

**Resolution #TC-2022-06-14**

Adoption of Policy Directive 1903.0 “Hazardous Materials Routing Policy”

**Approved by the Transportation Commissioner on June 16, 2022.**

**WHEREAS**, pursuant to § 43-1-106(8)(a), C.R.S., Transportation Commission of Colorado (“Commission”) is charged with formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

**WHEREAS**, the Commission, pursuant to § 42-20-302, C.R.S., is required to approve the submission of Petitions by the Department to the Colorado State Patrol for the designation or a change in the designation as a hazardous materials route of any public road within CDOT’s jurisdiction; and

**WHEREAS**, the Commission last adopted Policy Directive 1903.0 “Hazardous Materials Routing Policy” on June 19, 2014 to provide a process by which the Department would consider routing changes requested by local governments, private industry or the Department staff to hazardous materials routes on roads maintained by the Department; and

**WHEREAS**, Senate Bill 21-260 created the Freight Mobility and Safety Branch within the Department; and

**WHEREAS**, the Department provides comments on petitions for hazardous materials route change requests to the Colorado State Patrol; and

**WHEREAS**, the Department recommends changes to the existing Policy Directive 1903.0 to create a systematic process for the Department to provide such comments on petitions and makes other minor changes to the policy; and

**NOW THEREFORE BE IT RESOLVED**, the Commission herein adopts the updated Policy Directive 1903.0 “Hazardous Materials Routing Policy.”

Herman  
Stockinger

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>
<b>Subject</b> <b>Hazardous Materials Routing Policy</b>		<b>Number</b> <b>1903.0</b>
<b>Effective</b> XX.XX.2022	<b>Supersedes</b> 06.24.14	<b>Originating Office</b> <b>Division of Transportation Development</b>

## I. PURPOSE

Title 42, Article 20 of the Colorado Revised Statutes governs the routing of Hazardous Materials by Motor Vehicles on all public roads. The Colorado State Patrol (“CSP”) has sole authority to designate which public roads should be used and which should not be used by Motor Vehicles transporting Hazardous Materials. Pursuant to the provisions of § 42-4-106 (7)(a), C.R.S., the Transportation Commission of Colorado maintains the authority to promulgate rules regarding the operation of any motor vehicle in any tunnel which is part of the state highway system.

The Colorado Department of Transportation (“Department”) is the Petitioning Entity with respect to any public road maintained by the state that is not located within a town, city, or city and county. The Transportation Commission of Colorado (“Commission”) must approve any Petition the Department wishes to make to the Colorado State Patrol regarding changes to Hazmat Routes. In addition, the Department also provides comments on Petitions related to non-CDOT owned roadways as requested by CSP or by other Petitioning Entities.

The purpose of this policy is to provide a process by which the Department should consider changes made to Hazmat Routes on roads maintained by the Department. The process includes the submission of Petitions to the Commission for its consideration and approval according to the criteria established in this Policy Directive. The additional purpose of this policy is to outline a process by which CDOT will provide comments and analysis on Petitions related to non-CDOT owned roadways as requested by CSP or by other Petitioning Entities.

## II. AUTHORITY

Transportation Commission pursuant to § 43-1-106 (8)(a), C.R.S.

Hazardous Materials Transportation Act of 1987, § § 42-20-101, *et seq.*, C.R.S.

Federal Hazardous Material Transportation Law, 49 U.S.C., § § 5101, *et seq.*

Federal Hazardous Material Regulations, HMR, 49 CFR, Parts 100-185

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8 CCR 1507-25, The Permitting, Routing, and Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Projects in the State of Colorado.

**III. APPLICABILITY**

This Policy Directive applies to all Divisions, Regions, Branches, and Offices of the Colorado Department of Transportation.

**IV. DEFINITIONS**

"Applicant" means regional Department staff, local government, or private industry who requests the Department to act on its behalf as petitioner to the Colorado State Patrol. See § 42-20-302(1)(a)-(e), C.R.S.

“Hazardous Materials” or “Hazmat” means those materials listed in Tables 1 and 2 of 49 CFR 172.504, excluding highway route-controlled quantities of radioactive materials as defined in 49 CFR 173.403, excluding ores and the wastes and tailing therefrom, and excluding special fireworks when the aggregate amount of flash powder does not exceed fifty (50) pounds.

“Motor Vehicle” means any device which is capable of moving from place to place upon public roads. The term includes, but is not limited to, any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto. §42-20-103 (4), C.R.S.

“Petition” means the Colorado State Patrol Hazardous Material Route Designation Petition Packet, including the route analysis process, worksheets, and Petition resolution.

“Petitioning Entity” means local government entities, CDOT, a public highway authority, and any governmental entity that is a partner in a public-private partnership with respect to any highway, road or street it maintains, when making a Petition to the Colorado State Patrol (“CSP”) for a new hazardous materials routes designation or for a change to an existing route designation as it is allowed under §42-20-302(1)(a)-(e), C.R.S.

**V. POLICY**

A. When considering whether to petition the CSP to change Hazmat Routes, the Department must follow a consistent, systematic, and deliberative process regarding the submission of a Petition by an Applicant.

B. The Department has established a procedure for consideration of Hazmat Route changes, including a process for outside entities to request an analysis from CDOT as set forth in greater detail in Procedural Directive 1903.1.

C. The Department must not bring a Hazmat Route change recommendation to the Commission for consideration unless it finds that, at a minimum, the routes

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available for the transportation of Hazardous Materials by Motor Vehicle pursuant to § 42-20-302(8), C.R.S. under consideration:

- 1) Are feasible, practicable, and not unreasonably expensive for such transportation;
- 2) Are continuous within a jurisdiction and from one jurisdiction to another;
- 3) Provide greater safety to the public than other feasible routes;
- 4) Do not unreasonably burden interstate or intrastate commerce;
- 5) Do not include arbitrary designations or are intended by the petitioner merely to divert the transportation of Hazardous Materials to other communities;
- 6) Do not interfere with the pickup or delivery of Hazardous Materials; and
- 7) Are consistent with all applicable state and federal laws and regulations.

D. The Department has also established a procedure to provide review and comment on petition packets for petitioning entities requesting Hazmat Route changes or designations for non-CDOT owned properties, when requested by the CSP or by another Petitioning Entity. Greater detail regarding this process is included in Procedural Directive 1903.1. In its review, the Department must consider if the route available for the transportation of Hazardous materials by motor vehicle pursuant to § 42-20-302(8), C.R.S. meets the minimum requirements listed above in Section C.

E. The Department’s Freight Mobility and Safety Branch shall be responsible for consideration of Hazmat Route change requests for all facilities, regardless of ownership. In some cases, an internal Applicant may request additional analysis, information, or review for their Petition packet. In other cases, a Petitioning Entity outside of the Department may request the Department’s review and comments on Petition packets. In either scenario, the Freight Mobility and Safety Branch must assemble an interdisciplinary Hazmat Route Advisory Team consisting of appropriate Department personnel with expertise to consider the safety, environmental, traffic, and policy implications of any suggested change as outlined in Procedural Directive 1903.1.

F. The Department may not submit a Petition for the same route more than once within 365 days from the issuance date of the Colorado State Patrol’s decision.

## **VI. IMPLEMENTATION PLAN**

This Policy Directive is effective upon approval by the Transportation Commission.

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The Office of Policy and Government Relations shall post this Policy Directive on CDOT's intranet as well as on public announcements.

**VII. REVIEW DATE**

This Policy Directive must be reviewed on or before August 2027.

**Herman Stockinger**  
Secretary, Transportation Commission

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