



COLORADO

Department of Transportation

Office of Policy and Government Relations

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MEMORANDUM

DATE: August 06, 2020

TO: Transportation Commission

FROM: Herman Stockinger, Deputy Director and Director of Policy and Government Relations
Natalie Lutz, Rules, Policies, and Procedures Administer
Craig Hurst, Freight Office Manager

SUBJECT: Authorize Commencement of Permanent Rulemaking for 2 CCR 601-4, Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads

Purpose

To authorize the Department to commence the rulemaking process by opening the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("Extra-Legal Vehicles Rules"), 2 CCR 601-4.

Action

To pass a resolution authorizing the Department to commence rulemaking to update the Extra-Legal Vehicle Rules and delegate authority to an Administrative Hearing Officer to conduct a public hearing.

Background

Pursuant to §§ 42-4-505 and 42-4-511(1), C.R.S, the Extra-Legal Vehicle Rules are under the authority of the Transportation Commission and allows for the operation and movement on state highways of vehicles and loads exceeding legal limits provided that the Department issues a permit for such vehicles and loads. Specifically, Transportation Commission has the authority to adopt rules in relation to the hours of operation and safety considerations of Longer Vehicle Combinations ("LVCs").

On March 30, 2020, the Transportation Commission temporarily repealed Rule 910, titled Hours of Operation and Restrictions on Operations in the Extra-Legal Vehicle Rules in order to facilitate the efficient movement of freight during the State of Disaster Emergency declared by Governor Jared Polis in response to the COVID-19 pandemic. Rule 910 restricted the operation of LVCs on designated state highways in the metropolitan areas of Pueblo, Colorado Springs, and Denver during the weekday morning hours of 7:00 to 9:00 a.m. and evening hours of 4:00 to 6:00 p.m. Rule 910 is commonly referred to as "the LVCs Curfew Rule". The emergency repeal of the LVC Curfew Rule expired on July 28, 2020.

An unintended result of the March 30, 2020 emergency rulemaking effectively removed the prohibition of the operation of LVCs in the metropolitan areas of Pueblo, Colorado Springs, and Denver during rush hour times. Therefore, the Transportation Commission needs to



reestablish the LVC Curfew Rule through the permanent rulemaking process under the Colorado Administrative Procedure Act (“APA”).

The permanent rulemaking process includes: engaging with stakeholders, filing the notice of permanent rulemaking hearing with the Colorado Secretary of State, conducting the public rulemaking hearing for public comments, submitting the Administrative Hearing Officer’s recommended course of action to the Transportation Commission, requesting the Transportation Commission adopt the rules, filing the adopted rules with the Secretary of State, and finally, requesting review by the Attorney General’s Office. The process affords those impacted by the proposed rule notice and opportunity to comment.

Staff proposes to reestablish the former LVC Curfew Rule in verbatim for safety and congestion mitigation considerations as stated below.

910 Hours of Operation and Restrictions on Operations.

910.1. An LVC will not operate on the following designated highway segments during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday, for Colorado Springs, Denver and Pueblo:

910.1.1. Colorado Springs: On I-25 between S.H. 83 (Academy Blvd South) and S.H. 83 (Academy Blvd North)

910.1.2. Denver on the following routes:

910.1.2.1. On I-25 between I-225 and S.H. 128 (120th Ave.)

910.2.2.2. On I-70 between U.S. 40/S.H 26 and I-225

910.2.2.3. On I-76 between I-25 and U.S. 85

910.2.2.4. On I-225 between I-25 and I-70

910.2.2.5. On I-270 between I-76 and I-70

910.1.3. Pueblo: On I-25 between Lake Ave. (Exit #94) and S.H.47/S.H. 50 (Exit #101).

Next Steps

Staff does not presently have a specific timeline when the LVC Curfew Rule needs to be reestablished since there are multiple factors under consideration that include a possible second occurrence of COVID-19 in the fall, the efficiency of the movement of freight, traffic volume, and congestion. The authorization of the commencement of rulemaking allows Staff to carefully monitor those factors and work with key stakeholders, such as industry, Colorado State Patrol and others, in determining the most appropriate time to reestablish the LVC Curfew Rule under the permanent rulemaking requirements set forth by the APA.

Attachments

Resolution

