

## CHAPTER 368

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**TRANSPORTATION**

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**HOUSE BILL 23-1048**

BY REPRESENTATIVE(S) Luck and Boeseucker, Bottoms, Jodeh, Lindsay, Lynch, Martinez, Winter T.;  
also SENATOR(S) Pelton R. and Ginal, Bridges, Hansen, Hinrichsen, Pelton B., Priola, Rodriguez, Will, Zenzinger.

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

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

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

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

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

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

(d) Removing issues like this one that have been historically obscured by the

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

rural-urban divide represents an important step in the effort to better serve all Coloradans and, moreover, protecting the safety of every individual using our state highways, including their personal safety and the safety of their property, is one of the chief roles of good government.

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

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

**43-2-107. Standards of construction - definition.** (3) (a) EXCEPT WHEN OTHERWISE NECESSARY OR REQUIRED TO MEET REASONABLE SAFETY STANDARDS, THE DEPARTMENT OF TRANSPORTATION SHALL EXECUTE THE FOLLOWING WHENEVER CONSTRUCTING, REPAVING, OR REPAIRING ANY SECTION OF A TWO-LANE STATE HIGHWAY IF FARMING OR OTHER OVERSIZE LOADS ACTIVELY UTILIZE THAT SECTION OF THE HIGHWAY:

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

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

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

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

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

Approved: June 5, 2023