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FISCAL NOTE

Drafting Number:	LLS 19-0546	Date:	January 15, 2019
Prime Sponsors:	Sen. Scott Rep. McCluskie	Bill Status:	Senate Transportation
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Bill Topic: HAZARDOUS MATERIALS TRANSPORTATION ROUTING

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue <input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>) <input type="checkbox"/> State Transfer	<input type="checkbox"/> TABOR Refund <input checked="" type="checkbox"/> Local Government (<i>potential</i>) <input type="checkbox"/> Statutory Public Entity
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The bill allows a public highway authority or any governmental entity that is in a public-private partnership to apply for a hazardous materials route designation and requires the Colorado Department of Transportation to conduct a study concerning the transportation of hazardous materials through the Eisenhower-Edwin C. Johnson Memorial Tunnel. The bill creates a minimal state workload increase and may increase expenditures and workloads in affected local governments.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill allows a public highway authority or any governmental entity that is in a public-private partnership to apply for a new route or changes to an existing hazardous materials route designation.

In addition, the bill requires the Colorado Department of Transportation (CDOT) to conduct a study concerning the transportation of hazardous materials through the Eisenhower-Edwin C. Johnson Memorial Tunnel (tunnel) on Interstate 70 in consultation with certain stakeholders. CDOT must consider past studies and whether the transportation of gasoline, diesel, and liquefied petroleum gas should be subject to different requirements than other hazardous materials. The study must be completed no later than December 1, 2019, and the section repeals on July 1, 2020.

Background

Colorado State Patrol (CSP) regulates and enforces both the interstate and intrastate transportation of hazardous materials in Colorado. CSP has the authority to designate which public roads may be used by vehicles transporting hazardous materials. Counties, municipalities, and CDOT may currently apply for new hazardous materials route designations or request changes to existing routes. CSP must provide adequate public notice before approving a hazardous materials route designation.

The Transportation Commission has the authority to regulate transportation through the tunnel. Hazardous materials, including gasoline, diesel fuel, and liquefied petroleum, may not be transported through the tunnel on Interstate 70. If designated hazardous material routes are closed due to adverse weather, CDOT may allow exclusive travel through the tunnel at specific times for vehicles carrying hazardous materials. CDOT previously studied the transportation of hazardous materials through the tunnel in 2006 and 2011, with Colorado School of Mines conducting a study for the department in 2017.

State Expenditures

This bill creates a minimal workload increase for CDOT in FY 2019-20 only and an ongoing workload increase for CSP.

Colorado Department of Transportation. This bill will increase workload in FY 2019-20 for CDOT to conduct the study. Because CDOT has already completed two studies and the number of stakeholders is limited in regional scope, this increase can be accomplished within existing resources.

- *High Performance Transportation Enterprise.* To the extent that the High Performance Transportation Enterprise in CDOT applies for a hazardous materials route designation, workload will increase.

Colorado State Patrol. Workload may increase for the CSP to review additional hazardous materials route petitions and to participate in the study on an ongoing basis. Because route designations are already a part of CSP workflow, this increase can be accomplished within existing resources.

Local Government

Local governments respond to incidents on hazardous material routes, as a result, specific hardware and training is required. New roads designated as hazardous materials routes by CSP may increase expenditures for local governments to outfit response vehicles and train staff. In addition, a workload increase is expected for certain local governments to participate in the study.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties	Municipalities	Transportation
Local Affairs	Public Safety	