

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 23-0494.01 Jessica Herrera x4218

HOUSE BILL 23-1048

HOUSE SPONSORSHIP

Luck and Boesenecker, Bottoms, Jodeh, Lindsay, Lynch, Martinez, Winter T.

SENATE SPONSORSHIP

Pelton R. and Ginal,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DELINEATOR POSTS ON A TWO-LANE STATE HIGHWAY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the Colorado department of transportation (department) to replace any existing highway surface mount or other inflexible delineator posts with staggered flexible delineator posts every 1/10th of a mile on alternating sides when it repaves or repairs an existing 2-lane state highway. The bill also requires the department, when creating a new 2-lane state highway for which its standards of highway construction require delineator posts, to add staggered flexible delineator posts every 1/10th of a mile on alternating sides.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
3rd Reading Unamended
May 5, 2023

HOUSE
Amended 2nd Reading
May 3, 2023

The bill clarifies that it does not amend the standards used to determine whether delineator posts are posted or require delineator posts to be added to a newly constructed 2-lane highway for which the standards do not require delineator posts or to an existing 2-lane state highway without existing delineator posts that is being repaved or repaired.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) State highways are the backbone of our state's economy with
5 millions of miles driven and hundreds of billions of dollars of
6 commodities transported annually. Our state's farmers and other oversize
7 load operators use those highways to traverse the state in support of our
8 food supply, our economy, and our way of life. The equipment they
9 operate, however, while necessary, can be significantly wider than a
10 standard lane of traffic.

11 (b) Delineator posts are typically steel rods with reflectors evenly
12 spaced across the edges of highways to give drivers visual clues as to the
13 contours of a road. Though subject to a number of factors, the posts are
14 regularly installed at intervals of one-tenth of a mile.

15 (c) While delineator posts serve an important safety function, they
16 can also pose a danger. When posts are installed directly across from one
17 another, farming equipment and oversize loads often have a difficult time
18 navigating beyond them, especially if oncoming or other traffic,
19 particularly other oversize traffic, is present. In some cases, in an effort
20 to avoid a larger traffic accident, operators are left with no other choice
21 but to collide with the steel post, damaging both the post and their
22 equipment.

1 (d) Removing issues like this one that have been historically
2 obscured by the rural-urban divide represents an important step in the
3 effort to better serve all Coloradans and, moreover, protecting the safety
4 of every individual using our state highways, including their personal
5 safety and the safety of their property, is one of the chief roles of good
6 government.

7 (2) Therefore, in order to promote the safety of all drivers, to
8 better ensure the preservation of personal property, and to close some of
9 the gap in the rural-urban divide, the general assembly directs the
10 Department of Transportation to always consider the needs of those
11 operating farming equipment and oversize loads on our state highways,
12 along with other safety considerations for all drivers, when installing
13 delineator posts.

14 **SECTION 2.** In Colorado Revised Statutes, 43-2-107, **add** (3) as
15 follows:

16 **43-2-107. Standards of construction - definition.**

17 (3) (a) EXCEPT WHEN OTHERWISE NECESSARY OR REQUIRED TO MEET
18 REASONABLE SAFETY STANDARDS, THE DEPARTMENT OF TRANSPORTATION
19 SHALL EXECUTE THE FOLLOWING WHENEVER CONSTRUCTING, REPAVING,
20 OR REPAIRING ANY SECTION OF A TWO-LANE STATE HIGHWAY IF FARMING
21 OR OTHER OVERSIZE LOADS ACTIVELY UTILIZE THAT SECTION OF THE
22 HIGHWAY:

23 (I) STAGGER THE POSTS NOT LESS THAN EVERY ONE-TENTH OF A
24 MILE WHERE IT IS PRACTICAL TO DO SO; AND

25 (II) CONSIDER IMPLEMENTING FLEXIBLE DELINEATOR POSTS AND
26 OTHER ENGINEERING SOLUTIONS TO ACCOMMODATE THE NEEDS OF ALL
27 VEHICLES.

1 (b) NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO
2 REQUIRE DELINEATOR POSTS TO BE PLACED WHERE THEY ARE NOT DEEMED
3 NECESSARY BY THE DEPARTMENT OF TRANSPORTATION.

4 (c) AS USED IN THIS SUBSECTION (3), "TWO-LANE STATE HIGHWAY"
5 MEANS A STATE HIGHWAY WITH TWO LANES EACH GOING IN THE OPPOSITE
6 DIRECTION OF ONE ANOTHER.

7 **SECTION 3. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.