

Resolution #TC-2021-03-10

Instructing the Colorado Department of Transportation Regions on Permitting of Off-Highway Vehicles for Travel on State Highways.

Approved by the Transportation Commission on March 18, 2021.

WHEREAS, State statute, specifically Section 33-14.5-108 (1)(a), C.R.S., stipulates that the State may designate a road or highway open to off-highway vehicles; and

WHEREAS, AG determined TC “Commission” are best empowered to authorize this (need language)

WHEREAS, in 2018, Hinsdale County and Lake City requested a pilot program to operate OHVs on a specific stretch of SH 149 in Lake City in order to complete the “Alpine Loop” a 63 mile loop popular for OHV users; and

WHEREAS, at the request of Hinsdale County, the Commission approved in 2018 TC 18-07-17, allowing OHVs to operate from May through September for both 2019 and 2020; and

WHEREAS, the Hinsdale County Board of Commissioners and Lake City Board of Trustees have requested the Commission extend the pilot program that existed in 2019 and 2020, through 2023, for off-highway vehicles to travel on a designated 3.26 mile stretch of SH 149 for the purpose of completing the Alpine Loop; and

WHEREAS, the Commission has reviewed the requests of the governments of Hinsdale County and Lake City, the required pilot program report, and the many public comments both in favor of the pilot and against it; and

WHEREAS, the Commission understands that both Hinsdale County and Lake City allow use of their county and town roads by OHVs under specific conditions outlined in their respective ordinances; and

WHEREAS, the Commission understands that voters in Lake City have been given two opportunities through a public vote to eliminate OHVs in Lake City and those votes have failed; and

WHEREAS, the Commission is concerned about the safety of OHVs traveling on public roads and have been provided a number of studies that articulate safety issues related to OHV travel on public roads, and also understands during the pilot there has been just one reported crash involving OHVs in Lake City; and

WHEREAS, the Commission has reviewed the conditions for which a permit would be issued by CDOT to Hinsdale County and notes the following conditions intended to preserve safety on the SH 149 corridor:

- Pilot Program will run for a period of three years, including 2021, 2022 and 2023, beginning on the Friday before Memorial Day through September 30 each year, and include the previous route on SH 149 from the County Road 30 intersection (MP 69.85) south of Lake City to the Ocean Wave Drive intersection (MP 73.11) in Lake City.

- Revised and increased signage will indicate the beginning and end of the route, speed limit, and dates when the program is in effect in accordance to a sign plan approved by CDOT. Ownership and maintenance of the signs and posts shall be the responsibility of the permittee and applicant. If at any time CDOT believes the program shall be terminated, the signs shall be removed and the permit will be revoked. To inform that potential decision, any accidents involving OHVs will be reported to CDOT within 2 weeks of the incident. Upon review by the Region, any accident involving an injury will be reported to the Commission.
- If any portion of the Alpine Loop trail connection (within the City, County or Forest Service jurisdiction) is restricted to OHV access, this permit and pilot program will be terminated to not allow the OHV use on Hwy 149. This will require immediate removal of all signs and posts installed during this program.
- Permittee will work with CDOT to lower the speed limit for the portion of SH 149 included in the pilot project to 30 mph for all vehicles during the seasonal period of the program. Permittee will be required to maintain signs and traffic control representing this change during the season OHV's are allowed on SH 149.
- OHVs traveling along State Highway will be required to follow Colorado traffic laws, Hinsdale County Ordinance No. 1, Series 2018, regulating the use of OHVs on public roads, and Town of Lake City's 2017 Ordinance, which includes similar safety provisions.
- Hinsdale County Sheriff Department will hire additional two seasonal law enforcement officers with a focus at enforcing Town/County Ordinances regarding OHV's.
- Hinsdale County will amend Ordinance 1, Series 2018, regulating the use of OHVs to increase penalties and fines for OHV infractions.
- Education efforts to inform OHV riders of rules and safety will include:
 - Volunteer-manned information stops in locations near either end of the portion of SH 149 included in the Pilot Program. Maps of the Pilot Program route will be made available at locations throughout Lake City.
 - Informational brochures on OHV operation and the Pilot Program will be available at locations throughout Lake City. Information on OHV operation and Pilot Program will be available on the Hinsdale County website and social media.
- In order to evaluate the safety of the Pilot Program, Permittee will:
 - Provide CDOT a report on the pilot program at the end of each OHV season. This report will be due by Dec 2021, Dec 2022 and Dec 2023. CDOT will then pass the report along to the Transportation Commission for review. This report will include specific data from law enforcement, CSP and CPW on numbers of accidents involving OHVs on the highway, warnings issued to OHV drivers, tickets issued to OHV drivers.
 - OHV counts on the portion of the highway included in the Pilot Program will take place eight times (twice per month) during the four-month duration of each year's program. This information will be included in the end-of-the-season report to CDOT.

- In order to provide opportunity for citizens and business owners to comment on the pilot program, Hinsdale County will set up a link on the county website where the public can submit feedback/suggestions for the Pilot Program. This feedback will be incorporated into the annual end-of-season report to CDOT.

NOW THEREFORE BE IT RESOLVED, the Colorado Transportation Commission approves Region 3 to enter into agreements with the State Patrol and local governments to declare open and allow off-highway vehicles to travel only on the designated stretch of SH 149 pursuant to the terms of the permit.

NOW THEREFORE BE IT FURTHER RESOLVED, in approving this pilot, the Commission recognizes the unique characteristics of this pilot and wishes to note the Commission does not support the expansion of OHVs onto other state highways during the period this pilot is in effect.

Herman F. Stockinger A A A

Herman Stockinger, Secretary
Transportation Commission of Colorado

3/18/21

Date