

RESOLUTION #TC-1731

Pilot Program for towing of disabled Extra-Legal Vehicles and Loads

WHEREAS, the specific authority for the Colorado Department of Transportation to promulgate rules and regulations and issue permits, pertaining to the movement of Extra-Legal Vehicles and Loads operating on the State Highway system, is contained in Section 42-4-501 to 512, C.R.S.; and

WHEREAS, in July 1984, the Commission adopted Rule 2 CCR 601-4 which set forth the Rule regulating Extra-Legal traffic on the State Highway System; and said Rule has been updated nine times including the current effective Rule dated August 1, 2007; and

WHEREAS, the regulation authorizing emergency moves of Extra-Legal Vehicles and Loads was first added to the rule in 1991 and has been amended over time to further define emergency moves and towing of disabled vehicles to the “nearest place of safekeeping” location off the traveled portion of the highway and conditionally during hours of curfew for such vehicles; and

WHEREAS, the current regulation as interpreted and enforced results in the disabled vehicles being moved twice, first to “the nearest place of safekeeping” and later to the vehicles’ ultimate destination for repair, which often compromises safety and at greater expense and effort of the motor carrier industry; and

WHEREAS, an agency is entitled to substantial deference in the interpretation and enforcement of its rules and regulations; and

WHEREAS, the Transportation Commission acknowledges that public safety is often compromised by requiring a disabled vehicle to be towed twice under CDOT’s current interpretation and the Department of Revenue’s current enforcement of the CDOT regulation; and

WHEREAS, the Transportation Commission also recognizes the financial interest of the commercial trucking industry and the towing industry to allow towing of disabled vehicles beyond the nearest location and during hours of curfew restrictions; and

WHEREAS, the Transportation Commission agrees that consideration of revisions to the Rule is appropriate after a Pilot Program is implemented to monitor towing of disabled Extra-Legal Vehicles and Loads based on an interpretation of “the nearest place of safekeeping” to mean the final destination of the disabled vehicle; and

WHEREAS, the Transportation Commission directs CDOT staff to consider implementing the attached rule language change following implementation and evaluation of the Pilot Program; and

WHEREAS, the Transportation Commission has the authority to authorize the Pilot Program under § 43-1-108, C.R.S.; and to authorize staff to make a report of the Pilot Program, including any recommendations to the Transportation Commission for its review and action concerning any proposed changes to Rule 2 CCR 601-4.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes a Pilot Program through December 31, 2009 as described herein and to commence taking all

necessary actions and communications with industry and enforcement agencies deemed appropriate, and to make a report with recommendations on or before its regularly scheduled September 2009 meeting.