

HB1048\_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB23-1048 be amended as follows:

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  
28 safety and the safety of their property, is one of the chief roles of good  
29 government.

30 (2) Therefore, in order to promote the safety of all drivers, to  
31 better ensure the preservation of personal property, and to close some of  
32 the gap in the rural-urban divide, the general assembly directs the  
33 Department of Transportation to always consider the needs of those  
34 operating farming equipment and oversize loads on our state highways,  
35 along with other safety considerations for all drivers, when installing  
36 delineator posts.

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

39 **43-2-107. Standards of construction - definition.**

40 (3) (a) EXCEPT WHEN OTHERWISE NECESSARY OR REQUIRED TO MEET

1 REASONABLE SAFETY STANDARDS, THE DEPARTMENT OF TRANSPORTATION  
2 SHALL EXECUTE THE FOLLOWING WHENEVER CONSTRUCTING, REPAVING,  
3 OR REPAIRING ANY SECTION OF A TWO-LANE STATE HIGHWAY IF FARMING  
4 OR OTHER OVERSIZE LOADS ARE LIKELY TO UTILIZE THAT SECTION OF THE  
5 HIGHWAY:

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

8 (II) CONSIDER IMPLEMENTING FLEXIBLE DELINEATOR POSTS AND  
9 OTHER ENGINEERING SOLUTIONS TO ACCOMMODATE THE NEEDS OF ALL  
10 VEHICLES.

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

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

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

\*\* \*\*\* \*\* \*\*\* \*\*