

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 28, 2023
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB23-1048 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

24 (d) Removing issues like this one that have been historically
25 obscured by the rural-urban divide represents an important step in the
26 effort to better serve all Coloradans and, moreover, protecting the safety
27 of every individual using our state highways, including their personal

1 safety and the safety of their property, is one of the chief roles of good
2 government.

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

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

12 **43-2-107. Standards of construction - definition.**

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

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

21 (II) CONSIDER IMPLEMENTING FLEXIBLE DELINEATOR POSTS AND
22 OTHER ENGINEERING SOLUTIONS TO ACCOMMODATE THE NEEDS OF ALL
23 VEHICLES.

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

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

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

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