

Notice of Proposed Rulemaking

Tracking number

2024-00609

Department

1507 - Department of Public Safety

Agency

1507 - Colorado State Patrol

CCR number

8 CCR 1507-28

Rule title

PORT OF ENTRY RULES FOR COMMERCIAL MOTOR CARRIER SIZE, WEIGHT AND CLEARANCE

Rulemaking Hearing**Date**

01/17/2025

Time

10:00 AM

Location

15165 S. Golden Road, Golden, Colorado, 80401

Subjects and issues involved

The Port of Entry Rules are implemented to enforce applicable statutes and regulations concerning commercial motor carriers, owners, and operators through the operations of POE weigh stations on public highways within Colorado.

Amendments proposed to 8 CCR 1507-28 include:

Document formatting adjustments that do not affect the content or interpretation of these rules have been made throughout the document to comply with the state accessibility standards required under Section 24-34-802, CRS.

Insertion of a Table of Contents, facilitating document navigation.

Updating the Port of Entry officer's scope of authority in response to the passage of SB 24-100 and its amendment of Section 42-4-106 (5), CRS, which extends POE authority to the enforcement of state commercial vehicle chain laws.

Clarifying Port of Entry scope of authority within the rules to include significant limitations to maintain statutory compliance and

Correcting minor errors in grammar, editing, spelling, formatting, and updating references to resources.

Statutory authority

42-8-104 (1), CRS

Contact information**Name**

Debbie Jones

Title

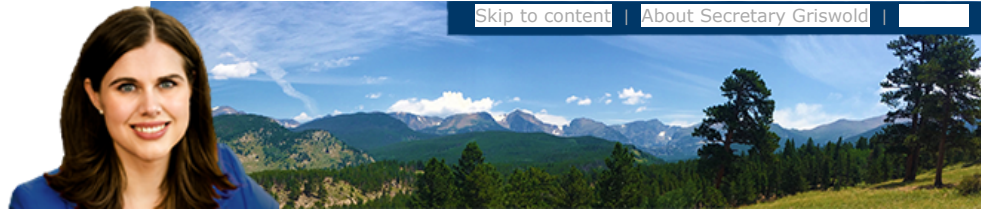
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Notice of Rulemaking Confirmation

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

Date Filed: December 12, 2024 18:37:32

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 2024-00609.

Department	1507 - Department of Public Safety
Type of Filing	Permanent
Agency	1507 - Colorado State Patrol
CCR Number	8 CCR 1507-28
CCR Title	PORT OF ENTRY RULES FOR COMMERCIAL MOTOR CARRIER SIZE, WEIGHT AND CLEARANCE
Hearing Date	01/17/2025
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Hearing Location	15165 S. Golden Road, Golden, Colorado, 80401
Description	The Port of Entry Rules are implemented to enforce applicable statutes and regulations concerning commercial motor carriers, owners, and operators through the operations of POE weigh stations on public highways within Colorado. Amendments proposed to 8 CCR 1507-28 include: • Document formatting adjustments that do not affect the content or interpretation of these rules have been made throughout the document to comply with the state accessibility standards required under Section 24-34-802, CRS. • Insertion of a Table of Contents, facilitating document navigation. • Updating the Port of Entry officer's scope of authority in response to the passage of SB 24-100 and its amendment of Section 42-4-106 (5), CRS, which extends POE authority to the enforcement of state commercial vehicle chain laws. • Clarifying Port of Entry scope of authority within the rules to include significant limitations to maintain statutory compliance and • Correcting minor errors in grammar, editing, spelling, formatting, and updating references to resources.
Statutory Authority	42-8-104 (1), CRS
Proposed Rule	ProposedRuleAttach2024-00609.docx
Additional Information	AddInfoAttach2024-00609.docx
Comments	The public rulemaking will occur on Friday, January 17, 2025, at 10 am in Building 100, located at 15165 S. Golden Rd., Golden, Colorado, 80401. The public is invited to join us in person or to attend virtually using Google Meet online at https://meet.google.com/zpz-rksu-wgo or by phone by dialing 1 252-825-7041 PIN: 392 848 705#. More telephone number options are available at https://tel.meet/zpz-rksu-wgo?pin=5780870178372 . The public may find copies of each of the redlined rules, supporting documents, and the CDPS Notice of Public Rulemaking on the CDPS Rulemaking Information Website at https://publicsafety.colorado.gov/get-involved/cdps-rules-and-regulations . Any updates to these documents will be posted consistent with the Colorado APA and made available to the public at least five days before the public hearing.
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STATE OF
COLORADO

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

Proposed Rule Submitted - POE Size and Weight Rules -

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>

Thu, Dec 12, 2024 at 6:47
PM

To: angelina.page@state.co.us

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:** 10515**Title or Subject:** Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance**Submitted by:** Angelina M Page**Date Submitted:** 12/12/2024

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, December 30th, 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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Notice of Proposed Rulemaking

Tracking number

2024-00609

Department

1507 - Department of Public Safety

Agency

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CCR number

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**Department of Public Safety
Colorado State Patrol – Port of Entry
Port of Entry Rules
for
Commercial Motor Carrier
Size, Weight and Clearance**

Accessibility Editing Note:

Document formatting adjustments that do not affect the content or interpretation of these rules have been made throughout this document to comply with the state accessibility standards required under Section 24-34-802, CRS. Examples of these formatting adjustments include changing capitalized text to mixed-case or lower-case text, removing underlining, increasing font size, using words instead of symbols, enabling hyperlink text, and adjusting the structure of the paragraphs to allow for electronic bookmarking to support electronic readers.

The CSP Port of Entry Section is committed to supporting effective communication and access to these rules by all members of the public. If you experience difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the CSP Port of Entry Section at (303) 273-1870 for assistance.

Disclaimer:

This draft is filed with the Department of State and submitted to the Department of Regulatory Agencies, consistent with Sections 24-4-103 (2.5) and (3) (a), CRS, of the State Administrative Procedure Act. This preliminary draft may be revised before the public rulemaking hearing on January 17, 2025. If any changes are made, a revised copy of the rules and any supporting documents will be made available to the public and posted on the Colorado Department of Public Safety Rulemaking Information website at <https://publicsafety.colorado.gov/get-involved/cdps-rules-and-regulations>. Any updates or revisions will be made available as required by Sections 24-4-103 (4) (a), CRS, and posted to the Colorado Department of Public Safety Rulemaking Information website no later than January 11, 2025.

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POE 1. Authority to Adopt Standards and Specifications.

The Chief is authorized by the provisions of ~~§~~**Section**42-8-104 (1), CRS, to adopt rules and regulations deemed necessary to enforce applicable statutes and regulations regarding commercial motor carriers, owners, and operators through the operation of Port of Entry weigh stations on public highways within Colorado.

POE 2. General Definitions.

Concerning these rules, the following definitions are applicable unless otherwise specified:

- 2.1. **Affected POE:** A permanent weigh station that is identified within a Special Revocable Permit (SRP). An SRP may affect more than one POE weigh station.
- 2.2. **Alternative Fuel:** Includes Compressed Natural Gas (CNG), propane, ethanol, or any mixture of ethanol containing 85% or more ethanol by volume with gasoline, electricity, or other fuels, including clean diesel and reformulated gasoline so long as these other fuels make comparable reductions in carbon monoxide emissions and brown cloud pollutants as determined by the air quality control commission.
- 2.3. **Appurtenance:** A non-cargo bearing piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task. Includes awnings, support hardware, and retractable equipment. Does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle to transport such vehicle.
- 2.4. **Cargo:** The goods carried as freight by a commercial vehicle.
- 2.5. **CDOR:** Colorado Department of Revenue.
- 2.6. **CDOT:** Colorado Department of Transportation.
- 2.7. **CDPS:** Colorado Department of Public Safety.
- 2.8. **Chief:** The Chief of the Colorado State Patrol, or his or her designees, unless otherwise specified.
- 2.9. **Commercial Motor Vehicle Information Technology (CMVIT):** Technology and deployments that enable the effective and accurate gathering of CMV-related data through fixed, mobile, and virtual weighing operations.
- 2.10. **COOPR:** The CDOT Colorado Oversize/Overweight Permitting and Routing System.
- 2.11. **CSP:** Colorado State Patrol.
- 2.12. **GCW:** Gross Combined Weight.
- 2.13. **GCWR:** Gross Combined Weight Rating.
- 2.14. **GVW:** Gross Vehicle Weight.
- 2.15. **GVWR:** Gross Vehicle Weight Rating.
- 2.16. **High-Risk Motor Carrier:** A non-passenger carrier that:
 - 2.16.1. Has a ranking at or above the 90th percentile in the unsafe driving, hours of service (HOS) compliance, vehicle maintenance, or crash indicator Behavior Analysis Safety Improvement Categories (collectively referred to as "BASICs") for

two or more consecutive months as reported by information received by the FMCSA; and

- 2.16.2. Has not received an onsite investigation in the previous 18 months for property-carrying motor carriers or in the previous 12 months for passenger-carrying motor carriers.
- 2.17. **Over-the-Road Bus:** A bus characterized by an elevated passenger deck located over a baggage compartment and typically operated on the interstate highway system or on roads previously designated as making up the federal-aid primary system.
- 2.18. **OSB:** The Colorado State Patrol Operational Services Branch.
- 2.19. **Permit Holder:** A carrier, owner, or operator to whom a permit is issued is a permit holder. Permit holders are responsible for any violations received by vehicle operators who operate vehicles affected by a permit on behalf of the permit holder.
- 2.20. **Port of Entry (POE) Officer:** A law enforcement officer and a uniformed member of the CSP who is not a trooper nor a civilian member. The scope of authority and the duties of a POE officer are described within § **Section** 42-8-104 (2), CRS, and as discussed within these rules.
- 2.21. **Probationary Special Revocable Permit:** An SRP that may be issued for a period of 12 months or less to a carrier, owner, or operator who is:
 - 2.21.1. Determined an eligible, but unsatisfactory SRP applicant following review of their application, and violation, safety, and/or port clearance records; or
 - 2.21.2. An SRP permit holder applying for a new SRP following the revocation of a prior SRP.
- 2.22. **Regularly Scheduled Route:** A route provided to the CSP POE by an applicant for an SRP. Factors considered in whether the route traveled by an SRP applicant is regular include times or places of repeated normal departure, arrival, delivery, and/or loading activity. To be eligible for an SRP, a regularly scheduled route provided by an applicant to the CSP POE must come within five (5) road miles of a permanent weigh station not directly located or along the regular route provided.-
- 2.23. **Single Axle:** All wheels, whose centers may be included within two (2)-parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.
- 2.24. **Single Axle Weight:** The total weight transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.

- 2.25. Special Revocable Permit (SRP):** A permit that waives the requirement of § **Section** 42-8-105 (1), CRS, for a period of 36 months or less to seek and obtain clearance at a POE weigh station that is not directly located on a carrier's or operator's regularly scheduled route. Eligibility for an SRP is based, partly, on the applicant's or permit holder's safety record and "BASICS" scores reported by the Federal Motor Carrier Safety Administration (FMCSA).
- 2.26. Specialized Automobile Transporter:** A stinger-steered vehicle combination consistent with the definition provided within § **Section** 42-4-504 (4.5) (C) (3), CRS, designed and used specifically for the transport of assembled highway vehicles, including truck camper units. A specialized automobile transporter is designed to carry vehicles on the power unit behind the cab or an over-cab rack.
- 2.27. Tandem Axle:** Two or more consecutive axles, the centers of which may be included between parallel vertical planes, spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle, all of which are in contact with the ground.
- 2.27.1.** If only one of a set of multiple axles of a motor vehicle is in contact with the ground, the configuration is not a tandem axle until it is used as such.
- 2.28. Tandem Axle Weight:** The total weight transmitted to the road by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

POE 3 Port of Entry Operations and Authority

3.1. Delegation of Authority.

Delegation of any authority held by the CSP OSB Major relevant to POE operations will be consistent with CSP and CDPS policies.

3.2. Permanent and Mobile POE Operations.

The Chief authorizes the establishment and operation of permanent POE weigh stations. The Chief also authorizes the operation of mobile POE operations.

3.2.1. Permanent POE weigh stations will be established and operated at such points along public highways of this state as are determined necessary.

3.2.2. The location or relocation of permanent weigh stations will be determined by the Chief.

3.2.3. All permanent POE weigh stations will be operated at times determined by the Chief to reasonably allow owners and operators of motor vehicles subject to

fees, licenses, taxes, or rules imposed by the state of Colorado to comply with all such laws and rules by clearance at a POE weigh station.

3.2.4. Mobile POE weigh stations will be established and operated at such points along public highways of this state as are determined to be necessary.

3.2.4.1. Mobile POE weigh stations will post signs giving notice of their operations. This notice will inform owners and operators of vehicles required to stop and obtain clearance of their need to clear the mobile weigh station.

3.2.5. Mobile POE weigh stations have the same duties and authority as permanent POE weigh stations.

3.3. Authority of POE Officers.

A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of ~~§ Section 42-8-101, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; Section 42-4-106 (5), CRS; § Section 42-4-501, et al., CRS; § Section 42-4-209, CRS; § Section 42-4-225 (1.5), CRS; § Section 42-4-235, CRS; § Section 42-4-1407, CRS; § Section 42-4-1409, CRS; and § Section 42-4-1414, CRS, except that a POE officer cannot serve civil writs and process.~~

3.3.1. Detention of Operators, Vehicles, and Vehicle Impound. Within the scope of their authority, POE officers may restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes on behalf of the state of Colorado.

3.3.1.1. POE officers may also restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes in response to a lawful request from any other law enforcement agency recognized by this state.

3.3.1.2. An agency requesting detention must provide sufficient verifiable information that can be reliably used to identify the person or vehicle to be restrained, detained, or impounded, in addition to providing a reasonable basis by rule of law for the detention, restraint, or impoundment.

3.3.1.3. Information supplied by a requesting agency for the detention or impoundment of any person or vehicle may be communicated verbally or in writing, and must include:

3.3.1.3.1. The name of the agency requesting the detention or impoundment;

3.3.1.3.2. The name of the agency official requesting the detention or impoundment;

3.3.1.3.3. The rule of law being violated or suspected of being violated; and

3.3.1.3.4. The maximum time a vehicle or operator is to be detained.

3.3.1.4. Motor vehicles detained or impounded by POE officers at the request of the DOR may be released promptly upon:

3.3.1.4.1. Payment of taxes and fees due;

3.3.1.4.2. Making a deposit sufficient to pay the same in full, after proper computations and adjustments have been made; or

3.3.1.4.3. Request of DOR.

3.3.1.5. The cargo of any impounded vehicle may be transferred to any properly licensed and qualified motor vehicle and permitted to proceed.

POE 4. Regulations

4.1. POE Clearance and the Duty to Stop and Weigh.

Owners or operators of motor vehicles required to obtain clearance from the CSP POE under ~~§~~ **Section** 42-8-105 (1), CRS, include:

4.1.1. Owners or operators of motor vehicles that are subject to payment of registration fees according to ~~§~~ **Section** 42-3-306 (5) (b), CRS;

4.1.2. Owners or operators of motor vehicles displaying apportioned or GVW license plates; or

4.1.3. Owners or operators of motor vehicles or motor vehicle combinations having a GVWR or GCWR over 26,000 lbs.

4.1.4. Owners or operators of motor vehicles may obtain a required clearance by:

4.1.4.1. Securing a valid clearance from a CSP officer or POE weigh station before operating or causing the operation of the vehicle or combination of vehicles on the public highways of this state.

4.1.4.1.1. CMVIT may facilitate the collection of commercial motor vehicle data at physical, mobile, or virtual weigh stations where available and authorized to do so. Data collected through virtual operations will not be used to directly enforce statutory commercial motor vehicle clearance requirements.

4.1.4.2. Obtaining clearance from the first POE weigh station located within five (5) road miles of the route that the owner or operator would normally follow from their point of departure to the point of destination if a previous clearance or SRP has not been secured. To be valid, the clearance must occur before arriving at the point of destination and before removing the load from the motor vehicle.

4.1.4.2.1. The route that a reasonable commercial vehicle owner or operator would take from the same points of departure and destination is considered to be the “route that an owner or operator would normally follow.”

4.1.4.3. Any owner or operator violates ~~§~~**Section** 42-8-105, CRS, if they fail to seek out a permanent POE weigh station that is located within five (5) road miles of the route that the owner or operator would normally follow.

4.1.5. Every owner or operator of a motor vehicle required to obtain clearance must stop at every POE weigh station located within five (5) road miles of their route of travel.

4.1.5.1. Vehicles with a seating capacity of 14 or more passengers registered under the requirements of ~~§§~~**Sections** 42-3-304 (13) or 42-3-306 (2) (c) (I), CRS, are not required to secure a valid clearance.

4.2. Vehicle Weight Requirements - Wheel and Axle Loads.

Vehicles having a single drive-axle configuration and equipped with pneumatic tires are not subject to the axle weight limitations set forth within ~~§~~**Section** 42-4-507 (2) (b), CRS, and may operate in excess of 20,000 lbs. axle weight when:

4.2.1. The single-drive-axle vehicle is equipped with a self-compactor; and

4.2.2. Is used solely for the transporting of trash.

4.2.3. Vehicles equipped with, but not using a tandem drive-axle configuration, will not be permitted to operate over an axle weight of 20,000 lbs. and must comply with the axle weight limitations set forth within ~~§~~**Section** 42-4-507 (2) (B), CRS.

4.3. Auxiliary Power Units (APU) and Idle Reduction Technology Units.

Any vehicle that uses an APU or idle reduction technology unit to reduce fuel use and emissions resulting from engine idling will have the actual weight of the APU or idle reduction technology unit exempted from the calculation of the actual axle and GVW, up to 550 lbs. To be eligible for this weight exemption, the operator of the vehicle must provide:

4.3.1. Written certification of the actual weight of the APU or idle reduction technology unit; and

4.3.2. Written certification or demonstration that confirms the idle reduction technology unit is fully functional at all times.

4.4. Buses.

Any over-the-road bus, or any vehicle regularly and exclusively used as an intrastate public agency transit passenger bus, is exempted from compliance with the axle limits set forth within ~~§~~**Section** 42-4-507 (2) (b), CRS.

4.5. Gross Vehicle Weight (GVW) - Determination of GVW.

The legal GVW or GCW limit for any vehicle or combination of vehicles specified within ~~§~~**Section** 42-4-508 (1), CRS, will be determined by the actual number of axles in contact with the road surface and the applicable Bridge Weight Formula.

4.5.1. Except where otherwise provided by ~~§§~~ **Sections** 42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway or bridge that is part of the national system of interstate and defense highways (otherwise known as the interstate highway system) must:

4.5.1.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.1.2. Comply with the federal bridge formula set forth within ~~§~~ **Section** 42-4-508 (1) (c), CRS; and

4.5.1.3. Not exceed a maximum of 80,000 lbs. in the calculation of the federal bridge formula.

4.5.1.3.1. Natural gas alternative fuel system vehicles may operate up to an additional 2,000 lbs., or as is consistent with applicable state law, the exemption set forth within 23 USC 127 (S), and FHWA guidance regarding natural gas alternative fuel system vehicles.

4.5.1.3.2. Alternative fuel vehicles not operating natural gas systems may operate up to an additional 2,000 lbs., or as is consistent with ~~§§~~ **Sections** 42-4-508 (1.5) and 25-7-139, CRS.

4.5.2. Except where otherwise provided by ~~§§~~ **Sections** 42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway other than a highway identified as part of the interstate highway system must:

4.5.2.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.2.2. Comply with the state bridge formula set forth within ~~§~~ **Section** 42-4-508 (1) (b), CRS; and

- 4.5.2.3. Not exceed a maximum of 85,000 lbs. in the calculation of the state bridge formula.

4.6. Vehicle-Width – Measurement of Commercial Motor Vehicle Width.

Vehicle width will be measured from the point farthest from the center of the motor vehicle or a combination of motor vehicles on each side of the vehicle or a combination of vehicles.

- 4.6.1. Vehicle components not excluded by law or regulation are included in the measurement of commercial motor vehicle width. Components that are excluded from the measured width of a commercial motor vehicle include, but are not limited to:

- 4.6.1.1. Rear view mirrors, turn signal lamps, handholds for cab entry/egress, splash and spray suppressant devices, load-induced tire bulge; and

- 4.6.1.2. All non-property-carrying devices, or components thereof, that do not extend more than three (3) inches beyond each side of the vehicle.

4.7. Vehicle Length – Measurement of Commercial Motor Vehicle Length.

Vehicle length is generally measured from the front-most fixed point (generally the front bumper) to the rear-most fixed point (generally where the brake lights are located).

- 4.7.1. Any permanently mounted appurtenance that extends beyond the front or rear of the vehicle to which it is mounted becomes part of the vehicle. A permanently mounted appurtenance is included in the overall measurement of vehicle length.

- 4.7.2. Vehicle components not excluded by law or regulation will be included in the measurement of the length of commercial motor vehicles. Components that are excluded from the measured length of a commercial motor vehicle include, but will not be limited to:

- 4.7.2.1. Rear view mirrors, turn signal lamps, handholds for entry/egress, splash and spray suppressant devices;

- 4.7.2.2. All non-property-carrying devices, or components thereof that do not exceed 24 inches beyond the rear of the vehicle as stated within 23 CFR 658.16;

- 4.7.2.3. Resilient bumpers that do not extend more than six (6) inches beyond the front or rear of the vehicle; or

- 4.7.2.4. Lamps or flags on projecting loads in use consistent with ~~§~~ **Section** 42-4-209, CRS, or devices exempted from the length, and are not considered a projection or overhang.

4.7.3. Length Measurement of Specialized Automobile Transporters. The overall length measurement of a specialized automobile transporter is calculated exclusive of:

- 4.7.3.1. Front and rear cargo overhang;
- 4.7.3.2. Safety devices not designed or used for carrying cargo; and
- 4.7.3.3. Any extension device (ramp or “flippers”) that may be used for loading beyond the extreme front or rear end of a vehicle or combination of vehicles.
 - 4.7.3.3.1. Extendable ramps or “flippers” on specialized automobile transporters that have not been retracted and are not supporting vehicles will be included in the measurement of vehicle length.

4.7.4. Measurement of Trailers – Trailer Drawbar or Tongue Length.

- 4.7.4.1. Where the trailer drawbar or tongue is of rigid construction, the measurement will be taken from the rear-most point of the power unit’s cargo box to the front-most point of the trailer’s mainframe.
- 4.7.4.2. Where the trailer drawbar is hinged, the measurement will be taken from the rear-most of the power unit’s cargo box to the front-most point of the drawbar hinge.
- 4.7.4.3. A tool or accessory box that is welded or attached to the trailer drawbar or tongue is not included in the calculation of a trailer’s drawbar or tongue length.
- 4.7.4.4. A trailer drawbar may not exceed 15 feet between two (2) vehicle units except when:
 - 4.7.4.4.1. The connection is between any two (2) vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be readily dismembered; or
 - 4.7.4.4.2. Connections between vehicles are of rigid construction and are included as part of the structural design of the towed vehicle, and the overall combined length of the vehicles and the connection does not exceed 55 feet.
- 4.7.4.5. Adjustable pole trailers that are primarily designed for the transportation of cargo must have the connection between vehicles reduced to 15 feet or less when operating without cargo if the overall vehicle combination exceeds 55 feet.

4.8. Vehicle Height.

Maximum height limits are as designated by the CDOT and are available online from the CDOT Freight Mobility & Safety website, <https://freight.colorado.gov>, by selecting “route planning” then “maps,” and then by scrolling down to “other maps” and selecting “vertical clearance.”

- 4.8.1. Vehicles, laden or unladen, must not exceed a height of 14 feet six inches and must be operated in compliance with § **Section** 42-4-504 (1), CRS.

4.9. Use of CMVIT Concerning CMV Size and Weight.

CMVIT may facilitate the identification of potential size, weight, and permit violations of commercial motor vehicles in Colorado where available and authorized to do so. CMVIT will not be used in any way inconsistent with state statutes or contrary to any applicable state and/or federal rules or regulations.

POE 5 Permits.

5.1. Special Revocable Permits (SRP).

An SRP may be issued to an owner or operator of any vehicle being operated over a regularly scheduled route within five (5) road miles of a permanent POE weigh station according to § **Section** 42-8-105 (1), CRS.

- 5.1.1. An SRP waives the requirement that an owner or operator seek out and secure a valid clearance at a permanent POE that is located within five (5) road miles of an identified regularly scheduled route.
- 5.1.2. The use or issuance of any SRP is contingent upon an applicant’s or permit holder’s compliance with any applicable rules, laws (federal, state, county, and local), and the requirements set forth within these rules.

5.2. Application for SRP.

An application for an SRP is made by completing and submitting an application to the CSP POE Section.

- 5.2.1. SRP applications are provided by the CSP POE Section upon request, online, and may also be submitted to the CSP POE Section online through the CDOT COOPR website.
- 5.2.2. The CSP POE Section will collect any information identified as necessary to determine an applicant’s eligibility for an SRP. Information necessary to determine an applicant’s eligibility includes:
 - 5.2.2.1. The legal name of the applicant and the name under which the applicant conducts business, if applicable;
 - 5.2.2.2. The physical and mailing addresses of the applicant;

- 5.2.2.3. The USDOT# assigned to and used by the applicant;
- 5.2.2.4. The number of vehicles proposed to be subject to the SRP if it is issued and the VIN for each vehicle;
- 5.2.2.5. The POE weigh station location(s) the applicant would like the SRP to affect;
- 5.2.2.6. The name and signature of the person submitting the SRP application on behalf of the applicant; and
- 5.2.2.7. A detailed description of the applicant's regularly scheduled route. This description should, at minimum, identify the points of origin and destination(s) for the route provided.
- 5.2.2.8. If the information initially provided by the applicant is insufficient, additional information will be requested.

5.3. SRP Approval.

When an application for an SRP is approved, the SRP will be issued by the CSP POE Section upon the recommendation and the approval of the OSB Major or his or her designee.

- 5.3.1. Within its discretion, the CSP POE Section reserves the right to attach special conditions to the approval of any SRP where the CSP POE Section determines that it is necessary or advisable to include specific conditions beyond those generally applicable to SRP use.
- 5.3.2. Any SRP issued to an applicant/permit holder must be:
 - 5.3.2.1. Carried at all times in any authorized vehicle when being operated over the approved regularly scheduled route; and
 - 5.3.2.2. Available upon demand for inspection by the CSP POE or any other state or law enforcement officer.
 - 5.3.2.3. Electronic copies of the permit are acceptable.
- 5.3.3. An SRP issued to an eligible SRP applicant by the CSP POE Section may be valid for up to 36 months, except where an otherwise eligible applicant is determined unsatisfactory following a review of their violation, safety, and/or port clearance records.
 - 5.3.3.1. Eligibility for an SRP is based in part on the applicant's safety record and "BASICS" reported by the FMCSA.

- 5.3.3.2. The number and type of violation convictions received by drivers operating vehicles for the applicant within the state of Colorado are considered when determining applicant eligibility.
 - 5.3.3.3. The number of port clearances during the 12 months before the SRP application date is relevant in determining eligibility.
 - 5.3.3.4. The Applicant's compliance with any previously issued SRP terms and conditions will factor into the decision to issue any subsequent SRP to the applicant.
 - 5.3.4. An SRP applicant determined to be an unsatisfactory applicant may be eligible for a Probationary SRP where:
 - 5.3.4.1. The applicant does not meet the definition of a "High-Risk Motor Carrier"; or
 - 5.3.4.2. The applicant meets the definition of a "High-Risk Motor Carrier," but the applicant's Company Snapshot available through the USDOT FMCSA Safety and Fitness Electronic Records (SAFER) System website confirms a conditional or satisfactory rating for the applicant.
 - 5.3.5. An SRP applicant who is issued a Probationary SRP:
 - 5.3.5.1. Must demonstrate that corrective actions are in progress or in place to maintain or improve SRP eligibility.
 - 5.3.5.2. May apply for an SRP after the Probationary SRP period.
 - 5.3.5.2.1. The permit holder's compliance with the conditions of the Probationary SRP factors into the decision to issue any subsequent SRP to the applicant.
 - 5.3.5.2.2. An SRP applicant applying for an SRP following the revocation of their prior SRP will first be eligible to apply for a Probationary SRP.
 - 5.3.6. An SRP:
 - 5.3.6.1. Is not transferable from company to company or between vehicles without prior approval of the CSP POE Section;
 - 5.3.6.2. Does not affect the right of any lawful authority to stop a vehicle to check for:
 - 5.3.6.2.1. Operating credentials;
 - 5.3.6.2.2. Applicable oversize or overweight violations; or

5.3.6.2.3. Violations of other motor vehicle laws.

5.3.6.3. Is valid only when used by an authorized vehicle operating within the scope of the approved regularly scheduled route.

5.3.7. The CSP POE Section will respond to all complete SRP applications with a decision to either issue or deny an SRP within 7 calendar days of receipt.

5.4. Denial of SRP.

An application for an SRP may be denied if:

- 5.4.1.** The applicant has failed to pay taxes or registration fees when due;
- 5.4.2.** The applicant is subject to the payment of recurrent distraint penalties as set forth within ~~§~~ **Section** 39-21-114 (7), CRS;
- 5.4.3.** In the 12 months before the SRP application date, any vehicle operator of the applicant demonstrates a pattern of non-compliance with the duty to stop and weigh or the duty to obtain clearance imposed by ~~§§~~ **Sections** 42-4-509 (3) and 42-8-105, CRS, respectively;
- 5.4.4.** In the 12 months before the SRP application date, any vehicle operator of the applicant has been convicted of three (3) or more violations of size and weight requirements as are set forth within ~~§~~ **Section** 42-4-501, et seq., CRS;
- 5.4.5.** The applicant meets the definition of a “High-Risk Motor Carrier,” and the FMCSA SAFER Company Snapshot does not have a carrier rating or has a rating of “unsatisfactory”;
- 5.4.6.** In the 12 months before the SRP application date, violation convictions received by any vehicle operator of an applicant demonstrate a pattern of non-compliance with applicable laws;
- 5.4.7.** Following suspension or revocation of an SRP, vehicle operators of an applicant continue to violate the laws that resulted in the suspension or revocation of the SRP;
- 5.4.8.** The applicant has misused, or used fraudulently, or has otherwise failed to comply with the conditions of any previously issued valid permit or license;
- 5.4.9.** The application for the SRP misrepresents or provides inaccurate information regarding the regularly scheduled route; or
- 5.4.10.** A request for additional information is not responded to within 30 calendar days.

5.4.10.1. An applicant whose SRP application is denied due to the applicant's failure to respond to a request from the CSP POE Section to provide additional information may resubmit their application without prejudice.

5.4.10.2. The CSP POE Section will have 7 calendar days to respond to the resubmitted SRP application.

5.5. Permit Suspension and Revocation.

A permit holder's SRP(s) may be suspended when:

5.5.1. A permit holder fails to pay taxes or registration fees when due;

5.5.2. A permit holder is subject to the payment of recurrent distraint penalties as described within ~~§~~**Section** 39-21-114 (7), CRS;

5.5.3. A permit holder used the permit to evade any law;

5.5.4. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder has been convicted of three (3) or more violations in a vehicle assigned to an SRP of the size and weight requirements of ~~§~~**Section** 42-4-501, et seq., CRS;

5.5.5. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder demonstrates a pattern of non-compliance with either the duties to stop and weigh or obtain clearance as set forth within ~~§§~~**Sections** 42-4-509 (3) and 42-8-105, CRS, respectively;

5.5.6. In a 12-month period during which an SRP has been issued, violation convictions received by any vehicle operator for a permit holder demonstrate a pattern of non-compliance with applicable laws;

5.5.7. Any authorized vehicle utilizing an SRP does not obtain port clearance from the affected POE weigh station(s) at least once per quarter during the period the SRP is valid;

5.5.7.1. The quarterly clearance requirement cannot be satisfied using PrePass, Drivewyze, or any other electronic clearance program.

5.5.8. The approved regularly scheduled route for which an SRP is issued to a permit holder is altered or discontinued;

5.5.9. A permit holder is identified as a "High-Risk Motor Carrier" and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an "unsatisfactory" carrier rating;

5.5.10. The permit holder violates any conditions applicable to an SRP; or

5.5.11. The permit holder misuses any permit or license.

5.6. SRP Revocation.

A permit holder's SRP(s) may be revoked when:

5.6.1. A permit holder who has been subject to SRP suspension continues to demonstrate a pattern of non-compliance with applicable laws and rules;

5.6.2. A permit holder fails to comply with the terms of any Probationary SRP; and/or

5.6.3. A permit holder fails to take any steps as may be directed by the CSP POE Section to improve or achieve compliance within a prescribed period.

5.7. SRP Application Denial, SRP Suspension, or SRP Revocation by Written Notice.

Denial, suspension, or revocation of any SRP will be by written notice from the CSP POE Section.

5.8. Right to Appeal SRP Application or Permit Denial, Suspension, or Revocation, and to Request a Hearing.

An applicant or permit holder may request a hearing within 60 days of receiving written notice from the CSP POE Section denying, suspending, or revoking an SRP. Hearing requests by applicants or permit holders appealing an SRP denial, suspension, or revocation must be:

5.8.1. Made in writing; and

5.8.2. Addressed to the Major of the CSP OSB at 15075 S. Golden Rd., Golden, CO., 80401.

5.9. Hearing and Review.

The OSB Major will hold the hearing.

5.9.1. The scope of the hearing will be limited to whether the applicant or permit holder has complied with these rules.

5.9.2. The OSB Major will issue a written decision within 20 business days of the completed hearing.

5.9.2.1. If the OSB Major finds that evidence of non-compliance and ineligibility is sufficient, the SRP application denial, suspension, or revocation will be sustained.

5.9.2.2. If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated.

5.9.2.3. If the OSB Major finds that evidence of non-compliance and ineligibility is insufficient to support application denial, permit

suspension, or revocation but is sufficient to find an SRP applicant or permit holder to be unsatisfactory under these rules, it is within the discretion of the Major to issue or reinstate any SRP as a Probationary SRP for a period not to exceed one (1) year.

5.9.3. The decision by the Major will constitute a final agency action and is subject to judicial review as described by **§ Section 24-4-106**, CRS.

POE 6 Inquiries, Publications, and Severability.

6.1. Rule Inquiries.

All contact with the CSP POE Section about these rules or their applicability should be addressed to the:

Colorado State Patrol Port of Entry Section
15075 S. Golden Rd., Golden, CO., 80401
(303)-273-1870 (Main Phone)

6.2. Publications.

All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by **§ Section 24-4-103 (12.5)**, CRS, ~~or~~ inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.

6.2.1. All publications, standards, or guidelines adopted and incorporated by reference in these rules will be provided and made available for examination at any state publication depository library as required by **§ Section 24-4-103 (12.5)**, CRS. The following publication(s), standard(s), and guideline(s) have been referenced within these rules in accordance with **§ Section 24-4-103 (12.5)**, CRS:

6.2.1.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November ~~30-11, 2023~~ **2024**.
<https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.

6.2.2. The CSP POE Section will maintain copies of the complete texts of the aforementioned publications, 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 **free of charge**.

Interested parties may also inspect the referenced materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit (CRU) at 700 Kipling St., Lakewood, CO., 80215 or by email at cdps_csprecords@state.co.us. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organization(s) of their original issue:

6.2.2.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832 - 5660. Website: www.fmcsa.dot.gov.

6.2.3. These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference.

6.3. 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.

**Summary of Proposed Changes
Port of Entry Rules
for Commercial Motor Carrier
Size, Weight and Clearance**

Purpose:

This document is developed as a companion to assist in the reading and understanding changes proposed to 8 CCR 1507-28, the Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance. Each of the changes proposed in the redlined rules filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies are discussed in the order they appear. Changes are identified by section number with a description of the change proposed. Included with each change is an explanation for the change.

Accessibility Editing Note:

The redlined rules include formatting updates and minor edits not affecting the content or interpretation of 8 CCR 1507-28 necessary to comply with the document accessibility standards required by Section 24-34-802, CRS. Changes to these rules to comply with the accessibility standards include changing capitalized text to mixed-case or lower-case text, removing underlined text, increasing font size, exchanging symbols for words throughout the document, enabling hyperlinked text associated with website addresses, and adjustments to the physical paragraph structure of the document to more effectively support bookmarking for electronic reading software.

The Colorado State Patrol Port of Entry Section is committed to supporting effective communication and access to the rules by all members of the public. If you experience any difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the Colorado State Patrol Port of Entry Section at (303)-273-1870.

Page 1: Table of Contents:

The Table of Contents is a new addition and appears in red text. The Table of Contents outlines these rules by section and supports efficient document navigation. Although not required, including a Table of Contents in longer documents is a best practice supported by the state accessibility rules and Section 24-34-802, CRS. The Table of Contents is beneficial to all readers viewing the rules electronically but is especially helpful for those members of the public viewing the document using e-reading programs.

Page 6: Part 3.3, discussing the authority of POE Officers (Legislative Update):

The sections of the Colorado Revised Statutes (CRS) referenced by Part 3.3 must be updated. Colorado Senate Bill 24-100, passed by the General Assembly and signed into law by Governor Polis, updates Section 42-4-106, CRS, effectively amending the scope of authority for POE Officers to specifically include enforcement of the state commercial motor

vehicle chain laws. The rules must be consistent with the state statutes. As updated, Part 3.3. is amended to include reference to Section 42-4-106 (5), CRS, after “Articles 2, 3, and 20 of Title 42, CRS;” and before “Section 42-8-101 et. al.”, and a comma after “while acting under proper orders or rules issued by the Chief,”. As amended, the sentence is updated to read, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS,”.

Page 6: Part 3.3, discussing the authority of POE Officers (addressing statutory consistency):

The last part of the paragraph after “and Section 42-4-1414, CRS,” is amended by adding “except that a POE officer cannot serve civil writs and process.” Part 3.3. discusses the scope of authority for POE Officers, and inadvertently, this critical limitation on POE Officer authority scope has been omitted from Part 3.3. The statement in Part 3.3. is consistent with the POE's scope of authority as outlined within the CRS; this additional information concerning a POE officer's scope of authority is necessary to ensure complete consistency with the statutes. As updated, the entirety of Part 3.3. reads “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS, **except that a POE cannot serve civil writs and process.**” This is different from the sentence before edits, which reads instead, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS.”

Page 16: Subpart 5.5.9, add a comma to the sentence.

A comma is added to the sentence in Part 5.5.9. Subpart 5.5.9 now reads, “A permit holder is identified as a “High-Risk Motor Carrier,” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating;” instead of “A permit holder is identified as a “High-Risk Motor Carrier” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating.

Page 17: Sub-subpart 5.9.2.2, add a comma to the sentence.

A comma is added to the sentence in Sub-subpart 5.9.2.2. Sub-subpart 5.9.2.2. as proposed, reads, “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated,” instead of “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned and the SRP or previous SRPs will be issued or reinstated.”

Page 18: Part 6.2, correction merging two sentences into one to correct grammar.

To improve message communication and correct a grammatical error, Part 6.2 is updated to read, “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by **Section** 24-4-103 (12.5), CRS, **or** inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>,” instead of “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS. Inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.”

Page 18: Sub-subpart 6.2.1.1, update to website access date.

Due diligence requires that resources referenced by these rules be verified as necessary. For this redlined document, the website hosting the FMCSA High Risk Carriers Investigations Report was last accessed on November 11, 2024. The date of website access must be updated from November 30, 2023, to November 11, 2024. With this update, Sub-subpart 6.2.1.1 reads, “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November **11, 2024**. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>,” instead of “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November 30, 2023. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.”

Pages 18-19: Subpart 6.2.2, correction to syntax in the second sentence.

The syntax in the second sentence of Subpart 6.2.2 is incorrect and must be corrected. As updated, the sentence reads, “Interested parties may access these documents online **free**

of charge,” instead of “Interested parties may access these documents free of charge online.”

The Colorado State Patrol is committed to supporting equitable access to its rules and to rulemaking activities by all members of the public. This document is a printed copy of the CDPS Rulemaking Information website as it appeared on January 14, 2025. If you experience difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translationsupport> or contact CSP Rulemaking Coordinator Angelina Page at 303-815-9027 or CDPS Rules Administrator Christine Moreno at 719-343-0995 to request accommodations or assistance. [Select Language](#)



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Rulemaking at CDPS

The Colorado Department of Public Safety is committed to governmental transparency in our stakeholder engagement and to comply with the provisions of the State Administrative Procedure Act, Section 24-4-101, et seq., of the Colorado Revised Statutes for rulemaking and regulatory procedures.

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 current Web Content Accessibility Guidelines (WCAG) version, 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](#).

Proposed Rulemaking

Division of Fire Prevention and Control

The Division of Fire Prevention and Control is in the planning process to adopt proposed new rules for Wildfire Resiliency Codes as established by the Wildfire Resiliency Board under the oversight of the Division. Additionally, the Division is in the planning process to adopt proposed new rules for the enforcement of the Wildfire Resiliency Codes by the Division's Fire and Life Safety Section. These rules are developed and promulgated under the statutory authority of §24-33.5-1236(4)

(b) and § 24-33.5-1237(2)(d), respectively, as enacted in SB 23-166.

The Colorado Wildfire Resiliency Code Board will hold sessions to solicit stakeholder feedback on the **[draft statewide wildfire resiliency code](https://drive.google.com/file/d/19Ltc18vQPhUgJ02Rt6Fw0k8-9V_MKON/view?usp=sharing)** (https://drive.google.com/file/d/19Ltc18vQPhUgJ02Rt6Fw0k8-9V_MKON/view?usp=sharing). Townhalls will be 90-minute, virtual sessions hosted on zoom.

The public is invited to join.

Those interested in providing comment at a townhall are asked to RSVP via the **[stakeholder and public feedback form](https://forms.gle/D3FwrsLw4oiLcT2x5)** (<https://forms.gle/D3FwrsLw4oiLcT2x5>). Written comment may also be submitted to the WRCB at cdps_dfpc_wrcb@state.co.us (mailto:cdps_dfpc_wrcb@state.co.us).

January 2025

Friday, 17 Jan. 2025, 10:30am - 12:00n – *Local Government Officials and Professionals*

Friday, 24 Jan. 2025, 09:00am - 10:30am – *Structure-Related Industries and Professions*

Friday, 31 Jan. 2025, 09:00am - 10:30am – *Insurance Industry Representatives and Professionals*

February 2025

Friday, 07 Feb. 2025, 09:00am - 10:30am – *Fire Service Professionals*

Friday, 21 Feb. 2025, 09:00am - 10:30am – *Community and Advocacy Organizations*

Zoom Invitation - Same for all sessions

Zoom Link: <https://zoom.us/j/95132897404?pwd=rg9FnFSRHRiDRnnBgByNqgMZzmnJDR.1> ([https://zoom.us/j/95132897404?](https://zoom.us/j/95132897404?pwd=rg9FnFSRHRiDRnnBgByNqgMZzmnJDR.1)

[pwd=rg9FnFSRHRiDRnnBgByNqgMZzmnJDR.1](https://zoom.us/j/95132897404?pwd=rg9FnFSRHRiDRnnBgByNqgMZzmnJDR.1))

Meeting ID: 951 3289 7404

Passcode: P0HzW5

Division of Homeland Security and Emergency Management

The Division of Homeland Security and Emergency Management (DHSEM) is adopting emergency rules to establish registration and fees for Telecommunication Providers planning to remove, discontinue, or replace any telecommunications equipment from a federally banned entity as well as to establish notification procedures to relevant State Agencies or political subdivision of the State by the Telecommunication Provider. The emergency rules will be effective and available for review here as soon as possible. Providers and interested parties may reference **[the DHSEM grant program webpage](https://dhsem.colorado.gov/grants-management/grant-programs/colorado-telecommunications-security-registration-program)** (<https://dhsem.colorado.gov/grants-management/grant-programs/colorado-telecommunications-security-registration-program>) for procedural information.

SB 24-151 enacted Section 24-33.5-1624, C.R.S. to secure Colorado's telecommunications network and to protect national security by identifying and removing communications hardware and software produced by countries of concern or by other sanctioned entities from Colorado's telecommunications network and by monitoring the progress of the removal of such equipment.

Stakeholders and interested parties are invited to comment on the adopted emergency rules and on the proposed permanent rules forthcoming through the permanent rulemaking process pursuant to the State Administrative Procedure Act (APA), Section 24-4-101, et seq., Colorado Revised Statutes (C.R.S.). Comments made by submitted via email to CDPS Rules Administrator, Chris Moreno, at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone at 719-343-0995.

Notice of the permanent rulemaking hearing, including a redline version of the proposed rules and time and date, will be posted on this webpage once the hearing is scheduled. The hearing will be held virtually on the Google Meet platform.

CDPS Regulatory Report and Agenda

CDPS 2024 Regulatory Report

The CDPS Regulatory Report of all rulemaking activities in the Department for calendar year 2024 can be found **[here in PDF format](https://publicsafety.colorado.gov/sites/publicsafety/files/2024%20CDPS%20Regulatory%20Report.pdf)** (<https://publicsafety.colorado.gov/sites/publicsafety/files/2024%20CDPS%20Regulatory%20Report.pdf>) or **[here in docx format](https://publicsafety.colorado.gov/sites/publicsafety/files/2024%20CDPS%20Regulatory%20Report.docx)** (<https://publicsafety.colorado.gov/sites/publicsafety/files/2024%20CDPS%20Regulatory%20Report.docx>). This report includes cyclical rule reviews, new rules adopted, repealed rules, and amended rules adopted and includes a brief summary of the actions taken and the statutory authority, if applicable.

CDSP 2025 Regulatory Agenda

The CDPS Regulatory Agenda of all planned and anticipated rulemaking activities in the Department for calendar year 2025 can be found [here in PDF format \(https://publicsafety.colorado.gov/sites/publicsafety/files/2025%20CDPS%20Regulatory%20Agenda.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/2025%20CDPS%20Regulatory%20Agenda.pdf) or [here in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/2025%20CDPS%20Regulatory%20Agenda.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/2025%20CDPS%20Regulatory%20Agenda.docx). This agenda includes cyclical rule reviews, planned rule amendments, and new rules authorized by statute.

Rulemaking Updates and Public Hearings

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 \(mailto:christine.moreno@state.co.us\)](mailto:christine.moreno@state.co.us) or by phone 719-343-0995, at least two (2) weeks prior to the hearing/meeting. Please contact Rules Administrator, Christine Moreno at [christine.moreno@state.co.us \(mailto:christine.moreno@state.co.us\)](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.

Upcoming Public Hearings

Colorado State Patrol Motor Carrier Safety, Hazardous Materials, and Port of Entry Rules - January 17, 2025 10:00 AM (MST)

The Colorado State Patrol Motor Carrier Safety, Hazardous Materials, and Port of Entry Sections will hold a hybrid public rulemaking on Friday, January 17, 2025, at 10 am at the Colorado State Patrol Academy in Building 100, located at 15165 S. Golden Rd., Golden, CO., 80401. The public is invited to attend in person or virtually using Google Meet.

Date: Friday, January 17, 2025

Time: 10:00 AM MST

Location: Colorado State Patrol Academy, Building 100, 15165 S. Golden Rd., Golden, CO., 80401

Virtual Attendance via Google Meet Video call link: <https://meet.google.com/zzp-rksu-wgo> (<https://meet.google.com/zzp-rksu-wgo>)

Or dial: (US) +1 252-825-7041 PIN: 392 848 705#

More phone numbers: <https://tel.meet/zzp-rksu-wgo?pin=5780870178372> (<https://tel.meet/zzp-rksu-wgo?pin=5780870178372>)

- 8 CCR 1507-1 Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles
- 8 CCR 1507-25 Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado
- 8 CCR 1507-28 Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance

The proposed amendments of these rules include updated formatting to comply with the state accessibility standards required under Colorado Revised Statutes (C.R.S.) Section 24-34-802.

A Notice of Public Rulemaking for each of these rules was filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies on Thursday, December 12, 2024. The Colorado State Patrol filed both the redlined proposed rule changes and the companion document with these agencies consistent with Sections 24-4-103 (2.5) and (3) (a), C.R.S. of the State Administrative Procedure Act. The proposed rules drafts may be revised before the public rulemaking hearing on January 17, 2025, and any further proposed amendments to these proposed rules drafts between now and January 11, 2025 will be updated in this notice of rulemaking.

To prepare for the hearing, we invite any interested party to review the following statements of Basis, Authority, and Purpose, summaries of proposed rules amendments, and the redlined versions of the proposed rules amendments:

- 8 CCR 1507-1 Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles
 - Redlined draft rules [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_updated%20010725.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_updated%20010725.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_updated%20010725.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_updated%20010725.pdf).
 - Summary of Proposed Rules Amendments [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-1%20%281%29.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-1%20%281%29.docx)https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-1%20%282%29.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-1%20%282%29.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-1%20%282%29.pdf).
 - Statement of Basis and Purpose [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Statutory%20Authority%20and%20PurposeNS_8%20CCR%201507-1.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Statutory%20Authority%20and%20PurposeNS_8%20CCR%201507-1.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_DORA%20merge_updated%20010325.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-1_DORA%20merge_updated%20010325.pdf).
- 8 CCR 1507-25 Permitting, Routing and Transportation of Hazardous and Nuclear Materials and the Interstate Transportation of Agricultural Products in the State of Colorado
 - Redlined draft rules [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_2025%20DORA%20accessibility%20URL_updated%20010725.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_2025%20DORA%20accessibility%20URL_updated%20010725.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_2025%20DORA%20accessibility%20URL_updated%20010725.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-25_2025%20DORA%20accessibility%20URL_updated%20010725.pdf).
 - Summary of Proposed Rules Amendments [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507%2025%20Companion%20Document_01082.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507%2025%20Companion%20Document_01082.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507%2025%20Companion%20Document_01082.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507%2025%20Companion%20Document_01082.pdf).
 - Statement of Basis and Purpose [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-25.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-25.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-25.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-25.pdf).
- 8 CCR 1507-28 Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance
 - Redlined draft rules [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-28_DORA%20accessibility%20%281%29.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-28_DORA%20accessibility%20%281%29.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-28_DORA%20accessibility%20%281%29.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-28_DORA%20accessibility%20%281%29.pdf).
 - Summary of Proposed Rules Amendments [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-28%20%282%29.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-28%20%282%29.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-28%20%281%29.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Summary%20of%20Proposed%20Changes_8%20CCR%201507-28%20%281%29.pdf).
 - Statement of Basis and Purpose [in docx format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-28.docx\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-28.docx) or [in pdf format \(https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-28.pdf\)](https://publicsafety.colorado.gov/sites/publicsafety/files/Statement%20of%20Basis%20Authority%20and%20PurposeNS_8%20CCR%201507-28.pdf).

The Colorado State Patrol is committed to supporting effective communication and access to these rules and their supporting documents by all members of the public. If you experience difficulty with or are unable to use any of these documents, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> (<https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support>) or contact CSP Rulemaking Coordinator Angelina Page at (303) 815-9027 for assistance.

Completed Rulemaking & Hearings

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 \(/cdps-rulemaking-stakeholder-engagement-protocol\)](#).

For Further Rulemaking Information

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

[Learn About Rulemaking and Regulatory Review in Colorado](#) from the Colorado Office of Policy, Research & Regulatory Reform (COPRRR) in the Department of Regulatory Agencies (DORA). Additional information, including how to request a Cost-Benefit Analysis of proposed rules, make be found in this [Citizen's Guide to Colorado Rulemaking](#) (https://drive.google.com/file/d/0B6RhHT-h2_eVLJxWDh5aDRuUzA/view?usp=sharing&resourcekey=0-DkkxgWbEDdbCWQZBEGbtaw), published by COPRRR and also available on the [DORA/COPRRR Website](#) (<https://coprrr.colorado.gov/>).

To receive CDPS regulatory notices, submit comments on CDPS Rules, and/or to request further information on CDPS Rules and rulemaking, please contact CDPS Rules Administrator, Chris Moreno, at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone at 719-343-0995.

To receive email notifications and updates for Notices of Rulemaking, including proposed or amended rules, adopted permanent or emergency rules, and the associated Attorney General Opinions for adopted rules as published by the Secretary of State in the Colorado Register, sign up on the [Colorado Secretary of State Code of Regulations webpage](#) (<https://www.coloradosos.gov/pubs/rule-making/rules.html>).

Colorado Department of Public Safety

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](https://publicsafety.colorado.gov/contact) (<https://publicsafety.colorado.gov/contact>).

To submit a records request, visit our [CORA instructions page](#) (</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>)

Resources & Info

[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) (<tel:211>) or [866-760-6489](tel: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) (<tel:303-389-1687>) or [877-462-2911](tel:877-462-2911) (<tel:877-462-2911>).

Accessibility

The State of Colorado is committed to providing equitable access to our services to all Coloradans. [View the Accessibility, Interpretation & Translation Support page](https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support) (<https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support>).



STATE OF
COLORADO

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

No Public Cost-Benefit Analysis Request for Rule - POE Size and Weight Rules -

1 message

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

Fri, Jan 3, 2025 at 7:45 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: 10515
Title or Subject: Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance
Submitted by: Angelina M Page
Date Submitted: 12/12/2024
Deadline for Public Cost-Benefit Analysis Request: December 30, 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.



8 CCR 1507-28 Notice of Public Rulemaking Filing, Public Hearing Information, and Invitation to Comment

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

Fri, Jan 3, 2025 at 1:40 PM

Good afternoon,

If you are receiving this email, you have been identified as an interested party, potential stakeholder, or governmental colleague having an interest in 8 CCR 1507-28, the "Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance," also known as the "POE Rules."

Attached to this email are three documents. First is a letter providing information about the December 14, 2024, Notice of Public Rulemaking filed with the Colorado Secretary of State and Department of Regulatory Agencies. This letter also shares essential information about the time, date, and location of the public rulemaking hearing, how to attend virtually, and other relevant details.

The second document attached is a redlined copy of the rules. This document indicates all proposed updates to the rules, with deletions indicated in strikethrough text and additions appearing in red font. The third document included is a companion to the redline rule copy and reviews in order each of the proposed changes to the rules, providing a brief explanation for each. Both of these documents are also available online through the CDPS Rulemaking Information website; parties are encouraged to review the documents online before the public hearing in the event of any updates.

The Colorado State Patrol is committed to supporting effective communication and access to the rulemaking process by all members of the public. If you experience difficulty with or are unable to use any of these documents or need further assistance, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-support> or contact CSP Rulemaking Coordinator Angelina Page at 303-815-9027 or Angelina.Page@state.co.us.

Thank you for your support and commitment to the rulemaking process.

Sincerely,

Angelina M. Page, Esq.
CSP Rulemaking Coordinator
Colorado State Patrol
303-815-9027 (office and mobile)
303-273-1939 (fax)
angelina.page@state.co.us (email)

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

- 12/23/2024: Leaving office for lunch at 2/230; off at 3:00 pm
- 12/24/2024: off at 3:00 pm
- 12/25/2024: off, Christmas Holiday
- 12/26/2024: limited in-office hours, working remotely
- 12/27/2024: working remotely
- 12/30/2024: Office hours part day/remote part day
- 12/31/2024: working remotely
- 1/1/2025: off, New Year's Day Holiday
- 1/2/2025: off, Governor's Holiday

- 1/3/2025: working remotely

3 attachments



8 CCR 1507 28 post NRPM Stakeholder comment letter_Jan 3 2025.pdf
188K



8 CCR 1507-28_DORA merged.pdf
288K



Summary of Proposed Changes_8 CCR 1507-28.pdf
148K



COLORADO

State Patrol

Department of Public Safety

January 3, 2025

RE: Notice of Public Rulemaking Filing with the Colorado Secretary of State (SOS) and Department of Regulatory Agencies (DORA), Invitation for Comments, and Public Hearing Information for 8 CCR 1507-28, the “Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance.”

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 1507-28, the “Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance,” hereafter referenced as the “POE Rules.”

The amendments proposed to the POE Rules by the CSP include:

- Document formatting adjustments that do not affect the content or interpretation of these rules have been made throughout the document to comply with the state accessibility standards required under Section 24-34-802, CRS. Examples of these adjustments include changing capitalized text to mixed-case or lower-case text, removing underlined text, increasing font size, using the word “section” instead of the section symbol, enabling hyperlinked text, and adjusting the documents paragraph structure to support electronic bookmarking for use with electronic reading software.
- Insertion of a Table of Contents, facilitating document navigation.
- Updating the Port of Entry Officer’s scope of authority in response to the passage of SB 24-100 and its amendment of Section 42-4-106 (5), CRS, which extends POE authority to the enforcement of state commercial vehicle chain laws.
- Clarifying Port of Entry scope of authority within the rules to include significant limitations to maintain statutory compliance therewith and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to resources.

This letter includes a companion document outlining the changes proposed to the rules with a redlined copy of the rules. These documents were filed with the Colorado SOS and DORA on December 14, 2024, and recently published in the Colorado Register on December 25, 2024. These documents are also accessible and available for download from the Colorado

Department of Public Safety (CDPS) Rulemaking Information website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.

Responses to the proposed changes and stakeholder comments are invited and encouraged before the public hybrid hearing scheduled for Friday, January 17, 2025, at 10 am. Submitting comments in advance allows the CSP the opportunity to review and consider the substance of any comments and potentially update the changes proposed to the rules in response thereto before the public hearing. All stakeholders, interested parties, and governmental colleagues are encouraged to attend the hybrid hearing in person at 10 am on January 17th, 2025, using either of the following locations:

- In Person: CSP Academy, Building 100, Carrell Hall, 15165 S. Golden Rd., Golden, CO., 80401; or
- Virtually, using Google Meet Video call link: <https://meet.google.com/zzp-rksu-wgo> or dial: (US) +1 252-825-7041 PIN: 392 848 705#. More phone numbers: <https://tel.meet/zzp-rksu-wgo?pin=5780870178372>

An active link for the public hearing is also available online through the CDPS Rulemaking Information website. CSP Rulemaking Coordinator Angelina Page can be contacted directly at Angelina.Page@state.co.us to request the link.

Any responses and comments received before and through the end of the public comment period for these rules will be considered and included as exhibits supporting this rulemaking. Comments sent by USPS should be addressed to Deputy Director Deborah Jones of the CSP Port of Entry Section at 15075 S. Golden Rd., Golden, CO., 80401. Comments by email should be sent to CSP Rulemaking Coordinator Angelina Page at Angelina.Page@state.co.us and Deputy Director Jones at DeborahL.Jones@state.co.us.

These proposed rule changes were filed consistent with Sections 24-4-103 (2.5 and (3) (a), CRS, of the State Administrative Procedure Act. These rule changes are preliminary; additional updates may be between now and the public hearing on January 17, 2025. Should any further updates or changes to these rules be proposed between now and January 11, 2025, updated redline versions of the rules and the companion document explaining the changes will be uploaded to the CDPS Rulemaking Information website and made publicly accessible, consistent with Section 24-4-103 (4) (a), CRS.

The Colorado State Patrol is committed to supporting effective communication and access to the rulemaking process by all members of the public. If you experience difficulty with or are unable to use any of these documents or need further assistance, please go to

<https://publicsafety.colorado.gov/accessibility-interpretation-and-support> or contact CSP Rulemaking Coordinator Angelina Page at 303-815-9027 or Angelina.Page@state.co.us.

We thank you for your support and commitment to the rulemaking process.

Sincerely,

Angelina Page, Esq.
CSP Rulemaking Coordinator
Office: 303-273-1864
Mobile: 303-815-9027
Email: Angelina.Page@state.co.us

**Department of Public Safety
Colorado State Patrol – Port of Entry
Port of Entry Rules
for
Commercial Motor Carrier
Size, Weight and Clearance**

Accessibility Editing Note:

Document formatting adjustments that do not affect the content or interpretation of these rules have been made throughout this document to comply with the state accessibility standards required under Section 24-34-802, CRS. Examples of these formatting adjustments include changing capitalized text to mixed-case or lower-case text, removing underlining, increasing font size, using words instead of symbols, enabling hyperlink text, and adjusting the structure of the paragraphs to allow for electronic bookmarking to support electronic readers.

The CSP Port of Entry Section is committed to supporting effective communication and access to these rules by all members of the public. If you experience difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the CSP Port of Entry Section at (303) 273-1870 for assistance.

Disclaimer:

This draft is filed with the Department of State and submitted to the Department of Regulatory Agencies, consistent with Sections 24-4-103 (2.5) and (3) (a), CRS, of the State Administrative Procedure Act. This preliminary draft may be revised before the public rulemaking hearing on January 17, 2025. If any changes are made, a revised copy of the rules and any supporting documents will be made available to the public and posted on the Colorado Department of Public Safety Rulemaking Information website at <https://publicsafety.colorado.gov/get-involved/cdps-rules-and-regulations>. Any updates or revisions will be made available as required by Section 24-4-103 (4) (a), CRS, and posted to the Colorado Department of Public Safety Rulemaking Information website no later than January 11, 2025.

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POE 1. Authority to Adopt Standards and Specifications.

The Chief is authorized by the provisions of ~~§~~**Section**42-8-104 (1), CRS, to adopt rules and regulations deemed necessary to enforce applicable statutes and regulations regarding commercial motor carriers, owners, and operators through the operation of Port of Entry weigh stations on public highways within Colorado.

POE 2. General Definitions.

Concerning these rules, the following definitions are applicable unless otherwise specified:

- 2.1. **Affected POE:** A permanent weigh station ~~that is~~ identified within a Special Revocable Permit (SRP). An SRP may affect more than one POE weigh station.
- 2.2. **Alternative Fuel:** Includes Compressed Natural Gas (CNG), propane, ethanol, or any mixture of ethanol containing 85% or more ethanol by volume with gasoline, electricity, or other fuels, including clean diesel and reformulated gasoline so long as these other fuels make comparable reductions in carbon monoxide emissions and brown cloud pollutants as determined by the air quality control commission.
- 2.3. **Appurtenance:** A non-cargo bearing piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task. Includes awnings, support hardware, and retractable equipment. Does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle to transport such vehicle.
- 2.4. **Cargo:** The goods carried as freight by a commercial vehicle.
- 2.5. **CDOR:** Colorado Department of Revenue.
- 2.6. **CDOT:** Colorado Department of Transportation.
- 2.7. **CDPS:** Colorado Department of Public Safety.
- 2.8. **Chief:** The Chief of the Colorado State Patrol, or his or her designees, unless otherwise specified.
- 2.9. **Commercial Motor Vehicle Information Technology (CMVIT):** Technology and deployments that enable the effective and accurate gathering of CMV-related data through fixed, mobile, and virtual weighing operations.
- 2.10. **COOPR:** The CDOT Colorado Oversize/Overweight Permitting and Routing System.
- 2.11. **CSP:** Colorado State Patrol.
- 2.12. **GCW:** Gross Combined Weight.
- 2.13. **GCWR:** Gross Combined Weight Rating.
- 2.14. **GVW:** Gross Vehicle Weight.
- 2.15. **GVWR:** Gross Vehicle Weight Rating.
- 2.16. **High-Risk Motor Carrier:** A non-passenger carrier that:
 - 2.16.1. Has a ranking at or above the 90th percentile in the unsafe driving, hours of service (HOS) compliance, vehicle maintenance, or crash indicator Behavior Analysis Safety Improvement Categories (collectively referred to as "BASICs") for

two or more consecutive months as reported by information received by the FMCSA; and

- 2.16.2.** Has not received an onsite investigation in the previous 18 months for property-carrying motor carriers or in the previous 12 months for passenger-carrying motor carriers.
- 2.17. Over-the-Road Bus:** A bus characterized by an elevated passenger deck located over a baggage compartment and typically operated on the interstate highway system or on roads previously designated as making up the federal-aid primary system.
- 2.18. OSB:** The Colorado State Patrol Operational Services Branch.
- 2.19. Permit Holder:** A carrier, owner, or operator to whom a permit is issued is a permit holder. Permit holders are responsible for any violations received by vehicle operators who operate vehicles affected by a permit on behalf of the permit holder.
- 2.20. Port of Entry (POE) Officer:** A law enforcement officer and a uniformed member of the CSP who is not a trooper nor a civilian member. The scope of authority and the duties of a POE officer are described within ~~§~~ **Section** 42-8-104 (2), CRS, and as discussed within these rules.
- 2.21. Probationary Special Revocable Permit:** An SRP that may be issued for a period of 12 months or less to a carrier, owner, or operator who is:
- 2.21.1.** Determined an eligible, but unsatisfactory SRP applicant following review of their application, and violation, safety, and/or port clearance records; or
- 2.21.2.** An SRP permit holder applying for a new SRP following the revocation of a prior SRP.
- 2.22. Regularly Scheduled Route:** A route provided to the CSP POE by an applicant for an SRP. Factors considered in whether the route traveled by an SRP applicant is regular include times or places of repeated normal departure, arrival, delivery, and/or loading activity. To be eligible for an SRP, a regularly scheduled route provided by an applicant to the CSP POE must come within five (5) road miles of a permanent weigh station not directly located or along the regular route provided.
- 2.23. Single Axle:** All wheels, whose centers may be included within two (2)-parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.
- 2.24. Single Axle Weight:** The total weight transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.

- 2.25. Special Revocable Permit (SRP):** A permit that waives the requirement of ~~§~~ **Section** 42-8-105 (1), CRS, for a period of 36 months or less to seek and obtain clearance at a POE weigh station that is not directly located on a carrier's or operator's regularly scheduled route. Eligibility for an SRP is based, partly, on the applicant's or permit holder's safety record and "BASICS" scores reported by the Federal Motor Carrier Safety Administration (FMCSA).
- 2.26. Specialized Automobile Transporter:** A stinger-steered vehicle combination consistent with the definition provided within ~~§~~ **Section** 42-4-504 (4.5) (C) (3), CRS, designed and used specifically for the transport of assembled highway vehicles, including truck camper units. A specialized automobile transporter is designed to carry vehicles on the power unit behind the cab or an over-cab rack.
- 2.27. Tandem Axle:** Two or more consecutive axles, the centers of which may be included between parallel vertical planes, spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle, all of which are in contact with the ground.
- 2.27.1.** If only one of a set of multiple axles of a motor vehicle is in contact with the ground, the configuration is not a tandem axle until it is used as such.
- 2.28. Tandem Axle Weight:** The total weight transmitted to the road by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

POE 3 Port of Entry Operations and Authority

3.1. Delegation of Authority.

Delegation of any authority held by the CSP OSB Major relevant to POE operations will be consistent with CSP and CDPS policies.

3.2. Permanent and Mobile POE Operations.

The Chief authorizes the establishment and operation of permanent POE weigh stations. The Chief also authorizes the operation of mobile POE operations.

- 3.2.1.** Permanent POE weigh stations will be established and operated at such points along public highways of this state as are determined necessary.
- 3.2.2.** The location or relocation of permanent weigh stations will be determined by the Chief.
- 3.2.3.** All permanent POE weigh stations will be operated at times determined by the Chief to reasonably allow owners and operators of motor vehicles subject to

fees, licenses, taxes, or rules imposed by the state of Colorado to comply with all such laws and rules by clearance at a POE weigh station.

3.2.4. Mobile POE weigh stations will be established and operated at such points along public highways of this state as are determined to be necessary.

3.2.4.1. Mobile POE weigh stations will post signs giving notice of their operations. This notice will inform owners and operators of vehicles required to stop and obtain clearance of their need to clear the mobile weigh station.

3.2.5. Mobile POE weigh stations have the same duties and authority as permanent POE weigh stations.

3.3. Authority of POE Officers.

A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of ~~§~~ **Section 42-8-101**, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5)**, CRS; ~~§~~ **Section 42-4-501**, et al., CRS; ~~§~~ **Section 42-4-209**, CRS; ~~§~~ **Section 42-4-225 (1.5)**, CRS; ~~§~~ **Section 42-4-235**, CRS; ~~§~~ **Section 42-4-1407**, CRS; ~~§~~ **Section 42-4-1409**, CRS; and ~~§~~ **Section 42-4-1414**, CRS, **except that a POE officer cannot serve civil writs and process.**

3.3.1. Detention of Operators, Vehicles, and Vehicle Impound. Within the scope of their authority, POE officers may restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes on behalf of the state of Colorado.

3.3.1.1. POE officers may also restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes in response to a lawful request from any other law enforcement agency recognized by this state.

3.3.1.2. An agency requesting detention must provide sufficient verifiable information that can be reliably used to identify the person or vehicle to be restrained, detained, or impounded, in addition to providing a reasonable basis by rule of law for the detention, restraint, or impoundment.

3.3.1.3. Information supplied by a requesting agency for the detention or impoundment of any person or vehicle may be communicated verbally or in writing, and must include:

3.3.1.3.1. The name of the agency requesting the detention or impoundment;

3.3.1.3.2. The name of the agency official requesting the detention or impoundment;

3.3.1.3.3. The rule of law being violated or suspected of being violated; and

3.3.1.3.4. The maximum time a vehicle or operator is to be detained.

3.3.1.4. Motor vehicles detained or impounded by POE officers at the request of the DOR may be released promptly upon:

3.3.1.4.1. Payment of taxes and fees due;

3.3.1.4.2. Making a deposit sufficient to pay the same in full, after proper computations and adjustments have been made; or

3.3.1.4.3. Request of DOR.

3.3.1.5. The cargo of any impounded vehicle may be transferred to any properly licensed and qualified motor vehicle and permitted to proceed.

POE 4. Regulations

4.1. POE Clearance and the Duty to Stop and Weigh.

Owners or operators of motor vehicles required to obtain clearance from the CSP POE under ~~§~~ **Section** 42-8-105 (1), CRS, include:

4.1.1. Owners or operators of motor vehicles that are subject to payment of registration fees according to ~~§~~ **Section** 42-3-306 (5) (b), CRS;

4.1.2. Owners or operators of motor vehicles displaying apportioned or GVW license plates; or

4.1.3. Owners or operators of motor vehicles or motor vehicle combinations having a GVWR or GCWR over 26,000 lbs.

4.1.4. Owners or operators of motor vehicles may obtain a required clearance by:

4.1.4.1. Securing a valid clearance from a CSP officer or POE weigh station before operating or causing the operation of the vehicle or combination of vehicles on the public highways of this state.

4.1.4.1.1. CMVIT may facilitate the collection of commercial motor vehicle data at physical, mobile, or virtual weigh stations where available and authorized to do so. Data collected through virtual operations will not be used to directly enforce statutory commercial motor vehicle clearance requirements.

4.1.4.2. Obtaining clearance from the first POE weigh station located within five (5) road miles of the route that the owner or operator would normally follow from their point of departure to the point of destination if a previous clearance or SRP has not been secured. To be valid, the clearance must occur before arriving at the point of destination and before removing the load from the motor vehicle.

4.1.4.2.1. The route that a reasonable commercial vehicle owner or operator would take from the same points of departure and destination is considered to be the “route that an owner or operator would normally follow.”

4.1.4.3. Any owner or operator violates ~~§~~**Section** 42-8-105, CRS, if they fail to seek out a permanent POE weigh station that is located within five (5) road miles of the route that the owner or operator would normally follow.

4.1.5. Every owner or operator of a motor vehicle required to obtain clearance must stop at every POE weigh station located within five (5) road miles of their route of travel.

4.1.5.1. Vehicles with a seating capacity of 14 or more passengers registered under the requirements of ~~§§~~**Sections** 42-3-304 (13) or 42-3-306 (2) (c) (I), CRS, are not required to secure a valid clearance.

4.2. Vehicle Weight Requirements - Wheel and Axle Loads.

Vehicles having a single drive-axle configuration and equipped with pneumatic tires are not subject to the axle weight limitations set forth within ~~§~~**Section** 42-4-507 (2) (b), CRS, and may operate in excess of 20,000 lbs. axle weight when:

4.2.1. The single-drive-axle vehicle is equipped with a self-compactor; and

4.2.2. Is used solely for the transporting of trash.

4.2.3. Vehicles equipped with, but not using a tandem drive-axle configuration, will not be permitted to operate over an axle weight of 20,000 lbs. and must comply with the axle weight limitations set forth within ~~§~~**Section** 42-4-507 (2) (B), CRS.

4.3. Auxiliary Power Units (APU) and Idle Reduction Technology Units.

Any vehicle that uses an APU or idle reduction technology unit to reduce fuel use and emissions resulting from engine idling will have the actual weight of the APU or idle reduction technology unit exempted from the calculation of the actual axle and GVW, up to 550 lbs. To be eligible for this weight exemption, the operator of the vehicle must provide:

4.3.1. Written certification of the actual weight of the APU or idle reduction technology unit; and

4.3.2. Written certification or demonstration that confirms the idle reduction technology unit is fully functional at all times.

4.4. Buses.

Any over-the-road bus, or any vehicle regularly and exclusively used as an intrastate public agency transit passenger bus, is exempted from compliance with the axle limits set forth within ~~§~~**Section** 42-4-507 (2) (b), CRS.

4.5. Gross Vehicle Weight (GVW) – Determination of GVW.

The legal GVW or GCW limit for any vehicle or combination of vehicles specified within ~~§~~**Section** 42-4-508 (1), CRS, will be determined by the actual number of axles in contact with the road surface and the applicable Bridge Weight Formula.

4.5.1. Except where otherwise provided by ~~§§~~ **Sections** 42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway or bridge that is part of the national system of interstate and defense highways (otherwise known as the interstate highway system) must:

4.5.1.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.1.2. Comply with the federal bridge formula set forth within ~~§~~ **Section** 42-4-508 (1) (c), CRS; and

4.5.1.3. Not exceed a maximum of 80,000 lbs. in the calculation of the federal bridge formula.

4.5.1.3.1. Natural gas alternative fuel system vehicles may operate up to an additional 2,000 lbs., or as is consistent with applicable state law, the exemption set forth within 23 USC 127 (S), and FHWA guidance regarding natural gas alternative fuel system vehicles.

4.5.1.3.2. Alternative fuel vehicles not operating natural gas systems may operate up to an additional 2,000 lbs., or as is consistent with ~~§§~~ **Sections** 42-4-508 (1.5) and 25-7-139, CRS.

4.5.2. Except where otherwise provided by ~~§§~~ **Sections** 42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway other than a highway identified as part of the interstate highway system must:

4.5.2.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.2.2. Comply with the state bridge formula set forth within ~~§~~ **Section** 42-4-508 (1) (b), CRS; and

- 4.5.2.3. Not exceed a maximum of 85,000 lbs. in the calculation of the state bridge formula.

4.6. Vehicle-Width – Measurement of Commercial Motor Vehicle Width.

Vehicle width will be measured from the point farthest from the center of the motor vehicle or a combination of motor vehicles on each side of the vehicle or a combination of vehicles.

- 4.6.1. Vehicle components not excluded by law or regulation are included in the measurement of commercial motor vehicle width. Components that are excluded from the measured width of a commercial motor vehicle include, but are not limited to:

- 4.6.1.1. Rear view mirrors, turn signal lamps, handholds for cab entry/egress, splash and spray suppressant devices, load-induced tire bulge; and

- 4.6.1.2. All non-property-carrying devices, or components thereof, that do not extend more than three (3) inches beyond each side of the vehicle.

4.7. Vehicle Length – Measurement of Commercial Motor Vehicle Length.

Vehicle length is generally measured from the front-most fixed point (generally the front bumper) to the rear-most fixed point (generally where the brake lights are located).

- 4.7.1. Any permanently mounted appurtenance that extends beyond the front or rear of the vehicle to which it is mounted becomes part of the vehicle. A permanently mounted appurtenance is included in the overall measurement of vehicle length.

- 4.7.2. Vehicle components not excluded by law or regulation will be included in the measurement of the length of commercial motor vehicles. Components that are excluded from the measured length of a commercial motor vehicle include, but will not be limited to:

- 4.7.2.1. Rear view mirrors, turn signal lamps, handholds for entry/egress, splash and spray suppressant devices;

- 4.7.2.2. All non-property-carrying devices, or components thereof that do not exceed 24 inches beyond the rear of the vehicle as stated within 23 CFR 658.16;

- 4.7.2.3. Resilient bumpers that do not extend more than six (6) inches beyond the front or rear of the vehicle; or

- 4.7.2.4. Lamps or flags on projecting loads in use consistent with ~~§~~ **Section** 42-4-209, CRS, or devices exempted from the length, and are not considered a projection or overhang.

4.7.3. Length Measurement of Specialized Automobile Transporters. The overall length measurement of a specialized automobile transporter is calculated exclusive of:

4.7.3.1. Front and rear cargo overhang;

4.7.3.2. Safety devices not designed or used for carrying cargo; and

4.7.3.3. Any extension device (ramp or “flippers”) that may be used for loading beyond the extreme front or rear end of a vehicle or combination of vehicles.

4.7.3.3.1. Extendable ramps or “flippers” on specialized automobile transporters that have not been retracted and are not supporting vehicles will be included in the measurement of vehicle length.

4.7.4. Measurement of Trailers – Trailer Drawbar or Tongue Length.

4.7.4.1. Where the trailer drawbar or tongue is of rigid construction, the measurement will be taken from the rear-most point of the power unit’s cargo box to the front-most point of the trailer’s mainframe.

4.7.4.2. Where the trailer drawbar is hinged, the measurement will be taken from the rear-most of the power unit’s cargo box to the front-most point of the drawbar hinge.

4.7.4.3. A tool or accessory box that is welded or attached to the trailer drawbar or tongue is not included in the calculation of a trailer’s drawbar or tongue length.

4.7.4.4. A trailer drawbar may not exceed 15 feet between two (2) vehicle units except when:

4.7.4.4.1. The connection is between any two (2) vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be readily dismembered; or

4.7.4.4.2. Connections between vehicles are of rigid construction and are included as part of the structural design of the towed vehicle, and the overall combined length of the vehicles and the connection does not exceed 55 feet.

4.7.4.5. Adjustable pole trailers that are primarily designed for the transportation of cargo must have the connection between vehicles reduced to 15 feet or less when operating without cargo if the overall vehicle combination exceeds 55 feet.

4.8. Vehicle Height.

Maximum height limits are as designated by the CDOT and are available online from the CDOT Freight Mobility & Safety website, <https://freight.colorado.gov>, by selecting “route planning” then “maps,” and then by scrolling down to “other maps” and selecting “vertical clearance.”

- 4.8.1.** Vehicles, laden or unladen, must not exceed a height of 14 feet six inches and must be operated in compliance with ~~§~~ **Section** 42-4-504 (1), CRS.

4.9. Use of CMVIT Concerning CMV Size and Weight.

CMVIT may facilitate the identification of potential size, weight, and permit violations of commercial motor vehicles in Colorado where available and authorized to do so. CMVIT will not be used in any way inconsistent with state statutes or contrary to any applicable state and/or federal rules or regulations.

POE 5 Permits.

5.1. Special Revocable Permits (SRP).

An SRP may be issued to an owner or operator of any vehicle being operated over a regularly scheduled route within five (5) road miles of a permanent POE weigh station according to ~~§~~ **Section** 42-8-105 (1), CRS.

- 5.1.1.** An SRP waives the requirement that an owner or operator seek out and secure a valid clearance at a permanent POE that is located within five (5) road miles of an identified regularly scheduled route.
- 5.1.2.** The use or issuance of any SRP is contingent upon an applicant’s or permit holder’s compliance with any applicable rules, laws (federal, state, county, and local), and the requirements set forth within these rules.

5.2. Application for SRP.

An application for an SRP is made by completing and submitting an application to the CSP POE Section.

- 5.2.1.** SRP applications are provided by the CSP POE Section upon request, online, and may also be submitted to the CSP POE Section online through the CDOT COOPR website.
- 5.2.2.** The CSP POE Section will collect any information identified as necessary to determine an applicant’s eligibility for an SRP. Information necessary to determine an applicant’s eligibility includes:
 - 5.2.2.1.** The legal name of the applicant and the name under which the applicant conducts business, if applicable;
 - 5.2.2.2.** The physical and mailing addresses of the applicant;

- 5.2.2.3.** The USDOT# assigned to and used by the applicant;
- 5.2.2.4.** The number of vehicles proposed to be subject to the SRP if it is issued and the VIN for each vehicle;
- 5.2.2.5.** The POE weigh station location(s) the applicant would like the SRP to affect;
- 5.2.2.6.** The name and signature of the person submitting the SRP application on behalf of the applicant; and
- 5.2.2.7.** A detailed description of the applicant's regularly scheduled route. This description should, at minimum, identify the points of origin and destination(s) for the route provided.
- 5.2.2.8.** If the information initially provided by the applicant is insufficient, additional information will be requested.

5.3. SRP Approval.

When an application for an SRP is approved, the SRP will be issued by the CSP POE Section upon the recommendation and the approval of the OSB Major or his or her designee.

- 5.3.1.** Within its discretion, the CSP POE Section reserves the right to attach special conditions to the approval of any SRP where the CSP POE Section determines that it is necessary or advisable to include specific conditions beyond those generally applicable to SRP use.
- 5.3.2.** Any SRP issued to an applicant/permit holder must be:
 - 5.3.2.1.** Carried at all times in any authorized vehicle when being operated over the approved regularly scheduled route; and
 - 5.3.2.2.** Available upon demand for inspection by the CSP POE or any other state or law enforcement officer.
 - 5.3.2.3.** Electronic copies of the permit are acceptable.
- 5.3.3.** An SRP issued to an eligible SRP applicant by the CSP POE Section may be valid for up to 36 months, except where an otherwise eligible applicant is determined unsatisfactory following a review of their violation, safety, and/or port clearance records.
 - 5.3.3.1.** Eligibility for an SRP is based in part on the applicant's safety record and "BASICS" reported by the FMCSA.

- 5.3.3.2.** The number and type of violation convictions received by drivers operating vehicles for the applicant within the state of Colorado are considered when determining applicant eligibility.
- 5.3.3.3.** The number of port clearances during the 12 months before the SRP application date is relevant in determining eligibility.
- 5.3.3.4.** The Applicant's compliance with any previously issued SRP terms and conditions will factor into the decision to issue any subsequent SRP to the applicant.
- 5.3.4.** An SRP applicant determined to be an unsatisfactory applicant may be eligible for a Probationary SRP where:
 - 5.3.4.1.** The applicant does not meet the definition of a "High-Risk Motor Carrier"; or
 - 5.3.4.2.** The applicant meets the definition of a "High-Risk Motor Carrier," but the applicant's Company Snapshot available through the USDOT FMCSA Safety and Fitness Electronic Records (SAFER) System website confirms a conditional or satisfactory rating for the applicant.
- 5.3.5.** An SRP applicant who is issued a Probationary SRP:
 - 5.3.5.1.** Must demonstrate that corrective actions are in progress or in place to maintain or improve SRP eligibility.
 - 5.3.5.2.** May apply for an SRP after the Probationary SRP period.
 - 5.3.5.2.1.** The permit holder's compliance with the conditions of the Probationary SRP factors into the decision to issue any subsequent SRP to the applicant.
 - 5.3.5.2.2.** An SRP applicant applying for an SRP following the revocation of their prior SRP will first be eligible to apply for a Probationary SRP.
- 5.3.6.** An SRP:
 - 5.3.6.1.** Is not transferable from company to company or between vehicles without prior approval of the CSP POE Section;
 - 5.3.6.2.** Does not affect the right of any lawful authority to stop a vehicle to check for:
 - 5.3.6.2.1.** Operating credentials;
 - 5.3.6.2.2.** Applicable oversize or overweight violations; or

5.3.6.2.3. Violations of other motor vehicle laws.

5.3.6.3. Is valid only when used by an authorized vehicle operating within the scope of the approved regularly scheduled route.

5.3.7. The CSP POE Section will respond to all complete SRP applications with a decision to either issue or deny an SRP within 7 calendar days of receipt.

5.4. Denial of SRP.

An application for an SRP may be denied if:

- 5.4.1.** The applicant has failed to pay taxes or registration fees when due;
- 5.4.2.** The applicant is subject to the payment of recurrent distraint penalties as set forth within ~~§~~ **Section** 39-21-114 (7), CRS;
- 5.4.3.** In the 12 months before the SRP application date, any vehicle operator of the applicant demonstrates a pattern of non-compliance with the duty to stop and weigh or the duty to obtain clearance imposed by ~~§§~~ **Sections** 42-4-509 (3) and 42-8-105, CRS, respectively;
- 5.4.4.** In the 12 months before the SRP application date, any vehicle operator of the applicant has been convicted of three (3) or more violations of size and weight requirements as are set forth within ~~§~~ **Section** 42-4-501, et seq., CRS;
- 5.4.5.** The applicant meets the definition of a “High-Risk Motor Carrier,” and the FMCSA SAFER Company Snapshot does not have a carrier rating or has a rating of “unsatisfactory”;
- 5.4.6.** In the 12 months before the SRP application date, violation convictions received by any vehicle operator of an applicant demonstrate a pattern of non-compliance with applicable laws;
- 5.4.7.** Following suspension or revocation of an SRP, vehicle operators of an applicant continue to violate the laws that resulted in the suspension or revocation of the SRP;
- 5.4.8.** The applicant has misused, or used fraudulently, or has otherwise failed to comply with the conditions of any previously issued valid permit or license;
- 5.4.9.** The application for the SRP misrepresents or provides inaccurate information regarding the regularly scheduled route; or
- 5.4.10.** A request for additional information is not responded to within 30 calendar days.

5.4.10.1. An applicant whose SRP application is denied due to the applicant's failure to respond to a request from the CSP POE Section to provide additional information may resubmit their application without prejudice.

5.4.10.2. The CSP POE Section will have 7 calendar days to respond to the resubmitted SRP application.

5.5. Permit Suspension and Revocation.

A permit holder's SRP(s) may be suspended when:

5.5.1. A permit holder fails to pay taxes or registration fees when due;

5.5.2. A permit holder is subject to the payment of recurrent distraint penalties as described within ~~§~~**Section** 39-21-114 (7), CRS;

5.5.3. A permit holder used the permit to evade any law;

5.5.4. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder has been convicted of three (3) or more violations in a vehicle assigned to an SRP of the size and weight requirements of ~~§~~**Section** 42-4-501, et seq., CRS;

5.5.5. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder demonstrates a pattern of non-compliance with either the duties to stop and weigh or obtain clearance as set forth within ~~§§~~**Sections** 42-4-509 (3) and 42-8-105, CRS, respectively;

5.5.6. In a 12-month period during which an SRP has been issued, violation convictions received by any vehicle operator for a permit holder demonstrate a pattern of non-compliance with applicable laws;

5.5.7. Any authorized vehicle utilizing an SRP does not obtain port clearance from the affected POE weigh station(s) at least once per quarter during the period the SRP is valid;

5.5.7.1. The quarterly clearance requirement cannot be satisfied using PrePass, Drivewyze, or any other electronic clearance program.

5.5.8. The approved regularly scheduled route for which an SRP is issued to a permit holder is altered or discontinued;

5.5.9. A permit holder is identified as a "High-Risk Motor Carrier" and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an "unsatisfactory" carrier rating;

5.5.10. The permit holder violates any conditions applicable to an SRP; or

5.5.11. The permit holder misuses any permit or license.

5.6. SRP Revocation.

A permit holder's SRP(s) may be revoked when:

5.6.1. A permit holder who has been subject to SRP suspension continues to demonstrate a pattern of non-compliance with applicable laws and rules;

5.6.2. A permit holder fails to comply with the terms of any Probationary SRP; and/or

5.6.3. A permit holder fails to take any steps as may be directed by the CSP POE Section to improve or achieve compliance within a prescribed period.

5.7. SRP Application Denial, SRP Suspension, or SRP Revocation by Written Notice.

Denial, suspension, or revocation of any SRP will be by written notice from the CSP POE Section.

5.8. Right to Appeal SRP Application or Permit Denial, Suspension, or Revocation, and to Request a Hearing.

An applicant or permit holder may request a hearing within 60 days of receiving written notice from the CSP POE Section denying, suspending, or revoking an SRP. Hearing requests by applicants or permit holders appealing an SRP denial, suspension, or revocation must be:

5.8.1. Made in writing; and

5.8.2. Addressed to the Major of the CSP OSB at 15075 S. Golden Rd., Golden, CO., 80401.

5.9. Hearing and Review.

The OSB Major will hold the hearing.

5.9.1. The scope of the hearing will be limited to whether the applicant or permit holder has complied with these rules.

5.9.2. The OSB Major will issue a written decision within 20 business days of the completed hearing.

5.9.2.1. If the OSB Major finds that evidence of non-compliance and ineligibility is sufficient, the SRP application denial, suspension, or revocation will be sustained.

5.9.2.2. If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated.

5.9.2.3. If the OSB Major finds that evidence of non-compliance and ineligibility is insufficient to support application denial, permit

suspension, or revocation but is sufficient to find an SRP applicant or permit holder to be unsatisfactory under these rules, it is within the discretion of the Major to issue or reinstate any SRP as a Probationary SRP for a period not to exceed one (1) year.

5.9.3. The decision by the Major will constitute a final agency action and is subject to judicial review as described by ~~§~~ **Section** 24-4-106, CRS.

POE 6 Inquiries, Publications, and Severability.

6.1. Rule Inquiries.

All contact with the CSP POE Section about these rules or their applicability should be addressed to the:

Colorado State Patrol Port of Entry Section
15075 S. Golden Rd., Golden, CO., 80401
(303)-273-1870 (Main Phone)

6.2. Publications.

All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS, ~~or~~ inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.

6.2.1. All publications, standards, or guidelines adopted and incorporated by reference in these rules will be provided and made available for examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS. The following publication(s), standard(s), and guideline(s) have been referenced within these rules in accordance with ~~§~~ **Section** 24-4-103 (12.5), CRS:

6.2.1.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November ~~30-11, 2023~~ **2024**.
<https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.

6.2.2. The CSP POE Section will maintain copies of the complete texts of the aforementioned publications, 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 **free of charge**.

Interested parties may also inspect the referenced materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit (CRU) at 700 Kipling St., Lakewood, CO., 80215 or by email at cdps_csprecords@state.co.us. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organization(s) of their original issue:

6.2.2.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832 - 5660. Website: www.fmcsa.dot.gov.

6.2.3. These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference.

6.3. 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.

**Summary of Proposed Changes
Port of Entry Rules
for Commercial Motor Carrier
Size, Weight and Clearance**

Purpose:

This document is developed as a companion to assist in the reading and understanding changes proposed to 8 CCR 1507-28, the Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance. Each of the changes proposed in the redlined rules filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies are discussed in the order they appear. Changes are identified by section number with a description of the change proposed. Included with each change is an explanation for the change.

Accessibility Editing Note:

The redlined rules include formatting updates and minor edits not affecting the content or interpretation of 8 CCR 1507-28 necessary to comply with the document accessibility standards required by Section 24-34-802, CRS. Changes to these rules to comply with the accessibility standards include changing capitalized text to mixed-case or lower-case text, removing underlined text, increasing font size, exchanging symbols for words throughout the document, enabling hyperlinked text associated with website addresses, and adjustments to the physical paragraph structure of the document to more effectively support bookmarking for electronic reading software.

The Colorado State Patrol Port of Entry Section is committed to supporting effective communication and access to the rules by all members of the public. If you experience any difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the Colorado State Patrol Port of Entry Section at (303)-273-1870.

Page 1: Table of Contents:

The Table of Contents is a new addition and appears in red text. The Table of Contents outlines these rules by section and supports efficient document navigation. Although not required, including a Table of Contents in longer documents is a best practice supported by the state accessibility rules and Section 24-34-802, CRS. The Table of Contents is beneficial to all readers viewing the rules electronically but is especially helpful for those members of the public viewing the document using e-reading programs.

Page 6: Part 3.3, discussing the authority of POE Officers (Legislative Update):

The sections of the Colorado Revised Statutes (CRS) referenced by Part 3.3 must be updated. Colorado Senate Bill 24-100, passed by the General Assembly and signed into law by Governor Polis, updates Section 42-4-106, CRS, effectively amending the scope of authority for POE Officers to specifically include enforcement of the state commercial

motor vehicle chain laws. The rules must be consistent with the state statutes. As updated, Part 3.3. is amended to include reference to Section 42-4-106 (5), CRS, after “Articles 2, 3, and 20 of Title 42, CRS;” and before “Section 42-8-101 et. al.”, and a comma after “while acting under proper orders or rules issued by the Chief,”. As amended, the sentence is updated to read, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS,”.

Page 6: Part 3.3, discussing the authority of POE Officers (addressing statutory consistency):

The last part of the paragraph after “and Section 42-4-1414, CRS,” is amended by adding “except that a POE officer cannot serve civil writs and process.” Part 3.3. discusses the scope of authority for POE Officers, and inadvertently, this critical limitation on POE Officer authority scope has been omitted from Part 3.3. The statement in Part 3.3. is consistent with the POE's scope of authority as outlined within the CRS; this additional information concerning a POE officer's scope of authority is necessary to ensure complete consistency with the statutes. As updated, the entirety of Part 3.3. reads “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS, **except that a POE cannot serve civil writs and process.**” This is different from the sentence before edits, which reads instead, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS.”

Page 16: Subpart 5.5.9, add a comma to the sentence.

A comma is added to the sentence in Part 5.5.9. Subpart 5.5.9 now reads, “A permit holder is identified as a “High-Risk Motor Carrier,” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating;” instead of “A permit holder is identified as a “High-Risk Motor Carrier” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating.

Page 17: Sub-subpart 5.9.2.2, add a comma to the sentence.

A comma is added to the sentence in Sub-subpart 5.9.2.2. Sub-subpart 5.9.2.2. as proposed, reads, “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated,” instead of “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned and the SRP or previous SRPs will be issued or reinstated.”

Page 18: Part 6.2, correction merging two sentences into one to correct grammar.

To improve message communication and correct a grammatical error, Part 6.2 is updated to read, “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by **Section** 24-4-103 (12.5), CRS, **or** inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>,” instead of “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS. Inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.”

Page 18: Sub-subpart 6.2.1.1, update to website access date.

Due diligence requires that resources referenced by these rules be verified as necessary. For this redlined document, the website hosting the FMCSA High Risk Carriers Investigations Report was last accessed on November 11, 2024. The date of website access must be updated from November 30, 2023, to November 11, 2024. With this update, Sub-subpart 6.2.1.1 reads, “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November **11, 2024**. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>,” instead of “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November 30, 2023. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.”

Pages 18-19: Subpart 6.2.2, correction to syntax in the second sentence.

The syntax in the second sentence of Subpart 6.2.2 is incorrect and must be corrected. As updated, the sentence reads, “Interested parties may access these documents online **free**

of charge,” instead of “Interested parties may access these documents free of charge online.”

No responses were received by the CSP on the POE Rules

**Department of Public Safety
Colorado State Patrol – Port of Entry
Port of Entry Rules
for
Commercial Motor Carrier
Size, Weight and Clearance**

Accessibility Editing Note:

Document formatting adjustments that do not affect the content or interpretation of these rules have been made throughout this document to comply with the state accessibility standards required under Section 24-34-802, CRS. Examples of these formatting adjustments include changing capitalized text to mixed-case or lower-case text, removing underlining, increasing font size, using words instead of symbols, enabling hyperlink text, and adjusting the structure of the paragraphs to allow for electronic bookmarking to support electronic readers.

The CSP Port of Entry Section is committed to supporting effective communication and access to these rules by all members of the public. If you experience difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the CSP Port of Entry Section at (303) 273-1870 for assistance.

Disclaimer:

This draft is filed with the Department of State and submitted to the Department of Regulatory Agencies, consistent with Sections 24-4-103 (2.5) and (3) (a), CRS, of the State Administrative Procedure Act. This preliminary draft may be revised before the public rulemaking hearing on January 17, 2025. If any changes are made, a revised copy of the rules and any supporting documents will be made available to the public and posted on the Colorado Department of Public Safety Rulemaking Information website at <https://publicsafety.colorado.gov/get-involved/cdps-rules-and-regulations>. Any updates or revisions will be made available as required by Section 24-4-103 (4) (a), CRS, and posted to the Colorado Department of Public Safety Rulemaking Information website no later than January 11, 2025.

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POE 1. Authority to Adopt Standards and Specifications.

The Chief is authorized by the provisions of ~~§~~**Section**42-8-104 (1), CRS, to adopt rules and regulations deemed necessary to enforce applicable statutes and regulations regarding commercial motor carriers, owners, and operators through the operation of Port of Entry weigh stations on public highways within Colorado.

POE 2. General Definitions.

Concerning these rules, the following definitions are applicable unless otherwise specified:

- 2.1. **Affected POE:** A permanent weigh station ~~that is~~ identified within a Special Revocable Permit (SRP). An SRP may affect more than one POE weigh station.
- 2.2. **Alternative Fuel:** Includes Compressed Natural Gas (CNG), propane, ethanol, or any mixture of ethanol containing 85% or more ethanol by volume with gasoline, electricity, or other fuels, including clean diesel and reformulated gasoline so long as these other fuels make comparable reductions in carbon monoxide emissions and brown cloud pollutants as determined by the air quality control commission.
- 2.3. **Appurtenance:** A non-cargo bearing piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task. Includes awnings, support hardware, and retractable equipment. Does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle to transport such vehicle.
- 2.4. **Cargo:** The goods carried as freight by a commercial vehicle.
- 2.5. **CDOR:** Colorado Department of Revenue.
- 2.6. **CDOT:** Colorado Department of Transportation.
- 2.7. **CDPS:** Colorado Department of Public Safety.
- 2.8. **Chief:** The Chief of the Colorado State Patrol, or his or her designees, unless otherwise specified.
- 2.9. **Commercial Motor Vehicle Information Technology (CMVIT):** Technology and deployments that enable the effective and accurate gathering of CMV-related data through fixed, mobile, and virtual weighing operations.
- 2.10. **COOPR:** The CDOT Colorado Oversize/Overweight Permitting and Routing System.
- 2.11. **CSP:** Colorado State Patrol.
- 2.12. **GCW:** Gross Combined Weight.
- 2.13. **GCWR:** Gross Combined Weight Rating.
- 2.14. **GVW:** Gross Vehicle Weight.
- 2.15. **GVWR:** Gross Vehicle Weight Rating.
- 2.16. **High-Risk Motor Carrier:** A non-passenger carrier that:
 - 2.16.1. Has a ranking at or above the 90th percentile in the unsafe driving, hours of service (HOS) compliance, vehicle maintenance, or crash indicator Behavior Analysis Safety Improvement Categories (collectively referred to as "BASICs") for

two or more consecutive months as reported by information received by the FMCSA; and

- 2.16.2.** Has not received an onsite investigation in the previous 18 months for property-carrying motor carriers or in the previous 12 months for passenger-carrying motor carriers.
- 2.17. Over-the-Road Bus:** A bus characterized by an elevated passenger deck located over a baggage compartment and typically operated on the interstate highway system or on roads previously designated as making up the federal-aid primary system.
- 2.18. OSB:** The Colorado State Patrol Operational Services Branch.
- 2.19. Permit Holder:** A carrier, owner, or operator to whom a permit is issued is a permit holder. Permit holders are responsible for any violations received by vehicle operators who operate vehicles affected by a permit on behalf of the permit holder.
- 2.20. Port of Entry (POE) Officer:** A law enforcement officer and a uniformed member of the CSP who is not a trooper nor a civilian member. The scope of authority and the duties of a POE officer are described within ~~§~~ **Section** 42-8-104 (2), CRS, and as discussed within these rules.
- 2.21. Probationary Special Revocable Permit:** An SRP that may be issued for a period of 12 months or less to a carrier, owner, or operator who is:
 - 2.21.1.** Determined an eligible, but unsatisfactory SRP applicant following review of their application, and violation, safety, and/or port clearance records; or
 - 2.21.2.** An SRP permit holder applying for a new SRP following the revocation of a prior SRP.
- 2.22. Regularly Scheduled Route:** A route provided to the CSP POE by an applicant for an SRP. Factors considered in whether the route traveled by an SRP applicant is regular include times or places of repeated normal departure, arrival, delivery, and/or loading activity. To be eligible for an SRP, a regularly scheduled route provided by an applicant to the CSP POE must come within five (5) road miles of a permanent weigh station not directly located or along the regular route provided.
- 2.23. Single Axle:** All wheels, whose centers may be included within two (2)-parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.
- 2.24. Single Axle Weight:** The total weight transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.

- 2.25. Special Revocable Permit (SRP):** A permit that waives the requirement of ~~§~~ **Section** 42-8-105 (1), CRS, for a period of 36 months or less to seek and obtain clearance at a POE weigh station that is not directly located on a carrier's or operator's regularly scheduled route. Eligibility for an SRP is based, partly, on the applicant's or permit holder's safety record and "BASICS" scores reported by the Federal Motor Carrier Safety Administration (FMCSA).
- 2.26. Specialized Automobile Transporter:** A stinger-steered vehicle combination consistent with the definition provided within ~~§~~ **Section** 42-4-504 (4.5) (C) (3), CRS, designed and used specifically for the transport of assembled highway vehicles, including truck camper units. A specialized automobile transporter is designed to carry vehicles on the power unit behind the cab or an over-cab rack.
- 2.27. Tandem Axle:** Two or more consecutive axles, the centers of which may be included between parallel vertical planes, spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle, all of which are in contact with the ground.
- 2.27.1.** If only one of a set of multiple axles of a motor vehicle is in contact with the ground, the configuration is not a tandem axle until it is used as such.
- 2.28. Tandem Axle Weight:** The total weight transmitted to the road by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

POE 3 Port of Entry Operations and Authority

3.1. Delegation of Authority.

Delegation of any authority held by the CSP OSB Major relevant to POE operations will be consistent with CSP and CDPS policies.

3.2. Permanent and Mobile POE Operations.

The Chief authorizes the establishment and operation of permanent POE weigh stations. The Chief also authorizes the operation of mobile POE operations.

- 3.2.1.** Permanent POE weigh stations will be established and operated at such points along public highways of this state as are determined necessary.
- 3.2.2.** The location or relocation of permanent weigh stations will be determined by the Chief.
- 3.2.3.** All permanent POE weigh stations will be operated at times determined by the Chief to reasonably allow owners and operators of motor vehicles subject to

fees, licenses, taxes, or rules imposed by the state of Colorado to comply with all such laws and rules by clearance at a POE weigh station.

3.2.4. Mobile POE weigh stations will be established and operated at such points along public highways of this state as are determined to be necessary.

3.2.4.1. Mobile POE weigh stations will post signs giving notice of their operations. This notice will inform owners and operators of vehicles required to stop and obtain clearance of their need to clear the mobile weigh station.

3.2.5. Mobile POE weigh stations have the same duties and authority as permanent POE weigh stations.

3.3. Authority of POE Officers.

A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of ~~§~~ **Section 42-8-101**, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5)**, CRS; ~~§~~ **Section 42-4-501**, et al., CRS; ~~§~~ **Section 42-4-209**, CRS; ~~§~~ **Section 42-4-225 (1.5)**, CRS; ~~§~~ **Section 42-4-235**, CRS; ~~§~~ **Section 42-4-1407**, CRS; ~~§~~ **Section 42-4-1409**, CRS; and ~~§~~ **Section 42-4-1414**, CRS, **except that a POE officer cannot serve civil writs and process.**

3.3.1. Detention of Operators, Vehicles, and Vehicle Impound. Within the scope of their authority, POE officers may restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes on behalf of the state of Colorado.

3.3.1.1. POE officers may also restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes in response to a lawful request from any other law enforcement agency recognized by this state.

3.3.1.2. An agency requesting detention must provide sufficient verifiable information that can be reliably used to identify the person or vehicle to be restrained, detained, or impounded, in addition to providing a reasonable basis by rule of law for the detention, restraint, or impoundment.

3.3.1.3. Information supplied by a requesting agency for the detention or impoundment of any person or vehicle may be communicated verbally or in writing, and must include:

3.3.1.3.1. The name of the agency requesting the detention or impoundment;

3.3.1.3.2. The name of the agency official requesting the detention or impoundment;

3.3.1.3.3. The rule of law being violated or suspected of being violated; and

3.3.1.3.4. The maximum time a vehicle or operator is to be detained.

3.3.1.4. Motor vehicles detained or impounded by POE officers at the request of the DOR may be released promptly upon:

3.3.1.4.1. Payment of taxes and fees due;

3.3.1.4.2. Making a deposit sufficient to pay the same in full, after proper computations and adjustments have been made; or

3.3.1.4.3. Request of DOR.

3.3.1.5. The cargo of any impounded vehicle may be transferred to any properly licensed and qualified motor vehicle and permitted to proceed.

POE 4. Regulations

4.1. POE Clearance and the Duty to Stop and Weigh.

Owners or operators of motor vehicles required to obtain clearance from the CSP POE under ~~§~~ **Section** 42-8-105 (1), CRS, include:

4.1.1. Owners or operators of motor vehicles that are subject to payment of registration fees according to ~~§~~ **Section** 42-3-306 (5) (b), CRS;

4.1.2. Owners or operators of motor vehicles displaying apportioned or GVW license plates; or

4.1.3. Owners or operators of motor vehicles or motor vehicle combinations having a GVWR or GCWR over 26,000 lbs.

4.1.4. Owners or operators of motor vehicles may obtain a required clearance by:

4.1.4.1. Securing a valid clearance from a CSP officer or POE weigh station before operating or causing the operation of the vehicle or combination of vehicles on the public highways of this state.

4.1.4.1.1. CMVIT may facilitate the collection of commercial motor vehicle data at physical, mobile, or virtual weigh stations where available and authorized to do so. Data collected through virtual operations will not be used to directly enforce statutory commercial motor vehicle clearance requirements.

4.1.4.2. Obtaining clearance from the first POE weigh station located within five (5) road miles of the route that the owner or operator would normally follow from their point of departure to the point of destination if a previous clearance or SRP has not been secured. To be valid, the clearance must occur before arriving at the point of destination and before removing the load from the motor vehicle.

4.1.4.2.1. The route that a reasonable commercial vehicle owner or operator would take from the same points of departure and destination is considered to be the “route that an owner or operator would normally follow.”

4.1.4.3. Any owner or operator violates ~~§~~**Section** 42-8-105, CRS, if they fail to seek out a permanent POE weigh station that is located within five (5) road miles of the route that the owner or operator would normally follow.

4.1.5. Every owner or operator of a motor vehicle required to obtain clearance must stop at every POE weigh station located within five (5) road miles of their route of travel.

4.1.5.1. Vehicles with a seating capacity of 14 or more passengers registered under the requirements of ~~§§~~**Sections** 42-3-304 (13) or 42-3-306 (2) (c) (I), CRS, are not required to secure a valid clearance.

4.2. Vehicle Weight Requirements - Wheel and Axle Loads.

Vehicles having a single drive-axle configuration and equipped with pneumatic tires are not subject to the axle weight limitations set forth within ~~§~~**Section** 42-4-507 (2) (b), CRS, and may operate in excess of 20,000 lbs. axle weight when:

4.2.1. The single-drive-axle vehicle is equipped with a self-compactor; and

4.2.2. Is used solely for the transporting of trash.

4.2.3. Vehicles equipped with, but not using a tandem drive-axle configuration, will not be permitted to operate over an axle weight of 20,000 lbs. and must comply with the axle weight limitations set forth within ~~§~~**Section** 42-4-507 (2) (B), CRS.

4.3. Auxiliary Power Units (APU) and Idle Reduction Technology Units.

Any vehicle that uses an APU or idle reduction technology unit to reduce fuel use and emissions resulting from engine idling will have the actual weight of the APU or idle reduction technology unit exempted from the calculation of the actual axle and GVW, up to 550 lbs. To be eligible for this weight exemption, the operator of the vehicle must provide:

4.3.1. Written certification of the actual weight of the APU or idle reduction technology unit; and

4.3.2. Written certification or demonstration that confirms the idle reduction technology unit is fully functional at all times.

4.4. Buses.

Any over-the-road bus, or any vehicle regularly and exclusively used as an intrastate public agency transit passenger bus, is exempted from compliance with the axle limits set forth within ~~§~~**Section** 42-4-507 (2) (b), CRS.

4.5. Gross Vehicle Weight (GVW) – Determination of GVW.

The legal GVW or GCW limit for any vehicle or combination of vehicles specified within ~~§~~**Section** 42-4-508 (1), CRS, will be determined by the actual number of axles in contact with the road surface and the applicable Bridge Weight Formula.

4.5.1. Except where otherwise provided by ~~§§~~**Sections** 42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway or bridge that is part of the national system of interstate and defense highways (otherwise known as the interstate highway system) must:

4.5.1.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.1.2. Comply with the federal bridge formula set forth within ~~§~~**Section** 42-4-508 (1) (c), CRS; and

4.5.1.3. Not exceed a maximum of 80,000 lbs. in the calculation of the federal bridge formula.

4.5.1.3.1. Natural gas alternative fuel system vehicles may operate up to an additional 2,000 lbs., or as is consistent with applicable state law, the exemption set forth within 23 USC 127 (S), and FHWA guidance regarding natural gas alternative fuel system vehicles.

4.5.1.3.2. Alternative fuel vehicles not operating natural gas systems may operate up to an additional 2,000 lbs., or as is consistent with ~~§§~~**Sections** 42-4-508 (1.5) and 25-7-139, CRS.

4.5.2. Except where otherwise provided by ~~§§~~**Sections** 42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway other than a highway identified as part of the interstate highway system must:

4.5.2.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.2.2. Comply with the state bridge formula set forth within ~~§~~**Section** 42-4-508 (1) (b), CRS; and

- 4.5.2.3. Not exceed a maximum of 85,000 lbs. in the calculation of the state bridge formula.

4.6. Vehicle-Width – Measurement of Commercial Motor Vehicle Width.

Vehicle width will be measured from the point farthest from the center of the motor vehicle or a combination of motor vehicles on each side of the vehicle or a combination of vehicles.

- 4.6.1. Vehicle components not excluded by law or regulation are included in the measurement of commercial motor vehicle width. Components that are excluded from the measured width of a commercial motor vehicle include, but are not limited to:

- 4.6.1.1. Rear view mirrors, turn signal lamps, handholds for cab entry/egress, splash and spray suppressant devices, load-induced tire bulge; and

- 4.6.1.2. All non-property-carrying devices, or components thereof, that do not extend more than three (3) inches beyond each side of the vehicle.

4.7. Vehicle Length – Measurement of Commercial Motor Vehicle Length.

Vehicle length is generally measured from the front-most fixed point (generally the front bumper) to the rear-most fixed point (generally where the brake lights are located).

- 4.7.1. Any permanently mounted appurtenance that extends beyond the front or rear of the vehicle to which it is mounted becomes part of the vehicle. A permanently mounted appurtenance is included in the overall measurement of vehicle length.

- 4.7.2. Vehicle components not excluded by law or regulation will be included in the measurement of the length of commercial motor vehicles. Components that are excluded from the measured length of a commercial motor vehicle include, but will not be limited to:

- 4.7.2.1. Rear view mirrors, turn signal lamps, handholds for entry/egress, splash and spray suppressant devices;

- 4.7.2.2. All non-property-carrying devices, or components thereof that do not exceed 24 inches beyond the rear of the vehicle as stated within 23 CFR 658.16;

- 4.7.2.3. Resilient bumpers that do not extend more than six (6) inches beyond the front or rear of the vehicle; or

- 4.7.2.4. Lamps or flags on projecting loads in use consistent with ~~§~~ **Section** 42-4-209, CRS, or devices exempted from the length, and are not considered a projection or overhang.

4.7.3. Length Measurement of Specialized Automobile Transporters. The overall length measurement of a specialized automobile transporter is calculated exclusive of:

4.7.3.1. Front and rear cargo overhang;

4.7.3.2. Safety devices not designed or used for carrying cargo; and

4.7.3.3. Any extension device (ramp or “flippers”) that may be used for loading beyond the extreme front or rear end of a vehicle or combination of vehicles.

4.7.3.3.1. Extendable ramps or “flippers” on specialized automobile transporters that have not been retracted and are not supporting vehicles will be included in the measurement of vehicle length.

4.7.4. Measurement of Trailers – Trailer Drawbar or Tongue Length.

4.7.4.1. Where the trailer drawbar or tongue is of rigid construction, the measurement will be taken from the rear-most point of the power unit’s cargo box to the front-most point of the trailer’s mainframe.

4.7.4.2. Where the trailer drawbar is hinged, the measurement will be taken from the rear-most of the power unit’s cargo box to the front-most point of the drawbar hinge.

4.7.4.3. A tool or accessory box that is welded or attached to the trailer drawbar or tongue is not included in the calculation of a trailer’s drawbar or tongue length.

4.7.4.4. A trailer drawbar may not exceed 15 feet between two (2) vehicle units except when:

4.7.4.4.1. The connection is between any two (2) vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be readily dismembered; or

4.7.4.4.2. Connections between vehicles are of rigid construction and are included as part of the structural design of the towed vehicle, and the overall combined length of the vehicles and the connection does not exceed 55 feet.

4.7.4.5. Adjustable pole trailers that are primarily designed for the transportation of cargo must have the connection between vehicles reduced to 15 feet or less when operating without cargo if the overall vehicle combination exceeds 55 feet.

4.8. Vehicle Height.

Maximum height limits are as designated by the CDOT and are available online from the CDOT Freight Mobility & Safety website, <https://freight.colorado.gov>, by selecting “route planning” then “maps,” and then by scrolling down to “other maps” and selecting “vertical clearance.”

- 4.8.1.** Vehicles, laden or unladen, must not exceed a height of 14 feet six inches and must be operated in compliance with ~~§~~ **Section** 42-4-504 (1), CRS.

4.9. Use of CMVIT Concerning CMV Size and Weight.

CMVIT may facilitate the identification of potential size, weight, and permit violations of commercial motor vehicles in Colorado where available and authorized to do so. CMVIT will not be used in any way inconsistent with state statutes or contrary to any applicable state and/or federal rules or regulations.

POE 5 Permits.

5.1. Special Revocable Permits (SRP).

An SRP may be issued to an owner or operator of any vehicle being operated over a regularly scheduled route within five (5) road miles of a permanent POE weigh station according to ~~§~~ **Section** 42-8-105 (1), CRS.

- 5.1.1.** An SRP waives the requirement that an owner or operator seek out and secure a valid clearance at a permanent POE that is located within five (5) road miles of an identified regularly scheduled route.
- 5.1.2.** The use or issuance of any SRP is contingent upon an applicant’s or permit holder’s compliance with any applicable rules, laws (federal, state, county, and local), and the requirements set forth within these rules.

5.2. Application for SRP.

An application for an SRP is made by completing and submitting an application to the CSP POE Section.

- 5.2.1.** SRP applications are provided by the CSP POE Section upon request, online, and may also be submitted to the CSP POE Section online through the CDOT COOPR website.
- 5.2.2.** The CSP POE Section will collect any information identified as necessary to determine an applicant’s eligibility for an SRP. Information necessary to determine an applicant’s eligibility includes:
 - 5.2.2.1.** The legal name of the applicant and the name under which the applicant conducts business, if applicable;
 - 5.2.2.2.** The physical and mailing addresses of the applicant;

- 5.2.2.3. The USDOT# assigned to and used by the applicant;
- 5.2.2.4. The number of vehicles proposed to be subject to the SRP if it is issued and the VIN for each vehicle;
- 5.2.2.5. The POE weigh station location(s) the applicant would like the SRP to affect;
- 5.2.2.6. The name and signature of the person submitting the SRP application on behalf of the applicant; and
- 5.2.2.7. A detailed description of the applicant's regularly scheduled route. This description should, at minimum, identify the points of origin and destination(s) for the route provided.
- 5.2.2.8. If the information initially provided by the applicant is insufficient, additional information will be requested.

5.3. SRP Approval.

When an application for an SRP is approved, the SRP will be issued by the CSP POE Section upon the recommendation and the approval of the OSB Major or his or her designee.

- 5.3.1. Within its discretion, the CSP POE Section reserves the right to attach special conditions to the approval of any SRP where the CSP POE Section determines that it is necessary or advisable to include specific conditions beyond those generally applicable to SRP use.
- 5.3.2. Any SRP issued to an applicant/permit holder must be:
 - 5.3.2.1. Carried at all times in any authorized vehicle when being operated over the approved regularly scheduled route; and
 - 5.3.2.2. Available upon demand for inspection by the CSP POE or any other state or law enforcement officer.
 - 5.3.2.3. Electronic copies of the permit are acceptable.
- 5.3.3. An SRP issued to an eligible SRP applicant by the CSP POE Section may be valid for up to 36 months, except where an otherwise eligible applicant is determined unsatisfactory following a review of their violation, safety, and/or port clearance records.
 - 5.3.3.1. Eligibility for an SRP is based in part on the applicant's safety record and "BASICS" reported by the FMCSA.

- 5.3.3.2.** The number and type of violation convictions received by drivers operating vehicles for the applicant within the state of Colorado are considered when determining applicant eligibility.
 - 5.3.3.3.** The number of port clearances during the 12 months before the SRP application date is relevant in determining eligibility.
 - 5.3.3.4.** The Applicant's compliance with any previously issued SRP terms and conditions will factor into the decision to issue any subsequent SRP to the applicant.
- 5.3.4.** An SRP applicant determined to be an unsatisfactory applicant may be eligible for a Probationary SRP where:
 - 5.3.4.1.** The applicant does not meet the definition of a "High-Risk Motor Carrier"; or
 - 5.3.4.2.** The applicant meets the definition of a "High-Risk Motor Carrier," but the applicant's Company Snapshot available through the USDOT FMCSA Safety and Fitness Electronic Records (SAFER) System website confirms a conditional or satisfactory rating for the applicant.
- 5.3.5.** An SRP applicant who is issued a Probationary SRP:
 - 5.3.5.1.** Must demonstrate that corrective actions are in progress or in place to maintain or improve SRP eligibility.
 - 5.3.5.2.** May apply for an SRP after the Probationary SRP period.
 - 5.3.5.2.1.** The permit holder's compliance with the conditions of the Probationary SRP factors into the decision to issue any subsequent SRP to the applicant.
 - 5.3.5.2.2.** An SRP applicant applying for an SRP following the revocation of their prior SRP will first be eligible to apply for a Probationary SRP.
- 5.3.6.** An SRP:
 - 5.3.6.1.** Is not transferable from company to company or between vehicles without prior approval of the CSP POE Section;
 - 5.3.6.2.** Does not affect the right of any lawful authority to stop a vehicle to check for:
 - 5.3.6.2.1.** Operating credentials;
 - 5.3.6.2.2.** Applicable oversize or overweight violations; or

5.3.6.2.3. Violations of other motor vehicle laws.

5.3.6.3. Is valid only when used by an authorized vehicle operating within the scope of the approved regularly scheduled route.

5.3.7. The CSP POE Section will respond to all complete SRP applications with a decision to either issue or deny an SRP within 7 calendar days of receipt.

5.4. Denial of SRP.

An application for an SRP may be denied if:

- 5.4.1.** The applicant has failed to pay taxes or registration fees when due;
- 5.4.2.** The applicant is subject to the payment of recurrent distraint penalties as set forth within ~~§~~ **Section** 39-21-114 (7), CRS;
- 5.4.3.** In the 12 months before the SRP application date, any vehicle operator of the applicant demonstrates a pattern of non-compliance with the duty to stop and weigh or the duty to obtain clearance imposed by ~~§§~~ **Sections** 42-4-509 (3) and 42-8-105, CRS, respectively;
- 5.4.4.** In the 12 months before the SRP application date, any vehicle operator of the applicant has been convicted of three (3) or more violations of size and weight requirements as are set forth within ~~§~~ **Section** 42-4-501, et seq., CRS;
- 5.4.5.** The applicant meets the definition of a “High-Risk Motor Carrier,” and the FMCSA SAFER Company Snapshot does not have a carrier rating or has a rating of “unsatisfactory”;
- 5.4.6.** In the 12 months before the SRP application date, violation convictions received by any vehicle operator of an applicant demonstrate a pattern of non-compliance with applicable laws;
- 5.4.7.** Following suspension or revocation of an SRP, vehicle operators of an applicant continue to violate the laws that resulted in the suspension or revocation of the SRP;
- 5.4.8.** The applicant has misused, or used fraudulently, or has otherwise failed to comply with the conditions of any previously issued valid permit or license;
- 5.4.9.** The application for the SRP misrepresents or provides inaccurate information regarding the regularly scheduled route; or
- 5.4.10.** A request for additional information is not responded to within 30 calendar days.

5.4.10.1. An applicant whose SRP application is denied due to the applicant's failure to respond to a request from the CSP POE Section to provide additional information may resubmit their application without prejudice.

5.4.10.2. The CSP POE Section will have 7 calendar days to respond to the resubmitted SRP application.

5.5. Permit Suspension and Revocation.

A permit holder's SRP(s) may be suspended when:

5.5.1. A permit holder fails to pay taxes or registration fees when due;

5.5.2. A permit holder is subject to the payment of recurrent distraint penalties as described within ~~§~~**Section** 39-21-114 (7), CRS;

5.5.3. A permit holder used the permit to evade any law;

5.5.4. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder has been convicted of three (3) or more violations in a vehicle assigned to an SRP of the size and weight requirements of ~~§~~**Section** 42-4-501, et seq., CRS;

5.5.5. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder demonstrates a pattern of non-compliance with either the duties to stop and weigh or obtain clearance as set forth within ~~§§~~**Sections** 42-4-509 (3) and 42-8-105, CRS, respectively;

5.5.6. In a 12-month period during which an SRP has been issued, violation convictions received by any vehicle operator for a permit holder demonstrate a pattern of non-compliance with applicable laws;

5.5.7. Any authorized vehicle utilizing an SRP does not obtain port clearance from the affected POE weigh station(s) at least once per quarter during the period the SRP is valid;

5.5.7.1. The quarterly clearance requirement cannot be satisfied using PrePass, Drivewyze, or any other electronic clearance program.

5.5.8. The approved regularly scheduled route for which an SRP is issued to a permit holder is altered or discontinued;

5.5.9. A permit holder is identified as a "High-Risk Motor Carrier" and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an "unsatisfactory" carrier rating;

5.5.10. The permit holder violates any conditions applicable to an SRP; or

5.5.11. The permit holder misuses any permit or license.

5.6. SRP Revocation.

A permit holder's SRP(s) may be revoked when:

5.6.1. A permit holder who has been subject to SRP suspension continues to demonstrate a pattern of non-compliance with applicable laws and rules;

5.6.2. A permit holder fails to comply with the terms of any Probationary SRP; and/or

5.6.3. A permit holder fails to take any steps as may be directed by the CSP POE Section to improve or achieve compliance within a prescribed period.

5.7. SRP Application Denial, SRP Suspension, or SRP Revocation by Written Notice.

Denial, suspension, or revocation of any SRP will be by written notice from the CSP POE Section.

5.8. Right to Appeal SRP Application or Permit Denial, Suspension, or Revocation, and to Request a Hearing.

An applicant or permit holder may request a hearing within 60 days of receiving written notice from the CSP POE Section denying, suspending, or revoking an SRP. Hearing requests by applicants or permit holders appealing an SRP denial, suspension, or revocation must be:

5.8.1. Made in writing; and

5.8.2. Addressed to the Major of the CSP OSB at 15075 S. Golden Rd., Golden, CO., 80401.

5.9. Hearing and Review.

The OSB Major will hold the hearing.

5.9.1. The scope of the hearing will be limited to whether the applicant or permit holder has complied with these rules.

5.9.2. The OSB Major will issue a written decision within 20 business days of the completed hearing.

5.9.2.1. If the OSB Major finds that evidence of non-compliance and ineligibility is sufficient, the SRP application denial, suspension, or revocation will be sustained.

5.9.2.2. If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated.

5.9.2.3. If the OSB Major finds that evidence of non-compliance and ineligibility is insufficient to support application denial, permit

suspension, or revocation but is sufficient to find an SRP applicant or permit holder to be unsatisfactory under these rules, it is within the discretion of the Major to issue or reinstate any SRP as a Probationary SRP for a period not to exceed one (1) year.

5.9.3. The decision by the Major will constitute a final agency action and is subject to judicial review as described by ~~§~~ **Section** 24-4-106, CRS.

POE 6 Inquiries, Publications, and Severability.

6.1. Rule Inquiries.

All contact with the CSP POE Section about these rules or their applicability should be addressed to the:

Colorado State Patrol Port of Entry Section
15075 S. Golden Rd., Golden, CO., 80401
(303)-273-1870 (Main Phone)

6.2. Publications.

All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS, ~~or~~ inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.

6.2.1. All publications, standards, or guidelines adopted and incorporated by reference in these rules will be provided and made available for examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS. The following publication(s), standard(s), and guideline(s) have been referenced within these rules in accordance with ~~§~~ **Section** 24-4-103 (12.5), CRS:

6.2.1.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November ~~30-11, 2023~~ **2024**.
<https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.

6.2.2. The CSP POE Section will maintain copies of the complete texts of the aforementioned publications, 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 **free of charge**.

Interested parties may also inspect the referenced materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Central Records Unit (CRU) at 700 Kipling St., Lakewood, CO., 80215 or by email at cdps_csprecords@state.co.us. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organization(s) of their original issue:

6.2.2.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-(800)-832 - 5660. Website: www.fmcsa.dot.gov.

6.2.3. These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference.

6.3. 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.

**Summary of Proposed Changes
Port of Entry Rules
for Commercial Motor Carrier
Size, Weight and Clearance**

Purpose:

This document is developed as a companion to assist in the reading and understanding of changes proposed to 8 CCR 1507-28, the Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance. Each of the changes proposed in the redlined rules filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies are discussed in the order they appear. Changes are identified by section number with a description of the change proposed. Included with each change is an explanation for the change.

Accessibility Editing Note:

The redlined rules include formatting updates and minor edits not affecting the content or interpretation of 8 CCR 1507-28 necessary to comply with the document accessibility standards required by Section 24-34-802, CRS. Changes to these rules to comply with the accessibility standards include changing capitalized text to mixed-case or lower-case text, removing underlined text, increasing font size, exchanging symbols for words throughout the document, enabling hyperlinked text associated with website addresses, and adjustments to the physical paragraph structure of the document to more effectively support bookmarking for electronic reading software.

The Colorado State Patrol Port of Entry Section is committed to supporting effective communication and access to the rules by all members of the public. If you experience any difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the Colorado State Patrol Port of Entry Section at (303)-273-1870.

Page 1: Table of Contents:

The Table of Contents is a new addition and appears in red text. The Table of Contents outlines these rules by section and supports efficient document navigation. Although not required, including a Table of Contents in longer documents is a best practice supported by the state accessibility rules and Section 24-34-802, CRS. The Table of Contents is beneficial to all readers viewing the rules electronically but is especially helpful for those members of the public viewing the document using e-reading programs.

Page 6: Part 3.3, discussing the authority of POE Officers (Legislative Update):

The sections of the Colorado Revised Statutes (CRS) referenced by Part 3.3 must be updated. Colorado Senate Bill 24-100, passed by the General Assembly and signed into law by Governor Polis, updates Section 42-4-106, CRS, effectively amending the scope of authority for POE Officers to specifically include enforcement of the state commercial

motor vehicle chain laws. The rules must be consistent with the state statutes. As updated, Part 3.3. is amended to include reference to Section 42-4-106 (5), CRS, after “Articles 2, 3, and 20 of Title 42, CRS;” and before “Section 42-8-101 et. al.”, and a comma after “while acting under proper orders or rules issued by the Chief,”. As amended, the sentence is updated to read, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS,”.

Page 6: Part 3.3, discussing the authority of POE Officers (addressing statutory consistency):

The last part of the paragraph after “and Section 42-4-1414, CRS,” is amended by adding “except that a POE officer cannot serve civil writs and process.” Part 3.3. discusses the scope of authority for POE Officers, and inadvertently, this critical limitation on POE Officer authority scope has been omitted from Part 3.3. The statement in Part 3.3. is consistent with the POE's scope of authority as outlined within the CRS; this additional information concerning a POE officer's scope of authority is necessary to ensure complete consistency with the statutes. As updated, the entirety of Part 3.3. reads “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-4-501, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (1.5), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS, **except that a POE cannot serve civil writs and process.**” This is different from the sentence before edits, which reads instead, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; Section 42-4-501, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (1.5), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS.”

Page 16: Subpart 5.5.9, add a comma to the sentence.

A comma is added to the sentence in Part 5.5.9. Subpart 5.5.9 now reads, “A permit holder is identified as a “High-Risk Motor Carrier,” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating;” instead of “A permit holder is identified as a “High-Risk Motor Carrier” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating.

Page 17: Sub-subpart 5.9.2.2, add a comma to the sentence.

A comma is added to the sentence in Sub-subpart 5.9.2.2. Sub-subpart 5.9.2.2. as proposed, reads, “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated,” instead of “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned and the SRP or previous SRPs will be issued or reinstated.”

Page 18: Part 6.2, correction merging two sentences into one to correct grammar.

To improve message communication and correct a grammatical error, Part 6.2 is updated to read, “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by **Section** 24-4-103 (12.5), CRS, **or** inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>,” instead of “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS. Inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.”

Page 18: Sub-sub-subpart 6.2.1.1, update to website access date.

Due diligence requires that resources referenced by these rules be verified as necessary. For this redlined document, the website hosting the FMCSA High Risk Carriers Investigations Report was last accessed on November 11, 2024. The date of website access must be updated from November 30, 2023, to November 11, 2024. With this update, Sub-subpart 6.2.1.1 reads, “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November **11, 2024**. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>,” instead of “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November 30, 2023. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.”

Pages 18-19: Subpart 6.2.2, correction to syntax in the second sentence.

The syntax in the second sentence of Subpart 6.2.2 is incorrect and must be corrected. As updated, the sentence reads, “Interested parties may access these documents online **free**

of charge,” instead of “Interested parties may access these documents free of charge online.”



COLORADO
DEPARTMENT OF
PUBLIC SAFETY

MEMORANDUM

Colonel Matthew C. Packard
Colorado State Patrol

DATE: January 16, 2025
TO: Executive Director's Office, Central Files
FROM: Angelina M. Page, Esq., CSP Rulemaking Coordinator
SUBJECT: 8 CCR 1507-28, the Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance

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. The agency shall maintain such a rulemaking record 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