will INSTEAD be determined incomplete, and will be returned to the submitting PETITIONING eEntity for correction and resubmission without prejudice. Broadly, these 13 categories are:

HMR 4.3.1 **POPULATION DENSITY.** The population that will be potentially exposed in the event hazardous materials are released, inclusive of residents, employees, motorists, and other persons in the area, with specific discussion of any of those persons or groups

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that may be ~~considered to be~~ special populations. The relationship between population density levels and the potential release of hazardous materials must also be addressed.

HMR 4.3.2 **TYPE OF HIGHWAY.** The type and characteristics of the highway to be traveled must be identified.

HMR 4.3.3 **TYPES AND QUANTITIES OF HAZARDOUS MATERIALS:** The type and amount of hazardous materials that will or are normally transported along the petitioned route.

HMR 4.3.4 **EMERGENCY RESPONSES CAPABILITIES:** An analysis of the emergency response capabilities resulting from consultation with the appropriate fire, law enforcement, and highway safety agencies. The analysis must consider and identify the proximity of facilities and resources to the potential impact zone in the event hazardous materials are released and must be ~~included with~~ **OUTLINED WITHIN** the petition **APPLICATION**. Furthermore, local governmental authorities petitioning for a new or changes to an existing hazardous material route designation must provide the CSP Hazardous Materials Section with the following information on the hazardous materials emergency response services within their jurisdiction:

HMR 4.3.4.1 The names, addresses, points of contact, radio frequencies, call signs, and emergency and non-emergency phone numbers of all agencies who provide emergency services along the proposed route(s) and available alternatives;

HMR 4.3.4.2 Which of the agencies identified respond to hazardous materials incidents and during what periods services are available;

HMR 4.3.4.3 Which of the agencies identified have emergency response teams and the total number of teams each agency has;

HMR 4.3.4.4 The total number of emergency response personnel available for each agency, their level of hazardous materials training; and

HMR 4.3.4.5 An inventory list, or other information identifying the hazardous materials response equipment available from each agency.

HMR 4.3.5 **RESULTS OF COMMUNITY OUTREACH/CONSULTATION.** THE Petitioning Entity must include the results of any consultation conducted with persons and/or entities who will be affected by the petitioned-for routing or routing change.

HMR 4.3.6 **DISCUSSION OF SPECIFIC EXPOSURE AND RISK FACTORS:** THE Petitioning Entity must include a discussion specifying the exposure and risk factors associated with any of the hazardous materials likely to be transported along the petitioned route. Exposure risks for sensitive areas and special populations must be addressed.

HMR 4.3.7 **TERRAIN CONSIDERATIONS:** Discussion of topography along and adjacent to the petitioned routing that may affect the severity of an accident, control of hazardous materials in the event of a release, and impact the control and clean-up of the release of any hazardous materials must be included.

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HMR 4.3.8 **CONTINUITY OF ROUTES:** Information on any outreach efforts to adjacent jurisdictions to consult and ensure routing continuity should be included.

HMR 4.3.9 **ALTERNATE ROUTES:** Information relevant to any alternate routes considered must be included. Petitioning Entities should include detailed and specific information as to why the route being petitioned for is the most OR MORE appropriate option and is safer than ~~the alternative~~ OTHER option(s) or, in the event of an existing route, the current route. Any references to statistical data, published works, or written analysis require full reference information and may require a copy of the referenced information to be included as part of the petition application.

HMR 4.3.10 **EFFECTS ON COMMERCE:** The routing proposed will not impose an unreasonable burden upon interstate or intrastate commerce.

HMR 4.3.11 **DELAYS IN TRANSPORTATION:** The routing proposed will not create unnecessary delays in the transport of hazardous materials.

HMR 4.3.12 **CLIMATIC CONDITIONS:** Weather conditions that are unique to a proposed route must be addressed within the petition application, including the impact of the weather conditions ~~upon~~ ON the potential release of any hazardous materials, control of a hazardous materials release, and clean-up thereof.

HMR 4.3.13 **CONGESTION AND ACCIDENT HISTORY:** Petitioning Entities should also consider the congestion and accident history of the specific route they are petitioning to become a hazardous materials route or to make changes to and the impact of these factors ~~upon~~ ON the public emergency response, and to general transportation in the event of a potential hazardous materials release.

HMR 4.4 **INITIAL PETITION APPLICATION REVIEW BEFORE CSP “RECEIPT.”** Before formal submission and receipt of a hazardous materials ROUTING petition, Petitioning Entities may request an initial review of the application draft from the CSP Hazardous Materials Section. The initial review is limited only to determining that all required elements of the hazardous materials ROUTING petition application are addressed by the applicant and identifying the need for any additional supporting documentation ~~regarding~~ CONCERNING statements and information ~~set forth~~ CONTAINED within the application.

HMR 4.4.1 **INITIAL REVIEW NOT AN OPINION.** The initial review will not indicate an opinion of the CSP regarding the potential success of the petition ~~regarding~~ APPLICATION CONCERNING the specified route designation or route designation amendment(s) proposed.

HMR 4.4.2 **RESULTS OF INITIAL REVIEW COMMUNICATED BY EMAIL.** Any findings resulting from an initial petition review will be informally communicated to the Petitioning Entity by email at an address provided by the Petitioning Entity to the CSP Hazardous Materials Section.

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HMR 4.4.3 **FAILURE TO REQUEST REVIEW IS NOT PREJUDICIAL.** The decision of a Petitioning Entity to not request and make available a hazardous materials routing petition to the CSP Hazardous Materials Section for initial review will not prejudice the receipt of the petition application. Petition applications submitted by Petitioning Entities that do not receive an initial review and are returned as not received for being incomplete will be encouraged to seek an initial review of the application upon resubmission in the written response of the CSP Hazardous Materials Section returning the application.

HMR 4.5 **INCOMPLETE HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Hazardous materials routing petition applications delivered to the CSP will only be determined completely consistent with §42-20-302 (4), CRS, if the application satisfies all application criteria set forth within these rules, ~~applicable~~ RELEVANT statutes, and federal regulations.

HMR 4.5.1 **RETURN FOR COMPLETION.** Applications determined to be incomplete will be returned to the Petitioning Entity with a written statement from the CSP Hazardous Materials Section within 20 calendar days of submission. For purposes of these rules, the date of submission will be the date of a hazardous materials routing application is delivered to the CSP Hazardous Materials Section. The written statement from the CSP included with the returned application will provide ~~information~~ GUIDANCE identifying what information is missing from OR IS INSUFFICIENTLY ADDRESSED WITHIN the HAZARDOUS MATERIALS ROUTING petition application.

HMR 4.5.2 **APPLICATIONS MAY REQUIRE ADDITIONAL DOCUMENTATION.** Upon submission, the CSP Hazardous Materials Section may determine that additional information, supporting statements, conclusions, or efforts related to the petition may be required. Petitioning Entities will have 14 calendar days to respond to any request from the CSP Hazardous Materials Section for this information. Failure to provide information within 14 calendar days may result in the petition application being determined incomplete and returned to the Petitioning Entity, consistent with these rules. Satisfactory receipt of the requested information will result in the ROUTING petition application being determined “complete.”

HMR 4.5.3 **SINGLE APPLICATION PER YEAR PROHIBITION INAPPLICABLE.** HAZARDOUS MATERIALS ROUTING Petition applications determined to be incomplete and returned to Petitioning Entities for completion and resubmission are not subject to the statutory one application per year limitation supported by these rules and ~~set forth~~ DETAILED within §42-20-302, CRS. This limitation only applies to petition applications submitted to the CSP Hazardous Materials Section consistent with §42-20-302 (1), CRS, and determined to be “complete” according to §42-20-302 (4), CRS. All HAZARDOUS MATERIALS ROUTING petition applications delivered to the CSP Hazardous Materials Section are ~~considered to be~~ “submitted” as is required by §42-20-302 (1), CRS, but a petition application is not considered to be accepted and “Received” by the CSP until the petition is determined to be “complete” according to §42-20-303 (4), CRS.

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HMR 4.6 **COMPLETE PETITION APPLICATION FILING DATE.** The filing date for a “complete” hazardous materials routing petition application, as it is presented within §42-20-302 (4), CRS, is the date of its acceptance and receipt by the CSP. Petitioning Entities will be notified in writing of the date of receipt/filing. Additional details ~~regarding~~ ~~OUTLINING~~ statutory requirements applicable to the HAZARDOUS MATERIALS ROUTE petitioning process and relevant timelines thereto will also be included.

HMR 4.7 **DELIVERY OF DRAFT OR FINAL HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.** Petitioning Entities should deliver prepared HAZARDOUS MATERIALS ROUTING petitions for initial review or consideration as complete petition applications to the ~~Colorado State Patrol~~ CSP Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401-3990. Petitioning Entities may also arrange for electronic delivery of hazardous materials route petition applications by first calling the CSP Hazardous Materials Section at (303)-273-1900.

HMR 4.8 **HAZARDOUS MATERIALS ROUTE DESIGNATION SIGNS.** Under §42-20-303, CRS, local government authorities electing to use signs to provide notice of approved hazardous materials route designations within their jurisdiction must use the hazardous materials route designation and/or restriction sign standards adopted by the CDOT.

HMR 4.8.1 **LOCATION OF SIGNAGE MUST BE SPECIFIED.** Local governmental authorities must specify the location of each sign erected to mark an approved hazardous materials route in writing to the CSP Hazardous Materials Section within 60 days of a route designation approval.

HMR 4.9 **USE OF PROFESSIONAL QUALITY MAPS.** Local governmental authorities must submit copies of their professional quality maps within 60 days of an approved hazardous materials route designation to the CSP Hazardous Materials Section for approval. Local governmental authorities electing to use professional quality maps to identify approved hazardous materials route designations within their jurisdictions consistent with §42-20-302 (8), CRS, must meet the following minimum requirements:

HMR 4.9.1 **MAP SCALE.** The map scale should be of sufficient proportions to clearly show the passage of a designated hazardous materials route within or through the jurisdiction.

HMR 4.9.2 **MAP COLORS.** Designated hazardous materials routes or other approved route restrictions must be printed in red on a white background. All other printing should be in black.

HMR 4.9.3 **MAP LEGEND.** The map legend should clearly describe the graphic representations used within the map.

HMR 4.9.4 **MAP GRAPHICS.** The map should use graphic symbols that clearly represent the differences between designated hazardous materials and other routes, other highways, and jurisdiction boundaries.

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HMR 4.9.5 **MAP ROUTE INFORMATION.** The map should include a telephone number where the operator of a motor vehicle transporting hazardous materials can obtain additional information on hazardous materials and other routes, guidance regarding restrictions within the jurisdiction, or emergency assistance on a 24-hour basis.

HMR 4.10 **DATA CHANGES AFFECTING APPROVED HAZARDOUS MATERIALS ROUTE PETITIONS.**

Petitioning Entities must communicate changes in the original data and/or information relied upon to evaluate the risk level associated with an approved route to the CSP Hazardous Materials Section immediately, or as soon as is practicable, following the change. A change would be ~~considered to be~~, but not be limited to:

HMR 4.10.1 **ACCIDENT RATE.** A substantial change in the accident rate initially reported; or

HMR 4.10.2 **CONSIDERATION FACTORS.** A substantial change in the mandatory or subjective ~~CONSIDERATION~~ factors affecting the route or ~~AS ARE~~ required to be considered by 49 CFR 391.71 (b) (9), and/or applicable statutes or these rules.

HMR 4.10.3 **EMERGENCY SERVICES INFORMATION.** Any changes to information relevant to available emergency services. Any changes ~~regarding~~ ~~ABOUT~~ emergency services identified by a Petitioning Entity must be communicated in writing as soon as possible, but no later than 45 days following the change to the CSP Hazardous Materials Section.

HMR 4.10.3.1 **CDOT EXEMPTED.** The CDOT is generally not required to provide notice of changes to relevant emergency services along designated hazardous materials routes. However, where the CDOT submits a petition for a local governmental authority by agreement according to §42-20-302 (9), CRS, provisions must be made within the agreement between the CDOT and the local governmental authority for compliance with this reporting requirement.

HMR 4.11 **DESIGNATED ROUTE REVIEWS, SURVEYS AND EXEMPTIONS.** The CSP will periodically review the status of designated routes to determine if the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, continue to be met. Upon review, routes demonstrating a change in the risk level of the route toward a higher risk factor, or that are impacted significantly by a change to a mandatory or subjective factor, may be subject to reevaluation by the CSP.

HMR 4.11.1 **ROUTE DETERMINED TO NO LONGER MEET §42-20-302 (8) (a) (I) – (IV), CRS.**
The CSP will notify Petitioning Entities in writing if any designated hazardous materials route within their jurisdiction no longer meets the acceptance terms specified within §42-20-302 (8) (a) (I) – (IV), CRS, following reevaluation or a route review.

HMR 4.11.1.1 **CSP CONSULTATION REGARDING ~~CONCERNING~~ ROUTE STATUS.** If a designated hazardous materials route no longer meets the approval terms of §42-20-302 (8) (a) (I) – (IV), CRS, the CSP will consult with the Petitioning Entity to coordinate the submission of a revised petition. Petitions submitted for a change in an existing route designation are subject to the conditions and procedures of §42-20-302, CRS.

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HMR 4.11.2 COMPLETION OF DESIGNATED ROUTE ROAD SURVEYS. The CSP will conduct complete route surveys on designated hazardous materials routes on an as-needed basis. These surveys will be conducted to determine the type and quantity of materials being transported and the frequency of such transportation. Surveys conducted in incorporated areas will only be done after consultation with the appropriate local government agency.

HMR 4.11.3 NO ADDITIONAL EXCEPTIONS OR EXEMPTIONS. There will be no exceptions and/or exemptions to designated hazardous materials routes other than those already specified within Title 42, Article 20, CRS.

HMR 4.12 HAZARDOUS MATERIALS PARKING REGULATIONS AND ORDINANCES. The approval criteria set forth by these rules herein apply only to those parking regulations and ordinances submitted by local governmental jurisdictions ~~which~~ THAT affect vehicles transporting hazardous materials operating in conjunction with the use of a designated hazardous materials route or routes. Local governmental jurisdictions requiring approval of parking regulations or ordinances under §42-20-302, CRS, must submit a copy of the proposed regulations or ordinances to the CSP Hazardous Materials Section for review consistent with these rules.

HMR 4.12.1 MUST NOT UNREASONABLY LIMIT PARKING. For purposes of these rules, parking regulations or ordinances may be deemed to unreasonably limit parking of vehicles transporting hazardous materials when they are at variance with and more stringent than the regulations of the United States Department of Transportation published in 49 CFR 397, as revised October 1, ~~2022~~2023. Parking regulations or ordinances adopted by local governmental jurisdictions according to the authority provided in §42-20-302 (2), CRS, as it is amended, must not unreasonably limit parking:

HMR 4.12.1.1 On or near a designated hazardous materials route;

HMR 4.12.1.2 ~~For the purpose of picking up or delivery~~ **TO PICK up or DELIVER** of hazardous materials;

HMR 4.12.1.3 In an emergency, i.e., breakdown or accident; or

HMR 4.12.1.4 For a rest stop, i.e., meals, restroom breaks, or to comply with the driver's hours of service requirements as they are defined in 49 CFR 395, revised October 1, ~~2022~~2023.

HMR 4.12.2 NO SPECIAL PAYMENT OR PERMIT IS REQUIRED. No parking regulation or ordinance will require a permit or payment of a fee for parking which is necessary and incident to the transportation of hazardous materials on or near a hazardous materials route. This provision does not apply where fees are collected from all motor vehicles, regardless of the type of commodity being transported, i.e., metered parking.

HMR 4.13 ROUTES DESIGNATED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS. Permanently designated hazardous materials routes for the transportation of hazardous materials are as specified herein:

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HMR 4.13.1 NORTH – SOUTH HAZARDOUS MATERIALS ROUTES DESIGNATED UNDER PURSUANT TO §42-20-305, CRS:

HMR 4.13.1.1 Colorado 9 from US 40 in Kremmling to Interstate 70 in Silverthorne.

HMR 4.13.1.2 Colorado 13 from Wyoming to Moffat County Road 183 North of Craig.

HMR 4.13.1.3 Colorado 13 from US 40 West of Craig South to US 6 West of Rifle.

HMR 4.13.1.4 Colorado 17 from US 285 near Mineral Hot Springs to US 160 near Alamosa.

HMR 4.13.1.5 Interstate 25 from Wyoming to New Mexico.

HMR 4.13.1.6 Colorado 47 from Interstate 25 to the junction of US 50.

HMR 4.13.1.7 Colorado 71 from Colorado 14 to US 24 in Limon (East junction).

HMR 4.13.1.8 Colorado 71 from US 24 in Limon (West junction) to US 50 near Rocky Ford.

HMR 4.13.1.9 Colorado 79 from Colorado 52 to Interstate 70 at Bennet.

HMR 4.13.1.10 Colorado 83 from US 24 to Colorado 115.

HMR 4.13.1.11 Colorado 91 from Interstate 70 to US 24 near Leadville.

HMR 4.13.1.12 Colorado 113 from Nebraska to US 138.

HMR 4.13.1.13 Colorado 115 from Colorado 83 to US 50.

HMR 4.13.1.14 Colorado 119 from Colorado 157 to Colorado 52.

HMR 4.13.1.15 Colorado 125 from Wyoming to US 40 West of Granby.

HMR 4.13.1.16 Colorado 127 from Wyoming to Colorado 125.

HMR 4.13.1.17 US 138 from Colorado 113 to US 6 (Chestnut St.) in Sterling.

HMR 4.13.1.18 Colorado 139 from Colorado 64 in Rangely to Interstate 70 near Loma.

HMR 4.13.1.19 Colorado 141 from Interstate 70 business loop near Grand Junction to US 50.

HMR 4.13.1.20 Colorado 141 from US 50 to US 491.

HMR 4.13.1.21 Colorado 157 from US 36 to Colorado 119.

HMR 4.13.1.22 Interstate 225 from Interstate 70 to Interstate 25.

HMR 4.13.1.23 US 287 from US 40 in Kit Carson to Oklahoma.

HMR 4.13.1.24 US 285 from US 160 in Alamosa to New Mexico.

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HMR 4.13.1.25 US 285 from Colorado 470 to Colorado 112.

HMR 4.13.1.26 US 491 from Utah to New Mexico.

HMR 4.13.1.27 US 285 from Colorado 112 to US 160.

HMR 4.13.1.28 US 85 from Wyoming to Interstate 76.

HMR 4.13.1.29 Colorado 71 from Nebraska to Colorado 14.

HMR 4.13.1.30 US 385 from Interstate 76 in Julesburg to US 40 in Cheyenne Wells.

HMR 4.13.1.31 The City of Lamar's Second Street from US 50/385 to Maple Street.

HMR 4.13.1.32 The City of Lamar's Maple Street from Second Street to US 50/287.

HMR 4.13.1.33 The City of Craig's Great Divide Road from US 40 North to the city limits.

HMR 4.13.1.34 Moffat County Road 7 (Great Divide Road) from THE Craig city limits North to Moffat County Road 183.

HMR 4.13.1.35 Moffat County Road 183 from Moffat County Road 7 (Great Divide Road) East to Colorado 13.

HMR 4.13.1.36 E-470 between the South Interchange with Interstate 25 at Exit 194 and through to the North Interchange with Interstate 25 at Exit 228.

HMR 4.13.2 **EAST – WEST HAZARDOUS MATERIALS ROUTES DESIGNATED PURSUANT TO §42-20-305, CRS:**

HMR 4.13.2.1 US 6 (Loveland Pass) from Interstate 70 just East of the Eisenhower/Johnson Tunnels to Interstate 70 at Silverthorne.

HMR 4.13.2.2 US 6 from Colorado 13 West of Rifle West to Exit/Entrance number 87 on Interstate 70.

HMR 4.13.2.3 US 6 from State Highway 14 (Main St.) in Sterling to Nebraska.

HMR 4.13.2.4 Colorado 10 from Interstate 25 in Walsenburg to US 50 in La Junta.

HMR 4.13.2.5 Colorado 14 from US 40 to Colorado 125.

HMR 4.13.2.6 Colorado 14 from Interstate 25 to US 6 in Sterling.

HMR 4.13.2.7 US 24 from Colorado 91 at Leadville to Interstate 25 in Colorado Springs.

HMR 4.13.2.8 US 24 from Colorado 83 to Interstate 70 at West Limon (Exit 359).

HMR 4.13.2.9 US 24 business route from US 24 on the West side of Limon to the West junction of Colorado 71.

HMR 4.13.2.10 US 24 business route from the East junction of Colorado 71 (in Limon) to Interstate 70 (Exit 363).

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HMR 4.13.2.11 US 34 from Interstate 25 to Interstate 76.

HMR 4.13.2.12 US 34 from the West junction of Colorado 71 to Nebraska.

HMR 4.13.2.13 US 36 from Interstate 25 to Colorado 157.

HMR 4.13.2.14 US 36 from Interstate 70 in Byers to Kansas.

HMR 4.13.2.15 US 40 from Utah to the intersection of Colorado 13 West of Craig.

HMR 4.13.2.16 US 40 from Moffat County Road CG 2 (First Street) just East of Craig to Interstate 70.

HMR 4.13.2.17 US 40 from Interstate 70 (Exit 363) in Limon to Kansas.

HMR 4.13.2.18 US 50 from the North junction of Colorado 141 near Grand Junction to Kansas.

HMR 4.13.2.19 Colorado 52 from Colorado 119 to Colorado 79.

HMR 4.13.2.20 Colorado 64 from US 40 in Dinosaur to Colorado 13.

HMR 4.13.2.21 Interstate 70 from Utah to US 6 at Silverthorne (Loveland Pass).

HMR 4.13.2.22 Interstate 70 from US 6 just East of Loveland Pass to Interstate 25.

HMR 4.13.2.23 Interstate 70 from Interstate 27 to Kansas.

HMR 4.13.2.24 Interstate 70 business route from Interstate 70 East of Grand Junction to Colorado 141.

HMR 4.13.2.25 Interstate 76 from Interstate 25 to Nebraska.

HMR 4.13.2.26 Colorado 112 from US 285 to US 160.

HMR 4.13.2.27 US 160 from New Mexico to Interstate 25 business route in Walsenburg, South to Exit 49 on Interstate 25.

HMR 4.13.2.28 Interstate 270 from Interstate 70 to Interstate 76.

HMR 4.13.2.29 Colorado 470 from US 285 to Interstate 70.

HMR 4.13.2.30 US 550 from US 160 to New Mexico.

HMR 4.13.2.31 The City of Craig's First Street from Colorado 13 East to the city limits at Colorado 394.

HMR 4.13.2.32 Moffat County Road CG 2 (First Street) from Craig city limits at Colorado 394 East to US 40.

HMR 4.13.3 **ADDITIONAL ROUTES FOR GASOLINE, DIESEL FUEL, AND LIQUIFIED PETROLEUM GAS (LPG).** While generally required to employ designated state, federal,

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and interstate roadways, transporters of Gasoline, Diesel Fuel, and LPG may routinely travel on the following state and federal highways:

HMR 4.13.3.1 US 160 from Interstate 25 to the Kansas border.

HMR 4.13.3.2 US 350 from US 160 to US 50.

HMR 4.13.3.3 US 385 from US 50 to US 40.

HMR 4.13.3.4 SH 96 from SH 71 to the Kansas border.

HMR 4.13.3.5 SH 109 from US 160 to East 3rd Street in La Junta.

HMR 4.13.4 **ADDITIONAL ROUTE FOR GASOLINE, DIESEL FUEL, LPG, AND CRUDE OIL.** While generally required to employ designated state, federal, and interstate roadways, transporters of gasoline, diesel fuel, LPG, and crude oil may routinely travel on Weld County Road 49, also identified as Weld County Highway, between Interstate 76 and US 34.

HMR 4.14 **CLOSING OF DESIGNATED HAZARDOUS MATERIALS ROUTES MUST BE COMMUNICATED.** The closing of a public road that is designated as a hazardous materials route, or restriction on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303) 273 – 1900. The CSP Denver Regional Communications Center must be contacted when these events occur outside of normal business hours at (303) 273 – 4501.

HMR 4.15 **CSP DECLARATION OF EMERGENCY, TEMPORARY, OR ALTERNATE HAZARDOUS MATERIALS ROUTES.** Under §42-20-301 (1) (a), CRS, the CSP has the sole authority to designate which public roads are permitted to be used by motor vehicles transporting hazardous materials and which are not. Included in this authority is the ability to apply conditions to the use of hazardous materials routes consistent with the scope of authority provided to the CSP through §42-20-301, CRS.

HMR 4.15.1 **ROUTING IN RESPONSE TO EMERGENCY DECLARATION.** In the event of a declaration of emergency, the Chief may determine a temporary alternate hazardous materials transportation route or routes which then may remain in effect for a period not to exceed the duration of the declared emergency.

HMR 4.15.2 **TEMPORARY ROUTING IN RESPONSE TO EVENTS.** Consistent with the authority granted by §42-20-301 (1) (b), CRS, the CSP may include or apply conditions or restrictions to vehicles transporting hazardous materials not defined as agricultural products and are listed in Tables 1 and 2 of 49 CFR 172.504 that are consistent with the restrictions of §42-20-301 (1) (b) and (2), CRS.

HMR 4.15.2.1 **CONSTRUCTION, WEATHER, AND OTHER LIMITED EVENTS.** The CSP may temporarily declare an alternate route when a hazardous materials route is restricted and/or closed due to highway construction, weather, or other

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restrictions or conditions affecting the movement of traffic (i.e., traffic incidents, motorcades, or other special events). The temporary route declaration will be for a set period not to exceed the activity or event affecting the ability to use a designated hazardous materials route.

HMR 4.15.3 TEMPORARY ROUTING UNDER §42-20-301 (b), CRS, IN RESPONSE TO OTHER

CONDITIONS. As may be advisable and in the interest of public welfare and safety, the CSP may exercise its authority under §42-20-301 (b), CRS, to temporarily designate public roads or to apply conditions to the use of existing designated hazardous materials routes in response to specific conditions reasonably determined by the CSP to present an immediate negative impact to public welfare and safety. Notice of any temporary hazardous material routing designation will be forwarded to the CDOT and the affected municipality, city, city and county, affected industry, and/or the affected road and bridge authority.

HMR 4.15.3.1 EFFECTIVE INITIAL DESIGNATION PERIOD. An initial temporary hazardous materials route designation or initial conditions determination affecting a hazardous materials route by the CSP will remain in effect for a period not to exceed the duration of the condition nor to exceed 12 months absent subsequent review by the CSP.

HMR 4.15.3.2 CONDITION REVIEW, EXTENSION, AND RESOLUTION. A temporary hazardous materials route designation or conditions upon an existing hazardous materials route by the CSP may not remain in effect beyond 12 months without a review to evaluate if the condition(s) reasonably determined to present the immediate negative impact(s) to public welfare and safety remain. If this evaluation results in a determination that the condition(s) persists, the CSP will extend the temporary designation initially for up to 180 days.

HMR 4.15.3.2.1 OPPORTUNITY TO PETITION OR CORRECT. A Petitioning Entity or the CDOT is encouraged to either take appropriate action consistent with resolving the condition(s) necessitating the temporary alternate route designation or to petition the CSP for a permanent routing designation. Either may be accomplished at any point before or after a temporary route designation. It is encouraged that such actions commence before the expiration of any 180-day extension resulting out of a 12-month review of a temporary route designation by the CSP.

HMR 4.15.3.2.2 ACTION DURING TEMPORARY DESIGNATION PERIOD. Before the expiration of any temporary alternate routing designation, the CSP may consider any substantive steps taken to either address the condition(s) ~~which~~-THAT resulted in the temporary, alternate designation or an impending or received hazardous materials Routing Petition Application when determining if it is appropriate to extend a designation for an additional period.

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HMR 4.15.3.3 TEMPORARY DESIGNATION OR CONDITIONS REPRESENT INFORMAL NOTICE A HAZARDOUS MATERIALS ROUTE MAY NO LONGER SATISFY THE STATUTE.

Temporary designation of a hazardous materials route or the determination to apply temporary restrictions to an existing hazardous materials route by the CSP in response to a condition OR CONDITIONS reasonably determined to represent an immediate negative impact on public welfare and safety represents informal notice that an existing designated hazardous materials route may no longer satisfy statutory approval requirements referenced within these rules. Temporary route designations or temporary conditions placed ~~upon~~ ON an existing designated hazardous materials route will result in a route review within 12 months from the CSP that may result in permanent changes to existing routing or alternate route determination(s), consistent with the route review process outlined in these rules.

HMR 4.15.3.3.1 PETITION CONSULTATION. If determined appropriate, the CSP will consult with an affected Petitioning Entity to submit a petition consistent with §42-20-302, CRS, and these rules.

HMR 4.15.3.4 NO CURFEWS EXCEPT AS PERMISSIBLE UNDER §42-20-301 (3) (b), CRS.

EXCEPT FOR THE APPLICATION OF DECISIONS OF THE TRANSPORTATION COMMISSION AFFECTING THE PERMISSIBLE HOURS OF OPERATION FOR THE EJMT BY THE CSP AS PERMISSIBLE THROUGH §42-20-301 (3) (b), CRS, THE CSP WILL NOT IMPOSE HOURS OF OPERATION OR CURFEWS AS CONDITIONS OR RESTRICTIONS AS PART OF A DESIGNATED ROUTE RESTRICTION OR CONDITION. MOREOVER, THE CSP WILL NOT IMPOSE CONDITIONS OR RESTRICTIONS ON MOTOR VEHICLES BEING USED TO TRANSPORT TO OR FROM A FARM OR RANCH PRODUCTS NECESSARY FOR AGRICULTURAL PRODUCTION AND OPERATED CONSISTENT WITH §42-20-301 (c), CRS, BEYOND THOSE CONDITIONS AFFECTING PERMISSIBLE HOURS OF OPERATION FOR THE EJMT, CONSISTENT WITH §42-20-301 (3) (a) AND (b), CRS. ~~Consistent with §42-20-301 (1) (b) and (c), CRS, the CSP will not impose curfews or conditions affecting the hours of operation or to motor vehicles being used to transport to or from a farm or ranch products necessary for agricultural production.~~

HMR 4.15.3.5 APPLICABLE TO TABLES 1 AND 2, 49 CFR 172.504, AS LIMITED BY STATUTE.

Any CSP temporary hazardous materials route designations or conditions upon existing designated hazardous materials routes apply only to those materials listed in Tables 1 and 2 of 49 CFR 172.504 as specifically provided within §42-20-301 (2), CRS.

HMR 4.15.3.6 NOTICE TEMPORARY ROUTE DESIGNATION IS NO LONGER VALID.

Upon determination that conditions no longer reasonably warrant a temporary hazardous materials route designation or conditions APPLIED by the CSP, the CSP will provide notice to the CDOT and any affected municipality, city, county and county, affected industry, and/or affected road/bridge authority.

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HMR 4.16 **VIOLATION PENALTY.** Any person convicted of shipping or transporting hazardous materials in violation of any of the rules of this part will be subject to the penalties set forth within §42-20-305, CRS.

PART 5

TRANSPORTATION OF NUCLEAR MATERIALS

(NMT)

NMT 5.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 42-20-402, CRS, apply to these rules and regulations. The following additional definition will also apply:

NMT 5.0.1 **COMPLAINT:** A written document stating the essential facts and supporting documentation regarding any offense(s) charged.

NMT 5.1 **APPLICATION OF 49 CFR TO NUCLEAR MATERIALS TRANSPORTATION AND APPLICATION OF ARTICLE 10 CFR TO LICENSEES WITHIN COLORADO.** The transportation of nuclear materials, as they are defined within §42-20-402 (3) (a) – (c), CRS, by motor vehicles in Colorado must comply with the regulations contained in:

49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials Driving; and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulation as the same were effective on October 1, ~~2022~~-2023. Authorized by §42-20-403, CRS, these rules are promulgated by the Chief for the safe transportation of nuclear materials with the following modifications:

NMT 5.1.1 **DEFINITION OF PERSON.** The definition of a person provided within 49 CFR 107.1 does not apply. Instead, the definition of person set forth by ~~p~~Part 1.3.15 of these rules will apply.

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NMT 5.1.2 **ADVANCE NOTIFICATION OF NUCLEAR SHIPMENTS.** Licensees shipping a highway route-controlled quantity of nuclear material, as defined in 49 CFR 173.403, within or through the state, and not otherwise required to comply with the provisions of 10 CFR 71.97 OR 73.37, must provide advanced notification of the nuclear shipment to the Governor or ~~his~~-THEIR designee under the requirements of 10 CFR 71.97 (c).

NMT 5.2 **INSPECTION REQUIREMENTS.** Inspection procedures by the CSP are consistent with the CVSA inspection procedures, decal application policies, and OOS criteria as EACH are published and ARE in effect April 1, ~~2023~~-2024.

NMT 5.2.1 **SHIPMENTS ENTERING COLORADO.** All motor vehicles carrying nuclear materials and entering Colorado on public roads must be inspected by an authorized Enforcement Official of the CSP nearest to the point at which the shipment of nuclear materials enters the state or at a location specified by the CSP.

NMT 5.2.2 **SHIPMENTS ORIGINATING IN COLORADO.** All motor vehicles carrying nuclear materials where the shipment thereof originates within Colorado must be inspected by an authorized CSP Enforcement Official ~~of the CSP~~ at the point of origin.

NMT 5.2.3 **CONTINUED TRANSPORT AFTER A CRASH.** Before being authorized to continue after a crash, a motor vehicle and shipping container transporting nuclear materials must be inspected by a qualified inspector consistent with NMT 5 of these rules and applicable statutes.

NMT 5.2.4 **NO TRANSPORT OF NUCLEAR MATERIALS ABSENT PERMIT.** No person will transport nuclear materials into, within, through, or out of Colorado unless and until a permit authorizing the transportation of the nuclear materials is issued consistent with statutes, these rules, and applicable rules adopted by the CDOT.

NMT 5.3 **NUCLEAR MATERIALS ANNUAL PERMIT APPLICATIONS AND FEES.** Upon review and approval of an annual nuclear materials transportation permit application, the CDOT will issue an annual nuclear materials transportation permit according to the authority provided by §42-20-501, CRS. All annual nuclear materials transportation permit applications and fees must be submitted to the CDOT Division of Transportation Development OSOW Permits Unit at 2829 W. Howard Place, Denver, CO. ~~Colorado~~, 80204. Information about the application, fees, terms, and process may be downloaded from THE CDOT online at [HTTPS://WWW.COOPR.CODOT.GOV](https://www.coopr.codot.gov).

NMT 5.3.1 **ANNUAL COST AND TERM.** The annual nuclear materials transport permit fee is \$500 unless otherwise indicated and each permit will be valid for one year from the date of ~~issuance~~-ISSUE. All applicable fees due must be paid in a manner acceptable to the CDOT.

NMT 5.3.2 **ADDITIONAL APPLICABLE NUCLEAR TRANSPORT FEES.** In addition to the annual permit fee, each carrier must pay a \$200 fee for each shipment that is transported, unless otherwise indicated. Payment of these fees must occur consistent with §42-20-502, CRS.

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NMT 5.3.2.1 REGULAR MONTHLY SHIPMENTS. If regularly scheduled nuclear materials shipments are made, the carrier may arrange with the CDOT to pay shipment fees monthly.

NMT 5.4 CONDITIONS APPLICABLE TO NUCLEAR MATERIALS PERMITS. The following conditions apply to the use of nuclear materials permits in Colorado:

NMT 5.4.1 SHIPPING PAPERS REQUIRED. Each person transporting nuclear materials within this state must carry a copy of the shipping papers required in 49 CFR 172, Subpart C, as revised October 1, 2022-2023, and a paper or electronic copy of the nuclear materials transportation permit in the vehicle.

NMT 5.4.2 USDOT NUMBER REQUIRED. Nuclear materials transporters operating within the state of Colorado are required to obtain a USDOT identification number under the provisions of 49 CFR 290.19 before the submission of a nuclear materials transport application.

NMT 5.4.3 NUCLEAR TRANSPORTATION PERMIT COPY REQUIRED. A copy of the nuclear materials transportation permit must be placed in each motor vehicle operated within or through Colorado except that, if a peace officer or any other Enforcement Official may determine that the nuclear materials transportation permit can be electronically verified at the time of the contact, a copy of the permit need not be carried by the person transporting THE nuclear materials.

NMT 5.4.4 NUCLEAR TRANSPORTATION PERMIT NOT TO BE ALTERED. No nuclear materials transportation permit is to be altered, amended, or copied unless authorized in writing by the CDOT, or, in the instance of a single permit, by any law Enforcement Official.

NMT 5.5- AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS, AND RECORDS RELATED TO THE TRANSPORT OF NUCLEAR MATERIALS. Enforcement Officials of the CSP and/or the PUC have the authority to and may inspect motor vehicles, drivers, books, and records relevant to the transport of nuclear materials BY MOTOR VEHICLES.

NMT 5.5.1- CSP INSPECTION OF NUCLEAR MATERIALS TRANSPORTERS. CSP Enforcement Officials have the authority to and may at any time inspect any vehicle, driver, cargo, shipping papers, nuclear materials transportation permit, and any other papers required by law or rule to be carried when transporting nuclear materials on public roads in Colorado.

NMT 5.5.2- CSP AND PUC INSPECTION OF RECORDS RELEVANT TO NUCLEAR MATERIALS TRANSPORTATION. CSP and PUC Enforcement Officials have the authority to and may inspect any books and records of any carrier, shipper, or the person transporting, shipping, or casing the transport or shipment of any nuclear materials within Colorado.

NMT 5.5.3- SHARING OF VIOLATION DATA WITH CDOT. The CSP will inform the CDOT in writing of information relevant to violations identified and assessed against a person

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having a nuclear materials transport permit and engaged in the transport of hazardous materials BY MOTOR VEHICLE. Violations discovered during inspections or compliance reviews are shared to promote the joint interest of public safety and effective enforcement of nuclear materials transport permit conditions, these rules, applicable statutes, and regulations.

NMT 5.6- VIOLATIONS- CIVIL PENALTIES: Any person who violates any provision of Article 20, Title 42, Parts 4 and 5, CRS, or these rules and regulations, except for those violations enumerated in subsection (3) of §§42-20-406, CRS, and of §42-20-505, CRS, is subject to a civil penalty of not more than n\$10,000 per day for each day during which a violation occurs. The penalty will be assessed by the Chief upon receipt of a complaint by any investigative personnel of the PUC or CSP, and after written notice and opportunity for a hearing according to §24-4-105, CRS.

NMT 5.6.1 VIOLATIONS OF §§42-20-406 (3) AND 42-20-505, CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed CONSISTENT WITH ~~pursuant to~~ statute and will appear on the complaint prior to service.

NMT 5.6.2 VIOLATIONS ARE SUBJECT TO PENALTIES WITHIN §42-20-505, CRS. Any person who violates any of the provisions of NMT 5.3 or NMT 5.4 of these rules is subject to the civil penalties listed in §42-20-505, CRS.

NMT 5.6.3 PENALTIES ASSESSED DAILY FOR VIOLATION OF §42-20-408, CRS. Any person who violates a compliance order of the Chief which is not subject to a stay pending judicial review and which has been issued according to §42-20-408, CRS, will be subject to a civil penalty of not more than \$10,000 per day for each day during which the violation occurs.

NMT 5.7 CIVIL PENALTY ASSESSMENT PROCEDURES. All violations of statutes referenced in NMT 5.6, NMT 5.6.2, and NMT 5.6.3 will be investigated and summarized in a complaint filed by an authorized investigator of the PUC or the CSP. The investigation will include, as applicable, the nature and gravity of any violations, the degree of culpability, any history of violations, and other public safety concerns. The complaint will be served in person or by certified mail at the motor carrier's last known address on file with the CSP or the CDOT.

NMT 5.7.1 CIVIL PENALTIES ASSESSED PURSUANT §§42-20-406 (3) AND 42-20-505 (2), CRS. Civil penalties for violations of §§42-20-406 (3) and 42-20-505 (2), CRS, will be assessed pursuant to the statute and will appear on the complaint prior to service.

NMT 5.7.2 NOTICE AND RESPONSE FOR VIOLATIONS OF NMT 5.6 AND §42-20-505 (1), CRS. Complaints containing violations of NMT 4, NMT 5.6, and §42-20-505 (1), CRS, must provide notice of an opportunity to appear before the Chief to contest the violation or to present mitigating factors to be considered in determining the amount of the civil penalty to be assessed.

NMT 5.7.2.1 CARRIER RESPONSE TO COMPLAINT. Within 30 days of service of the complaint, the carrier must file a written response containing:

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NMT 5.7.2.1.1 A request for a formal hearing before the Chief according to §24-4-105, CRS;

NMT 5.7.2.1.2 A request for an informal hearing before the Chief; or

NMT 5.7.2.1.3 A waiver of the right to a hearing before the Chief.

NMT 5.7.2.2 **REQUEST FOR INFORMAL HEARING WAIVES FORMAL HEARING.** A request for an informal hearing before the Chief will constitute a waiver of the right to a formal hearing ~~pursuant to~~ UNDER §24-4-105, CRS.

NMT 5.7.2.3. **FAILURE TO FILE TIMELY RESPONSE TO COMPLAINT.** Failure to timely file a written response will constitute a default. Upon entry of a default, the Chief will assess a civil penalty against the carrier. For good cause shown, the entry of default may be set aside by the Chief within 10 days of the default.

NMT 5.7.3 **CHIEF WILL ISSUE A FINAL WRITTEN AGENCY DECISION.** Within 30 days of receiving all relevant information, the Chief will issue a final written agency decision to include the specific violations and civil penalties assessed. The final agency decision will be served ~~upon~~ ON the carrier in person, or by first-class mail at the last known address on file with the CSP or the CDOT, whichever is more current.

NMT 5.8 **SCHEDULING OF NUCLEAR MATERIALS TRANSPORTS.** Motor vehicles transporting nuclear materials must schedule trips through all Colorado municipalities of over 50,000 in population to avoid rush-hour traffic.

NMT 5.8.1 **RUSH-HOUR DEFINED.** For purposes of these rules, rush-hour is defined to be between 6:00 am and 9:00 am and 3:00 pm to 6:00 pm, Monday through Friday.

NMT 5.8.2 **GEOGRAPHIC APPLICABILITY.** As a practical matter, this scheduling requirement applies to the transport of nuclear materials through the cities of Ft. Collins, Denver (greater metropolitan area), Colorado Springs, and Pueblo.

NMT 5.8.3 **ACCESS OF FT. COLLINS WEIGH STATION DURING RUSH-HOUR.** Motor vehicles transporting nuclear materials may access the CSP POE weigh station on Interstate 25 in Ft. Collins during rush-hour periods to be inspected as required by §42-20-404, CRS.

NMT 5.8.4 **TEMPORARY SCHEDULE VARIANCES.** Provided a variance is not in violation of ~~applicable~~ RELEVANT state statutes, appropriate federal regulations, or these rules, and is in the best interests of public safety, the CSP Hazardous Materials Section may consider and grant requests allowing for the transport of nuclear materials through areas identified in NMT 5.8.2 during hours otherwise prohibited by NMT 5.8 and NMT 5.8.1.

NMT 5.9 **ESCORT REQUIREMENTS FOR NUCLEAR MATERIALS TRANSPORTS.** Based ~~upon~~ ON security and/or emergency response concerns, the CSP may require motor vehicles transporting nuclear materials to be escorted by a Hazardous Materials Team when traveling within or through Colorado.

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NMT 5.9.1 **HAZARDOUS MATERIALS TEAM IS NOT A REPLACEMENT FOR IRRADIATED REACTOR FUEL TRANSPORT ESCORTS.** When required, a CSP Hazardous Materials Team escort will supplement, but not replace, the escort(s) required for a shipment of irradiated reactor fuel under the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.9.2 **LICENSEE WILL BE NOTIFIED IF CSP ESCORT IS REQUIRED.** A licensee, as defined within 10 CFR 2.4, will be notified that a CSP Hazardous Materials Team escort is required following the receipt of the shipment notification by the Governor or Governor's designee, consistent with the provisions of 10 CFR 73.37 (b) and (c).

NMT 5.10 **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** A driver of a motor vehicle involved in a spill or potential spill of nuclear materials must comply with the incident notification provisions contained in HMT 2.3.

~~NMT~~ **NMT 5.10.1** **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** If the driver of a motor vehicle transporting nuclear materials is involved in a motor vehicle crash, regardless of whether there is damage to the motor vehicle transporting the nuclear materials, the CSP must be immediately notified at (303) 239 – 4501.

PART 6

NUCLEAR MATERIAL ROUTE DESIGNATION

(NMR)

NMR 6.0 **ROUTES TO BE USED FOR THE TRANSPORTATION OF NUCLEAR MATERIALS.** To ensure safe and environmentally acceptable transportation of nuclear materials within Colorado, motor vehicles transporting nuclear materials must travel only on the following designated highway segments:

NMR 6.0.1 **N I-25 TO E I-70 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going East on Interstate Highway 70, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.1.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 225; then,

NMR 6.0.1.2 On Interstate Highway 225 between the junction with Interstate Highway 25 and the junction with Interstate Highway 70; then,

NMR 6.0.1.3 On Interstate Highway 70 between the junction with Interstate Highway 225 and the Colorado – Kansas state line.

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NMR 6.0.2 **W I-70 to N I-25 AND ITS REVERSE.** For vehicles traveling West on Interstate Highway 70 and then going North on Interstate Highway 25, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.2.1 On Interstate Highway 70 between the Colorado – Kansas state line and the junction with Interstate Highway 270; then,

NMR 6.0.2.2 On Interstate Highway 270 between the junction with Interstate Highway 70 and the junction with Interstate Highway 25; then,

NMR 6.0.2.3 On Interstate Highway 25 between the junction with Interstate Highway 270 and the Colorado – Wyoming state line.

NMR 6.0.3 **N I-25 AT CO – WY AND CO – NM AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction.

NMR 6.0.3.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line.

NMR 6.0.4 **N. I-25 TO N I-76 AND ITS REVERSE.** For vehicles traveling North on Interstate Highway 25 and then going North on Interstate Highway 76, the following route will be used. Vehicles traveling in the opposite direction will use the same routing in the opposite direction:

NMR 6.0.4.1 On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 76; then,

NMR 6.0.4.2 On Interstate Highway 76 between the junction with Interstate Highway 25 and the Colorado – Nebraska state line.

NMR 6.1 **PROHIBITED HIGHWAY SEGMENTS.** Motor vehicles transporting nuclear materials shall under no circumstance travel on those state highway segments designated as follows:

NMR 6.1.1 **MILEPOST 361.630.** On Interstate Highway 70 between the Colorado – Utah state line and the junction with US 40, at milepost 361.630.

NMR 6.1.2, **MILEPOSTS 274.039 AND 276.572.** On Interstate Highway 70 between the junction with Interstate Highway 25 at milepost 274.039 and the junction with State Highway 2 at milepost 276.572.

NMR 6.2 **ROUTE DEVIATION EXCEPTIONS.** No carrier transporting nuclear materials shall deviate from the routes designated in this Part 6 except for:

NMR 6.2.1 **EMERGENCY SAFETY.** In cases of emergency conditions making the continued use of the designated route unsafe;

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NMR 6.2.2 **ROAD CLOSURE:** When the designated route is closed due to road conditions, road construction, or maintenance operations;

NMR 6.2.3 **LOCAL OPERATION:** To make local pick-ups and deliveries; or

NMR 6.2.4 **REFUELING.** When making local pick-ups and deliveries, or when refueling, the carrier must minimize the distance traveled on non-designated routes.

NMR 6.3 **EMERGENCY ROAD CLOSURE.** The closing of a public road that is designated as a nuclear materials route, or restrictions on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by the CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303)-273-1900. The CSP Denver Regional Communication Center must be contacted where these events occur outside of normal business hours at (303)-239-4501.

NMR 6.3.1 **DETERMINATION OF ALTERNATE ROUTE.** When a nuclear materials route is restricted and/or closed, the CSP will determine if a temporary alternate route should be identified.

NMR 6.3.2 **NOTIFICATION OF TEMPORARY DESIGNATION.** The CSP will notify the appropriate local law enforcement agencies and affected industry ~~regarding~~ **CONCERNING** any temporary closure and if an alternate route has been temporarily designated. The CSP will similarly notify the same upon the termination of temporary closure and/or temporary alternate route designation.

NMR 6.3.3 **ESCORT REQUIRED.** Vehicles transporting nuclear materials are required to be escorted when traveling off a designated nuclear materials route due to an emergency road closure or other conditions that restrict the movement of traffic over the same. The escort will be provided by the CSP, or when previously arranged by the CSP, by the local law enforcement agency in whose jurisdiction the closure or restriction occurs.

PART 7

INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS

(HMA)

HMA 7.0 **AUTHORITY.** The CSP is mandated by the provisions of §42-20-108.5, CRS, to adopt rules and regulations concerning the intrastate transportation of agricultural products in Colorado.

HMA 7.1 **APPLICABILITY.** These rules and regulations apply to any person transporting an agricultural product consistent with 49 CFR 173.5, as revised October 1, ~~2022~~ 2023.

HMA 7.2 **DEFINITIONS.** For purposes of this Part 7, the following definitions apply:

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HMA 7.2.1 **AGRICULTURAL PRODUCT:** As defined by §42-20-108.5 (2) (a), CRS, is a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to, a fertilizer, pesticide, soil amendment, or fuel. An agricultural product is limited to materials in Classes 3, 8, or 9, divisions 2.1, 2.2, 5.1, 6.1, or an ORM-D material as identified in 49 CFR 172 and 173.

HMA 7.2.2 **FARMER:** As defined by §42-20-108.5 (2) (b), CRS, is a person or such person's agent or contractor engaged in the production or raising of crops, poultry, or livestock.

HMA 7.3 **EXEMPTIONS FROM THE FEDERAL RULES IN 49 CFR 173.5.** The Chief hereby adopts by rule and regulation the federal agricultural product exemption provisions of 49 CFR 173.5, as authorized by §42-20-108.5, CRS.

PART 8

PUBLICATIONS, RESOURCES, EFFECTIVE DATE, AND SEVERABILITY

(HPR)

HPR 8.0 **PUBLICATIONS AND RULES INCORPORATED BY REFERENCE.** All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as is required by §24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are adopted as each may be amended within these rules, consistent with §24-4-103 (12.5), CRS:

HPR 8.01.1 Commercial Vehicle Safety Alliance (~~2023~~2024). **North American Standard Out-of-Service Criteria (OOSC)**. April 1, ~~2023~~2024. Greenbelt, MD: Author.

HPR 8.01.2 U.S. Department of Transportation Federal Motor Carrier Safety Administration (~~2022~~2023). **Federal Motor Carrier Safety Regulations (FMCSRs)**, 49 CFR 40, 380, 382, 385, 387, 390, 397, 399, and Appendix A (October 1, ~~2022~~2023). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.3 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (~~2022~~2023). **Pipeline and Hazardous Materials Safety Regulations (PHMSRs)**, 49 CFR 107, 171 -173, 177, 178, and 180 (October 1, ~~2022~~~~PART~~2023). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.01.4 Nuclear Regulatory Commission (~~2022~~2023). **Nuclear Regulatory Commission Regulations (NRCRs)**, 10 CFR 2.4, 71.97, 73.37, and 180 (~~2022~~2023). This information is also available online at [HTTPS://WWW.EFCR.GOV](https://www.efcr.gov).

HPR 8.1 **COPIES OF PUBLICATIONS MAINTAINED BY THE CSP.** The CSP Hazardous Materials Section will maintain copies of the complete texts of each of the aforementioned publications,

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standards, guidelines, and rules, and will make them available for public inspection during regular business hours. Interested parties may access these documents free of charge online. Interested parties may also inspect referenced incorporated materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit at 700 Kipling St., Lakewood, CO., 80215. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organizations of their original issue:

HPR 8.1.1 ~~2023-2024~~ **Out-of-Service Inspection Criteria:** Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, Maryland, 20770-6319. Phone: (301)-830-6143. Email: CVSAHQ@CVSA.ORG.

HPR 8.1.2 **Federal Motor Carrier Safety Regulations (FMCSRs):** Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832-5660. Website: WWW.FMCSA.DOT.GOV.

HPR 8.1.3 **Pipeline and Hazardous Materials Safety Regulations (PHMSRs):** Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: (202)-366-4433. Website: WWW.PHMSA.DOT.GOV.

HPR 8.1.4 **Nuclear Regulatory Commission Regulations (NRCRs).** U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001. Phone: 1-(800)-368-5642 or (301)-415-7000. Website: WWW.NRC.GOV.

HPR 8.1.5 **2020 Emergency Response Guidebook.** Hazardous Materials Training Program, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: 1-(202)-366-4900. Website: WWW.PHMSA.DOT.GOV.

HPR 8.2 **LATER EDITIONS ARE NOT INCORPORATED BY REFERENCE.** These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference herein.

HPR 8.3 **RULES ARE AVAILABLE ONLINE.** These rules are available online through the CDPS Rulemaking Information website at [HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

HPR 8.4 **INQUIRIES ABOUT RULES.** All contact with the CSP ~~regarding~~ **CONCERNING** these rules should be addressed to the Colorado State Patrol Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401. Phone (303)-273-1900.

HPR 8.5 **EFFECTIVE DATE.** THE EFFECTIVE DATE OF THESE RULES IS APRIL 1, 2024. ~~**SEVERABILITY.**~~
If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.

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HPR 8.6 **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.



COLORADO
DEPARTMENT OF
PUBLIC SAFETY

MEMORANDUM

Chief Matthew Packard
Colorado State Patrol

DATE: January 20, 2024

TO: Executive Director's Office, Central Files

FROM: Angelina M. Page, Esq., CSP Rulemaking Coordinator

SUBJECT: 8 CCR 1507-25, Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado

This memo states that the Department of Public Safety will maintain a permanent rulemaking record of the above-mentioned rule consistent with §24-4-103 (8.1) (a), CRS. §24-4-103 (8.1) (a), CRS, mandates that “an agency shall maintain an official rulemaking file record for each proposed rule for which a Notice of Proposed Rulemaking has been published in the Colorado Register. Such a rulemaking record shall be maintained by the agency until all administrative and judicial review procedures have been completed according to the provisions of this article. The rulemaking record shall be available for public inspection.”

Please contact me should you need additional information.

Angelina M. Page, Esq.
CSP Rulemaking Coordinator
Angelina.Page@state.co.us