

COLORADO DEPARTMENT OF TRANSPORTATION		<input type="checkbox"/> POLICY DIRECTIVE <input checked="" type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Hazardous Materials Routing Procedure		Number 1903.1
Effective 05/27/2014	Supersedes 02/03/2011	Originating Office Division of Transportation Development

I. PURPOSE

Title 42, Article 20 of the Colorado Revised Statutes governs the routing of hazardous materials by motor vehicles on all public roads. The Colorado State Patrol has sole authority to designate which public roads shall be used and which shall not be used by motor vehicles transporting hazardous materials. Pursuant to § 42-4-106 (7)(a), C.R.S. the Department of Transportation maintains authority over tunnels on the state highway system.

The Department of Transportation ("Department") is the petitioning authority with respect to any public road maintained by the state that is not located within a town, city, or city and county. In addition, the Transportation Commission ("Commission") must approve any Petition the Department wishes to make to the Colorado State Patrol regarding changes to hazmat routes. The purpose of this Procedural Directive is to detail the process the Department will follow when considering whether to petition the Colorado State Patrol for changes to hazmat routes on roads maintained by the Department.

II. AUTHORITY

Executive Director pursuant to § 43-1-105, C.R.S.

Hazardous Materials Transportation Act of 1987, § 42-20-101 through 511. C.R.S.

Federal Hazardous Material Transportation Law, 49 U.S.C., Section 5101-5128

Federal Hazardous Material Regulations, HMR, 48 CFR, Parts 100-185

III. APPLICABILITY

This Directive applies to all Divisions and Offices of the Colorado Department of Transportation.

IV. DEFINITIONS

"Applicant" means regional Department staff, local government, or private industry who requests the Department to act on its behalf as petitioner to the Colorado State Patrol. See § 42-20-302(1)(a), (b) and (c), C.R.S.

"Department" means the Colorado Department of Transportation pursuant to § 43-1-103, C.R.S.

"Hazardous Materials" or "Hazmat Route" means those materials listed in tables 1 and 2 of 49 CFR 172.504, excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (l), excluding ores, the products from mining, milling, smelting, and similar processing of ores, and the wastes and tailing therefrom, and excluding special fireworks as defined in 49 CFR 173.88(d) when the aggregate amount of flash powder does not exceed fifty pounds.

"Motor Vehicle" means any device which is capable of moving from place to place upon public roads. The term includes, but is not limited to, any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto. § 42-20-103 (4), C.R.S.

"Petition" means the Colorado State Patrol Hazardous Material Route Designation Petitioning Packet, including the route analysis process, worksheets, and Petition resolution.

V. PROCEDURE

A. Method for Requesting CDOT Analysis of Potential Hazmat Route Changes.

1. When an Applicant requests that the Department consider a hazmat route change, the request must be submitted in writing to the Department's Division of Transportation Development ("DTD") and must include, at a minimum:

- a) The identification of the Applicant;
- b) A physical description of the proposed route including beginning and ending mile markers and intersection or cross street names;
- c) A letter of support from the appropriate governing authority from each town, city, county, or city and county the route traverses;
- d) The identification of any local business or industry which is known to be significantly reliant on hazardous materials transportation and which may be affected by the designation; and
- e) Any other information which is necessary for the Department to consider the request.

2. Applicants must provide sufficient information including quantifiable data regarding the requested route change so that the Department can determine feasibility of preparing

a route analysis. Depending upon the information provided, the Department may request additional information in order to determine if a route analysis is warranted and to perform such analysis. The Department shall issue an acknowledgement when all required elements have been provided.

B. Hazmat Route Advisory Team

1. DTD shall be the lead section for consideration of hazmat route change requests. To assist in each analysis, DTD shall convene a HAZMAT Route Advisory Team, consisting of representatives of the following Department divisions and offices, and other offices as deemed appropriate by DTD to assist in considering the safety, environmental, traffic, and policy implications of any suggested change:

- a) Division of Transportation Development;
- b) Transportation Systems Management and Operations;
- c) Commercial Vehicle Permits Office;
- d) Office of Policy & Government Relations;
- e) Region Traffic Engineer for the CDOT region where the requested highway is located;
- f) Region Environmental staff for the CDOT region where the requested highway is located;
- g) Environmental Programs Branch;
- h) Section Maintenance Superintendent or Deputy Maintenance Superintendent for the CDOT region where the requested highway is located; and
- i) Staff Bridge.

C. Factors to Address When Considering Route Changes

1. The Department shall not bring a Hazmat Route change recommendation to the Transportation Commission for consideration unless it finds that, at a minimum, the routes available for the transportation of hazardous materials by motor vehicle pursuant to § 42-20-302(8), C.R.S. under consideration:

- a) Are feasible, practicable, and not unreasonably expensive for such transportation;
- b) Are continuous within a jurisdiction and from one jurisdiction to another;

c) Provide greater safety to the public than other feasible routes. Considerations include but are not limited to:

- (1) AADT, crash and fatality rates;
- (2) Population within a one-mile swath of each side of the highway;
- (3) Location of schools, hospitals, sensitive environmental areas, rivers, lakes, etc.;
- (4) Emergency response capabilities on the route;
- (5) Condition of the route, i.e., vertical and horizontal alignment, pavement condition, level of access to the route, etc.

d) Do not unreasonably burden interstate or intrastate commerce;

e) Do not include arbitrary designations or are intended by the petitioner merely to divert the transportation of hazardous materials to other communities;

f) Do not interfere with the pickup or delivery of hazardous materials; and

g) Are consistent with all applicable state and federal laws and regulations.

D. Public Meeting

1. Before requesting the Transportation Commission initiate a Hazmat Route change Petition to the Colorado State Patrol for their consideration, the Hazmat Route Advisory Team may conduct a public meeting in the area of the change to determine public sentiment for the proposed change.

2. If such a public meeting is held, the Department shall invite the Colorado State Patrol Hazmat Personnel, the local government or private industry requesting the change, and the Colorado Department of Public Health and Environment to the meeting.

E. Decisions

1. The Hazmat Route Advisory Team shall have no more than 180 days following the acknowledgement of the request to either deny the request, or recommend approval of the request and submission of a Petition to the Colorado State Patrol at the next Transportation Commission meeting following their recommendation.

2. In some cases, the Hazmat Route Advisory Team may be unable to recommend approval without first conducting a detailed route analysis. In such case, the Hazmat Route Advisory Team may request an extension from the Office of Policy and Government Relations Director within 180 days of the acknowledgement.

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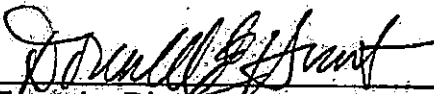
VI. IMPLEMENTATION PLAN

This Procedural Directive shall be effective upon signature.

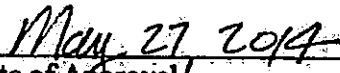
DTD shall provide a copy of this Procedural Directive to all Applicants and make both documents available on the internet.

VII. REVIEW DATE

This Procedural Directive shall be reviewed on or before June 2019.



Executive Director



Date of Approval