

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0494.01 Jessica Herrera x4218

HOUSE BILL 23-1048

HOUSE SPONSORSHIP

Luck,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the Colorado department of transportation (department) to replace any existing highway surface mount or other inflexible delineator posts with staggered flexible delineator posts every 1/10th of a mile on alternating sides when it repaves or repairs an existing 2-lane state highway. The bill also requires the department, when creating a new 2-lane state highway for which its standards of highway construction require delineator posts, to add staggered flexible delineator posts every 1/10th of a mile on alternating sides.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill clarifies that it does not amend the standards used to determine whether delineator posts are posted or require delineator posts to be added to a newly constructed 2-lane highway for which the standards do not require delineator posts or to an existing 2-lane state highway without existing delineator posts that is being repaved or repaired.

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

2 **SECTION 1.** In Colorado Revised Statutes, 43-2-107, **add** (3) as
3 follows:

4 **43-2-107. Standards of construction.** (3) (a) WHEN THE
5 COLORADO DEPARTMENT OF TRANSPORTATION REPAVES OR REPAIRS AN
6 EXISTING TWO-LANE STATE HIGHWAY, IT SHALL:

7 (I) REPLACE ANY EXISTING HIGHWAY SURFACE MOUNT OR OTHER
8 INFLEXIBLE DELINEATOR POSTS WITH FLEXIBLE DELINEATOR POSTS; AND

9 (II) STAGGER THE NEW FLEXIBLE DELINEATOR POSTS ON
10 ALTERNATING SIDES OF THE STATE HIGHWAY EVERY ONE TENTH OF A MILE.

11 (b) WHEN THE COLORADO DEPARTMENT OF TRANSPORTATION
12 CONSTRUCTS A NEW TWO-LANE STATE HIGHWAY AND ITS STANDARDS OF
13 HIGHWAY CONSTRUCTION REQUIRE DELINEATOR POSTS, IT SHALL STAGGER
14 FLEXIBLE DELINEATOR POSTS ON ALTERNATING SIDES OF THE STATE
15 HIGHWAY EVERY ONE-TENTH OF A MILE.

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

19 (d) NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO:

20 (I) REQUIRE DELINEATOR POSTS ON EXISTING TWO-LANE STATE
21 HIGHWAYS THAT DO NOT HAVE EXISTING DELINEATOR POSTS;

22 (II) REQUIRE DELINEATOR POSTS ON NEWLY CONSTRUCTED

1 TWO-LANE HIGHWAYS FOR WHICH THE STANDARDS FOR HIGHWAY
2 CONSTRUCTION USED TO DETERMINE WHETHER DELINEATOR POSTS ARE
3 POSTED ON STATE HIGHWAYS DO NOT REQUIRE THE DELINEATOR POSTS; OR

4 (III) AMEND THOSE STANDARDS.

5 **SECTION 2. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.