

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE PATROL- PORT OF ENTRY
PORT OF ENTRY RULES FOR
COMMERCIAL MOTOR CARRIER SIZE, WEIGHT AND CLEARANCE**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to §42-8-104(1), CRS, the Chief of the Colorado State Patrol has authority to promulgate rules necessary to implement the enforcement of applicable statutes and regulations concerning commercial motor carriers, owners and operators through the operation of Port of Entry weigh stations on public highways within the state of Colorado.

Amendments are being proposed to 8 CCR 1507-28:

- Ensuring compliance and consistency with applicable state law and federal regulations;
- Updating information as it relates to the request of information through other patrol sections;
- Correcting inaccuracies in website and physical address information;
- Updating and/or correcting references to federal regulations and documents used to support review of Special Revocable Permits; and
- To correct minor grammatical issues.

It has been declared by the General Assembly that the safe operation of commercial vehicles is a matter of statewide concern. It has also been declared, by the General Assembly, that ensuring compliance with state law and ensuring the equal distribution of fee payments, licenses, and taxes on motor carriers and the owners and operators of motor vehicles is an important state interest. The non-implementation of rules to carry out the purpose of the statutes would be contrary to the public health, peace, safety and welfare of the state. For these reasons, it is necessary that these proposed amendments be adopted.

Colonel Matthew C. Packard
Colorado State Patrol

Date of Adoption

**DEPARTMENT OF PUBLIC SAFETY
COLORADO STATE PATROL- PORT OF ENTRY**

**PORT OF ENTRY RULES FOR
COMMERCIAL MOTOR CARRIER
SIZE, WEIGHT AND CLEARANCE**

POE 1. AUTHORITY TO ADOPT STANDARDS AND SPECIFICATIONS. The Chief is authorized by the provisions of §42-8-104 (1), CRS, to adopt rules and regulations deemed necessary to enforce applicable statutes and regulations regarding commercial motor carriers, owners and operators through the operation of Port of Entry weigh stations on public highways within Colorado.

POE 2. GENERAL DEFINITIONS. With respect to these rules, the following definitions are applicable unless otherwise specified:

- 2.1. AFFECTED POE:** A permanent weigh station that is identified within a Special Revocable Permit (SRP). An SRP may affect more than one POE weigh station.
- 2.2. ALTERNATIVE FUEL:** Includes Compressed Natural Gas (CNG), propane, ethanol, or any mixture of ethanol containing 85% or more ethanol by volume with gasoline, electricity or other fuels, including clean diesel and reformulated gasoline so long as these other fuels make comparable reductions in carbon monoxide emissions and brown cloud pollutants as determined by the air quality control commission.
- 2.3. APPURTENANCE:** A non-cargo bearing piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task. Includes awnings, support hardware and retractable equipment. Does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.
- 2.4. CARGO:** The goods carried as freight by a commercial vehicle.
- 2.5. CDOR:** Colorado Department of Revenue.
- 2.6. CDOT:** Colorado Department of Transportation.
- 2.7. CDPS:** Colorado Department of Public Safety.
- 2.8. CHIEF:** The Chief of the Colorado State Patrol, or his or her designees, unless otherwise specified.
- 2.9. COOPR:** The CDOT Colorado Oversize/Overweight Permitting and Routing System.
- 2.10. CSP:** Colorado State Patrol.
- 2.11. GCW:** Gross Combined Weight.
- 2.12. GCWR:** Gross Combined Weight Rating.

- 2.13. GVW:** Gross Vehicle Weight.
- 2.14. GVWR:** Gross Vehicle Weight Rating.
- 2.15. HIGH-RISK MOTOR CARRIER:** A non-passenger carrier that:
- 2.15.1.** Has a ranking at or above the 90th percentile in the unsafe driving, hours of service (HOS) compliance, vehicle maintenance, or crash indicator, Behavior Analysis Safety Improvement Categories (collectively referred to as “BASICS”) for two or more consecutive months as reported by information received by the FMCSA; and
 - 2.15.2.** Has not received an onsite investigation in the previous 18 months for property-carrying motor carriers or in the previous 12 months for passenger-carrying motor carriers.
- 2.16. OVER-THE-ROAD BUS:** A bus characterized by an elevated passenger deck located over a baggage compartment and typically operated on the interstate highway system or on roads previously designated as making up the federal-aid primary system.
- 2.17. PERMIT HOLDER:** A carrier, owner or operator to whom a permit is issued is a permit holder. Permit holders are responsible for any violations received by vehicle operators who operate vehicles affected by a permit on behalf of the permit holder.
- 2.18. PORT OF ENTRY (POE) OFFICER:** A law enforcement officer and a uniformed member of the CSP who is not a trooper nor a civilian member. The scope of authority and the duties of a POE officer are described within §42-8-104 (2), CRS, and also as discussed within these rules.
- 2.19. PROBATIONARY SPECIAL REVOCABLE PERMIT:** An SRP that may be issued for a period of 12 months or less to a carrier, owner or operator who is:
- 2.19.1.** ~~d~~Determined eligible, but unsatisfactory following review of their application, and violation, safety, and/or port clearance records; or
 - 2.19.2.** ~~a~~An SRP permit holder applying for a new SRP following the revocation of a prior SRP.
- 2.20. REGULARLY SCHEDULED ROUTE:** A route provided to the CSP POE by an applicant for an SRP. Factors considered in whether the route traveled by an SRP applicant is regular include times or places of repeated normal departure, arrival, delivery, and/or loading activity. To be eligible for an SRP, a regularly scheduled route provided by an applicant to the CSP POE must come within five (5) road miles of a permanent weigh station not directly located or along the regular route provided.
- 2.21. SINGLE AXLE:** All wheels, whose centers may be included within two (2)-parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.
- 2.22. SINGLE AXLE WEIGHT:** The total weight transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes not more than 40 inches apart, extending across the full width of the vehicle.
- 2.23. SPECIAL REVOCABLE PERMIT (SRP):** Waives the requirement of §42-8-105 (1), CRS, for a period of 36 months or less to seek and obtain clearance at a POE weigh station that is not directly located on a carrier or operator’s regularly scheduled route. Eligibility for an SRP is based, in

part, on the applicant's or permit holder's safety record and "BASICS" scores reported by the **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**(FMCSA).

- 2.24. SPECIALIZED AUTOMOBILE TRANSPORTER:** Vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units. A specialized automobile transporter is designed to carry vehicles on the power unit behind the cab or on an over-cab rack.
- 2.25. TANDEM AXLE:** Two or more consecutive axles, the centers of which may be included between parallel vertical planes, spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle, all of which are in contact with the ground.
 - 2.25.1.** If only one of a set of multiple axles of a motor vehicle is in contact with the ground, the configuration is not a tandem axle until it is actually used as such.
- 2.26. TANDEM AXLE WEIGHT:** The total weight transmitted to the road by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

POE 3 PORT OF ENTRY OPERATIONS AND AUTHORITY

- 3.1. DELEGATION OF AUTHORITY.** Delegation of any authority held by the CSP POE Branch Director relevant to POE Operations will be in conformity with CSP and CDPS policies.
- 3.2. PERMANENT AND MOBILE POE OPERATIONS.** The Chief authorizes the establishment and operation of permanent POE weigh stations. The Chief will also authorize the establishment and operation of mobile POE operations.
 - 3.2.1.** Permanent POE weigh stations will be established and operated at such points along public highways of this state as are determined necessary.
 - 3.2.2.** The location or relocation of permanent weigh stations will be determined by the Chief.
 - 3.2.3.** All permanent POE weigh stations will be operated at times determined by the Chief so as to reasonably allow owners and operators of motor vehicles subject to fees, licenses, taxes, or to rules imposed by the state of Colorado to comply with all such laws and rules by clearance at a POE weigh station.
 - 3.2.4.** Mobile POE weigh stations will be established and operated at such points along public highways of this state as are determined to be necessary.
 - 3.2.4.1. ~~3.2.5.1.~~** Mobile POE weigh stations will post signs giving notice of their operations. This notice will inform owners and operators of vehicles required to stop and obtain clearance of their need to clear the mobile weigh station.

3.2.5. Mobile POE weigh stations have the same duties and authority as permanent POE weigh stations.

3.3. AUTHORITY OF POE OFFICERS. A POE officer, during the time that he or she is actually engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of §42-8-101, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; §42-4-501, et al., CRS; §42-4-209, CRS; §42-4-225 (1.5), CRS; §42-4-235, CRS; §42-4-1407, CRS; §42-4-1409, CRS; and §42-4-1414, CRS.

3.3.1. DETENTION OF OPERATORS, VEHICLES AND VEHICLE IMPOUND. Within the scope of their authority, POE officers may restrain or detain persons and/or vehicles, impound vehicles or collect outstanding taxes on behalf of the state of Colorado.

3.3.1.1. POE officers may also restrain or detain persons and/or vehicles, impound vehicles, or collect outstanding taxes pursuant to a lawful request from any other law enforcement agency recognized by this state.

3.3.1.2. An agency requesting detention must provide sufficient verifiable information that can be reliably used to identify the person or vehicle to be restrained, detained or impounded, in addition to providing a reasonable basis by rule of law for the detention, restraint, or impoundment.

3.3.1.3. Information supplied by a requesting agency for the detention or impoundment of any person or vehicle may be communicated verbally or in writing, and must include:

3.3.1.3.1. The name of the agency requesting the detention or impoundment;

3.3.1.3.2. The name of the agency official requesting the detention or impoundment;

3.3.1.3.3. The rule of law that is being violated or suspected of being violated; and

3.3.1.3.4. The maximum time that a vehicle or operator is to be detained.

3.3.1.4. Motor vehicles detained or impounded by POE officers at the request of the DOR may be released promptly **UPON:**

3.3.1.4.1. Payment of taxes and fees due;

3.3.1.4.2. Making a deposit sufficient to pay the same in full, after proper computations and adjustments have been made; or

3.3.1.4.3. Request of DOR.

3.3.1.5. The cargo of any impounded vehicle may be transferred to any properly licensed and qualified motor vehicle and permitted to proceed.

POE 4. REGULATIONS

- 4.1. POE CLEARANCE AND THE DUTY TO STOP AND WEIGH.** Owners or operators of motor vehicles required to obtain clearance from the CSP POE pursuant to §42-8-105 (1), CRS, include:
- 4.1.1.** Owners or operators of motor vehicles that are subject to payment of registration fees pursuant to §42-3-306 (5) (b), CRS;
 - 4.1.2.** Owners or operators of motor vehicles displaying apportioned or GVW license plates; or
 - 4.1.3.** Owners or operators of motor vehicles or motor vehicle combinations having a GVWR or GCWR in excess of 26,000 ~~LBS.~~ ~~pounds.~~
 - 4.1.4.** Owners or operators of motor vehicles may obtain required clearance by:
 - 4.1.4.1.** Securing a valid clearance from a CSP officer or POE weigh station before operating or causing the operation of the vehicle or combination of vehicles on the public highways of this state; or
 - 4.1.4.2.** Obtaining clearance from the first POE weigh station located within five (5) road miles of the route that the owner or operator would normally follow from their point of departure to the point of destination if a previous clearance or SRP has not been secured. To be valid, clearance must occur prior to arriving at the point of destination and before removing the load from the motor vehicle.
 - 4.1.4.2.1.** The route which a reasonable commercial vehicle owner or operator would take from the same points of departure and destination is considered to be the “route that an owner or operator would normally follow.”
 - 4.1.4.3.** Any owner or operator is in violation of §42-8-105, CRS, if they fail to seek out a permanent POE weigh station that is located within five (5) road miles of the route that the owner or operator would normally follow.
 - 4.1.5.** Every owner or operator of a motor vehicle required to obtain clearance must stop at every POE weigh station located within five (5) road miles of their route of travel.
 - 4.1.5.1.** Vehicles with a seating capacity of 14 or more passengers registered under the requirements of §§42-3-304 (13) or 42-3-306 (2) (c) (I), CRS, are not required to secure a valid clearance.
- 4.2. VEHICLE WEIGHT REQUIREMENTS- WHEEL AND AXLE LOADS.** Vehicles having a single drive-axle configuration and equipped with pneumatic tires are not subject to the axle weight limitations set forth within §42-4-507 (2) (b), CRS, and may operate in excess of 20,000 ~~pounds~~ ~~LBS.~~ axle weight when:
- 4.2.1.** The single drive-axle vehicle is equipped with a self-compactor; and

- 4.2.2. Is used solely for the transporting of trash.
- 4.2.3. Vehicles equipped with, but not using a tandem drive-axle configuration, will not be permitted to operate in excess of an axle weight of 20,000 ~~pounds~~ **LBS.** and must comply with the axle weight limitations set forth within §42-4-507 (2) (B), CRS.
- 4.3. **AUXILIARY POWER UNITS (APU) AND IDLE REDUCTION TECHNOLOGY UNITS.** Any vehicle that uses an APU or idle reduction technology unit in order to reduce fuel use and emissions resulting from engine idling will have the actual weight of the APU or idle reduction technology unit exempted from the calculation of the actual axle and GVW, up to 550 **LBS.** ~~pounds.~~ To be eligible for this weight exemption, the operator of the vehicle must provide:
 - 4.3.1. Written certification of the actual weight of the APU or idle reduction technology unit; and
 - 4.3.2. Written certification or demonstration that confirms the idle reduction technology unit is fully functional at all times.
- 4.4. **BUSES.** Any over-the-road bus, or any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus, is exempted from compliance with the axle limits set forth within §42-4-507 (2) (b), CRS.
- 4.5. **GROSS VEHICLE WEIGHT (GVW) - DETERMINATION OF GVW.** The legal GVW or GCW limit for any vehicle or combination of vehicles specified within §42-4-508 (1), CRS, will be determined by the actual number of axles in contact with the road surface and the applicable Bridge Weight Formula.
 - 4.5.1. Except where otherwise provided by §§42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway or bridge that is part of the national system of interstate and defense highways (otherwise known as the interstate highway system) must:
 - 4.5.1.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;
 - 4.5.1.2. Comply with the federal bridge formula set forth within §42-4-508 (1) (c), CRS; and
 - 4.5.1.3. Not exceed a maximum of 80,000 ~~pounds~~ **LBS.** in the calculation of the federal bridge formula.
 - 4.5.1.3.1. Natural gas alternative fuel system vehicles may operate up to a GVW of 82,000 lbs., as is consistent with applicable state law, the exemption set forth within 23 USC 127 (S), and FHWA guidance regarding natural gas alternative fuel system vehicles.
 - 4.5.1.3.2. Alternative fuel vehicles not operating natural gas systems may operate up to a maximum ~~Gross Vehicle Weight~~ **GVW** of 80,000 lbs., consistent with §§42-4-508 (1.5), 25-7-106.8 ~~AND~~ **and** 25-7-139, CRS.

4.5.2. Except where otherwise provided by §§42-4-508 or 42-4-510, CRS, vehicles or vehicle combinations operating on any highway other than a highway identified as part of the interstate highway system must:

4.5.2.1. Have their total weight distributed so that no axle exceeds the legal axle weight limit for the highway traveled;

4.5.2.2. Comply with the state bridge formula set forth within §42-4-508 (1) (b), CRS; and

4.5.2.3. Not exceed a maximum of 85,000 ~~LBS. pounds~~ in the calculation of the state bridge formula.

4.6. **VEHICLE WIDTH - MEASUREMENT OF COMMERCIAL MOTOR VEHICLE WIDTH.** Vehicle width will be measured from the point farthest from the center of the motor vehicle or combination of motor vehicles on each side **OF THE VEHICLE OR COMBINATION OF VEHICLES.**

4.6.1. Vehicle components not excluded by law or regulation are included in the measurement of commercial motor vehicle width. Components that are excluded from the measured width of a commercial motor vehicle include, but are not limited to:

4.6.1.1. Rear view mirrors, turn signal lamps, handholds for cab entry/egress, splash and spray suppressant devices, load induced tire bulge; and

4.6.1.2. All non-property carrying devices, or components thereof, that do not extend more than three (3) inches beyond each side of the vehicle.

4.7. **VEHICLE LENGTH - MEASUREMENT OF COMMERCIAL MOTOR VEHICLE LENGTH.** Vehicle length is generally measured from the front-most fixed point (generally the front bumper) to the rear-most fixed point (generally where the brake lights are located).

4.7.1. Any permanently mounted appurtenance that extends beyond the front or rear of the vehicle to which it is mounted becomes part of the vehicle. A permanently mounted appurtenance is included in the overall measurement of vehicle length.

4.7.2. Vehicle components not excluded by law or regulation will be included in the measurement of the length of commercial motor vehicles. Components that are excluded from the measured length of a commercial motor vehicle include, but will not be limited to:

4.7.2.1. Rear view mirrors, turn signal lamps, handholds for entry/egress, splash and spray suppressant devices;

4.7.2.2. All non-property-carrying devices, or components thereof that do not exceed 24 inches beyond the rear of the vehicle as stated within 23 CFR 658.16;

4.7.2.3. Resilient bumpers that do not extend more than six (6) inches beyond the front or rear of the vehicle;

4.7.2.4. Lamps or flags on projecting loads pursuant to §42-4-209, CRS, or devices exempted from length are not considered a projection or overhang.

4.7.3. LENGTH MEASUREMENT OF SPECIALIZED AUTOMOBILE TRANSPORTERS. The overall length measurement of a specialized automobile transporter is calculated exclusive of:

4.7.3.1. Front and rear cargo overhang;

4.7.3.2. Safety devices not designed or used for carrying cargo; and

4.7.3.3. Any extension device (ramp or “flippers”) that may be used for loading beyond the extreme front or rear end of a vehicle or combination of vehicles.

4.7.3.3.1. Extendable ramps or “flippers” on specialized automobile transporters that have not been retracted and are not supporting vehicles will be included in the measurement of vehicle length.

4.7.4. MEASUREMENT OF TRAILERS - TRAILER DRAWBAR OR TONGUE LENGTH.

4.7.4.1. Where the **TRAILER** drawbar or tongue is of rigid construction, the measurement will be taken from the rear-most point of the power unit’s cargo box to the front-most point of the trailer’s mainframe.

4.7.4.2. Where the **TRAILER** drawbar is hinged, the measurement will be taken from the rear-most of the power unit’s cargo box to the front-most point of the **DRAWBAR** hinge.

4.7.4.3. A tool or accessory box that is welded or attached to the **TRAILER** drawbar or tongue is not included in the calculation of the drawbar or tongue length of a trailer.

4.7.4.4. A **TRAILER** drawbar may not exceed 15 feet between two (2) vehicle units except when:

4.7.4.4.1. The connection is between any two (2) vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be readily dismembered; or

4.7.4.4.2. Connections between vehicles are of rigid construction, are ~~is~~ included as part of the structural design of the towed vehicle, and the overall combined length of the vehicles and the connection does not exceed 55 feet.

4.7.4.5. Adjustable pole trailers that are primarily designed for the transportation of cargo must have the connection between vehicles reduced to 15 feet or less when operating without cargo if the overall vehicle combination exceeds 55 feet.

4.8. VEHICLE HEIGHT. Maximum height limits are as designated by the CDOT and as are available online from the CDOT freight website, [HTTPS://FTCDOT.OPENDATA.ARCGIC/COM/PAGES/VERTICAL-CLEARANCE](https://ftcdot.opendata.arcgis.com/pages/vertical-clearance).

- 4.8.1. Vehicles, laden or unladen, must not exceed a height of 14 feet, six inches, and must be operated in compliance with §42-4-504 (1), CRS.

POE 5 PERMITS -SPECIAL REVOCABLE PERMITS (SRP). An SRP may be issued to an owner or operator of any vehicle being operated over a regularly scheduled route within five (5) road miles of a permanent POE weigh station pursuant to §42-8-105 (1), CRS.

- 5.1. An SRP waives the requirement that an owner or operator seek out and secure a valid clearance at a permanent POE that is located within five (5) road miles of an identified regularly scheduled route.
- 5.2. The use or issuance of any SRP is contingent upon an applicant's or permit holder's compliance with any applicable rules, laws (federal, state, county and local), and the requirements set forth within these rules.
- 5.3. **APPLICATION FOR SRP.** Application for an SRP is made by completing and submitting an application to the CSP POE **BRANCH**.
 - 5.3.1. SRP applications are provided by the CSP POE **BRANCH** upon request, online, and may also be submitted to the CSP POE **BRANCH** online through the COOPR website.
 - 5.3.2. The CSP POE **BRANCH** will collect any information identified as necessary to determine an applicant's eligibility for an SRP. Information necessary to determine an applicant's eligibility includes:
 - 5.3.2.1. The legal name of the applicant and the name under which the applicant conducts business, if applicable;
 - 5.3.2.2. The physical and mailing addresses of the applicant;
 - 5.3.2.3. The USDOT# assigned to and used by the applicant;
 - 5.3.2.4. The number of vehicles proposed to be subject to the SRP if it is issued and the VINs for each vehicle;
 - 5.3.2.5. The POE weigh station location(s) the applicant would like the SRP to affect;
 - 5.3.2.6. The names and signature of the person submitting the SRP application on behalf of the applicant; and
 - 5.3.2.7. A detailed description of the applicant's regularly scheduled route. This description should, at minimum, identify the points of origin and destination(s) for the route.
 - 5.3.2.8. If the information initially provided by the applicant is insufficient, additional information will be requested.
- 5.4. **SRP APPROVAL.** When an application for an SRP is approved, the SRP will be issued by the CSP POE **BRANCH** upon the recommendation and with the approval of the POE Director or designee.

- 5.4.1.** Within its discretion, the CSP POE **BRANCH** reserves the right to attach special conditions to the issuance of any SRP where the CSP POE **BRANCH** determines that it is necessary or advisable to include specific conditions beyond those generally applicable to SRP use.
- 5.4.2.** Any SRP issued to an applicant/permit holder must be:
 - 5.4.2.1.** Carried at all times in any authorized vehicle when being operated over the approved regularly scheduled route; and
 - 5.4.2.2.** Available upon demand for inspection by the CSP POE or any other state or law enforcement officer.
 - 5.4.2.3.** Electronic copies of the permit are acceptable.
- 5.4.3.** An SRP issued to an eligible SRP applicant by the CSP POE **BRANCH** may be valid up to 36 months, except where an otherwise eligible applicant is determined unsatisfactory following a review of their violation, safety, and/or port clearance records.
 - 5.4.3.1.** Eligibility for an SRP is based in part on the applicant’s safety record and “BASICS” reported by the FMCSA.
 - 5.4.3.2.** The number and type of violation convictions received by drivers operating vehicles for the applicant within the state of Colorado is considered when determining applicant eligibility.
 - 5.4.3.3.** The number of port clearances during the 12-month period prior to the SRP application date is relevant in determining eligibility.
 - 5.4.3.4.** The permit holder’s compliance with the conditions of any previously issued SRP will factor into the decision to issue any subsequent SRP to the applicant.
- 5.4.4.** An SRP applicant determined to be an unsatisfactory applicant may be eligible for a Probationary SRP where:
 - 5.4.4.1.** The applicant does not meet the definition of a “High-Risk Motor Carrier”; or
 - 5.4.4.2.** The applicant meets the definition of “High-Risk Motor Carrier,” but the applicant’s ~~carrier~~ **COMPANY** sSnapshot **AVAILABLE THROUGH THE USDOT FMCSA SAFETY AND FITNESS ELECTRONIC RECORDS (SAFER) SYSTEM WEBSITE** confirms a conditional or satisfactory rating for the applicant.
- 5.4.5.** An SRP applicant who is issued a Probationary SRP:
 - 5.4.5.1.** Must demonstrate that corrective actions are **IN PROGRESS OR IN PLACE** being made to maintain or improve SRP eligibility.
 - 5.4.5.2.** May apply for an SRP at the conclusion of the Probationary SRP period.

5.4.5.2.1. The permit holder’s compliance with the conditions of the Probationary SRP factor into the decision to issue any subsequent SRP to the applicant.

5.4.5.2.2. An SRP applicant applying for an SRP following the revocation of their prior SRP will first be eligible to apply for a Probationary SRP.

5.4.6. An SRP:

5.4.6.1. Is not transferable from company to company or between vehicles without prior approval of **THE CSP POE BRANCH**;

5.4.6.2. Does not **THE** affect the right of any lawful authority to stop a vehicle to check for:

5.4.6.2.1. Operating credentials;

5.4.6.2.2. Applicable oversize or overweight violations; or

5.4.6.2.3. Violations of other motor vehicle laws.

5.4.6.3. Is valid only when used by an authorized vehicle operating within the scope of the approved regularly scheduled route.

5.4.7. The CSP POE **BRANCH** will respond to all complete SRP applications with a decision to either issue or deny an SRP within 7 calendar days of receipt.

5.5. DENIAL OF SRP. An application for an SRP may be denied if:

5.5.1. The applicant has failed to pay taxes or registration fees when due;

5.5.2. The applicant is subject to the payment of recurrent distraint penalties as set forth within §39-21-114 (7), CRS;

5.5.3. In the 12-month period prior to the SRP application date, any vehicle operator of the applicant demonstrates a pattern of non-compliance with the duty to stop and weigh or the duty to obtain clearance imposed by §§42-4-509 (3) and 42-8-105, CRS, respectively;

5.5.4. In the 12-month period prior to the SRP application date, any vehicle operator of the applicant has been convicted of three (3) or more violations of size and weight requirements as are set forth within §42-4-501, et seq., CRS;

5.5.5. The applicant meets the definition of a “High-Risk Motor Carrier” and the **FMCSA SAFER eCompany s**Snapshot does not have a carrier rating or has a rating of “unsatisfactory”;

5.5.6. In the 12-month period prior to the SRP application date, violation convictions received by any vehicle operator of an applicant demonstrates a pattern of non-compliance with applicable laws;

- 5.5.7. Following suspension or revocation of an SRP, vehicle operators of an applicant continue to violate the laws that resulted in the suspension or revocation of the SRP;
- 5.5.8. The applicant has misused, or used in a fraudulent manner, or has otherwise failed to comply with the conditions of any previously issued valid permit or license;
- 5.5.9. The application for the SRP misrepresents or provides inaccurate information regarding the regularly scheduled route; or
- 5.5.10. A request for additional information deemed necessary to consider the eligibility of an SRP applicant by the CSP POE BRANCH is not responded to BY THE SRP APPLICANT within 30 calendar days.
 - 5.5.10.1. An applicant whose SRP application is denied due to the applicant's failure to respond to a request from THE CSP POE BRANCH to provide additional information may resubmit their application without prejudice.
 - 5.5.10.2. The CSP POE BRANCH will have 7 calendar days to respond to the resubmitted SRP application.

5.6. **PERMIT SUSPENSION AND REVOCATION.** A permit holder's SRP(s) may be suspended when:

- 5.6.1. A permit holder fails to pay taxes or registration fees when due;
- 5.6.2. A permit holder is subject to the payment of recurrent distraint penalties as described within §39-21-114 (7), CRS;
- 5.6.3. A permit holder used the permit for the purposes of evading any law;
- 5.6.4. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder has been convicted of three (3) or more violations in a vehicle assigned an SRP of the size and weight requirements of §42-4-501, et seq., CRS;
- 5.6.5. In a 12-month period during which an SRP has been issued, any vehicle operator of a permit holder demonstrates a pattern of non-compliance with either the duties to stop and weigh or obtain clearance as set forth within §§ 42-4-509 (3) and 42-8-105, CRS, respectively;
- 5.6.6. In a 12-month period during which an SRP has been issued, violation convictions received by any vehicle operator for a permit holder demonstrates a pattern of non-compliance with applicable laws;
- 5.6.7. Any authorized vehicle utilizing an SRP does not obtain port clearance from the affected POE weigh station(s) at least once per quarter during the period the SRP is valid;
 - 5.6.7.1. The quarterly clearance requirement cannot be satisfied using PrePass, Drivewyze, or any other electronic clearance program.
- 5.6.8. The approved regularly scheduled route for which an SRP is issued to a permit holder is altered or discontinued;

- 5.6.9. A permit holder is identified as a “High-Risk Motor Carrier” and their FMCSA SAFER eCompany Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating;
 - 5.6.10. THE permit holder violates any conditions applicable to an SRP; or
 - 5.6.11. The permit holder misuses any permit or license.
- 5.7. A Permit holder’s SRP(s) may be revoked when:
- 5.7.1. A permit holder who has been subject to SRP suspension continues to demonstrate a pattern of non-compliance with applicable laws and rules;
 - 5.7.2. A permit holder fails to comply with the terms of any Probationary SRP; and/or
 - 5.7.3. A permit holder fails to take any steps as may be directed by the CSP POE BRANCH to improve or achieve compliance within a prescribed time period.
- 5.8. **APPEAL OF SRP APPLICATION DENIAL, SRP SUSPENSION OR SRP REVOCATION BY WRITTEN NOTICE.** Denial, suspension or revocation of any SRP will be by written notice from the CSP POE BRANCH.
- 5.9. **RIGHT TO APPEAL SRP APPLICATION OR PERMIT DENIAL, SUSPENSION, OR REVOCATION AND TO REQUEST A HEARING.** Within 30 days of receiving written notice from the CSP POE BRANCH denying, suspending, or revoking an SRP, an applicant or permit holder may request a hearing.
- 5.9.1. Hearing requests by applicants or permit holders must be:
 - 5.9.1.1. Made in writing; and
 - 5.9.1.2. Addressed to the Chief at the CSP POE Branch at 15075 S. Golden Rd., Golden CO, 80401.
- 5.10. **HEARING AND REVIEW.** The Chief will hold the hearing.
- 5.10.1. The scope of the hearing will be limited to whether the applicant or permit holder has complied with these rules.
 - 5.10.2. The Chief will issue a written decision within 20 business days of the completed hearing.
 - 5.10.2.1. If the Chief finds that evidence of non-compliance and ineligibility is sufficient, the SRP application denial, suspension or revocation will be sustained.
 - 5.10.2.2. If the Chief finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension or revocation will be immediately overturned and the SRP or previous SRP(s) will be issued or reinstated.
 - 5.10.2.3. If the Chief finds that evidence of non-compliance and ineligibility is insufficient to support application denial, permit suspension or revocation but is sufficient to find an SRP applicant or permit holder to be unsatisfactory, it is within the discretion of the Chief to issue or reinstate any SRP as a Probationary SRP for a period not to exceed one (1) year.

5.10.3. The decision by the Chief will constitute a final agency action and is subject to judicial review as described by §24-4-106, CRS.

POE 6 INQUIRIES, PUBLICATIONS, AND SEVERABILITY. All contact with the CSP POE BRANCH with regard to these rules or their applicability should be addressed to the

Colorado State Patrol Port of Entry Branch
15075 S Golden Rd., Golden, CO 80401
303-273-1870 (Main Phone)
303-278-2434 (Fax)

6.1. PUBLICATIONS. All publications, standards or guidelines adopted and incorporated by reference in these rules are on file and available upon request for public inspection by contacting the CSP POE Branch at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS RULEMAKING website at [HTTPS://WWW.PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://www.publicsafety.colorado.gov/get-involved/rules-and-regulations)~~COLORADO.GOV/PACIFIC/CSPPUBLICSAFETY/RULES-AND-REGULATIONS-6MCSAP.~~

6.1.1. All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided and made available for examination at any state publication depository library as required by §24-4-103 (12.5), CRS. The following publications, standards, and guidelines have been referenced within these rules in accordance with §24-4-103 (12.5), CRS:

6.1.1.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (2018). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations. Retrieved January 9, 2019 from [HTTPS://WWW.FMCSA.DOT.GOV/MISSION/POLICY/HIGH-RISK-CARRIERS- INVESTIGATION-REPORT.](https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report)

6.1.2. The CSP POE Branch will maintain copies of the complete texts of the aforementioned publications, standards, guidelines, and rules and will make them available for public inspection during regular business hours. Interested parties may access these documents free of charge online. Interested parties may also inspect the referenced materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the **CSP CENTRAL RECORDS UNIT (CRU) AT 700 KIPLING ST., LAKEWOOD, CO., 80215** ~~POE Branch at 15075 S. Golden Rd., Golden, CO., 80401.~~ Copies of the adopted publications, standards, guidelines, and rules may also be available from the organization of original issue:

6.1.2.1. United States Department of Transportation, Federal Motor Carrier Safety Administration, (FMCSA), 1200 New Jersey Ave., SE Room W-65-206,

Washington, DC, 20590. Phone: 1-800-832-5660. Website:
WWW.FMCSA.DOT.GOV.

- 6.1.3.** These rules do not include later amendments to or editions of any publications, standards, guidelines or rules incorporated by reference herein.
- 6.2.** **SEVERABILITY.** If any provision of these rules or the application thereof to any person or circumstance is determined to be unlawful or invalid, the remaining provisions of these rules will not be affected, absent a specific reference.