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**DEPARTMENT OF PUBLIC SAFETY
COLORADO 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 the 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 Colorado.

Amendments are being proposed to 8 CCR 1507-28:

- Updating provisions relating to the appeal of SRP applications and permits arising out of a review from the OLLS.
- Updating definitions applicable to these rules and references to the Port of Entry necessary in response to its recent reorganization within the Colorado State Patrol.
- Updating rule provisions to make consistent references concerning alternative fuel systems within these rules with controlling state statutory authority.
- Updating verbiage throughout the rules to improve their overall clarity and readability; and
- Correcting minor errors in grammar, editing, spelling, formatting, and updating references to online and internal agency resources throughout.

It has been declared by the General Assembly that the safe operation of commercial vehicles is a matter of statewide concern. The General Assembly has also declared 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 public health, peace, safety, and welfare. For these reasons, it is necessary that these proposed amendments be adopted.

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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. Concerning 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 to transport 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.

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- 2.9. **COMMERCIAL MOTOR VEHICLE INFORMATION TECHNOLOGY (CMVIT):** Technology and deployments ~~THAT~~ **which** enable the effective and accurate gathering of CMV-related data through fixed, mobile, and virtual weighing operations.
- 2.10. **COOPR:** The CDOT Colorado Oversize/Overweight Permitting and Routing ~~s~~**System.**
- 2.11. **CSP:** Colorado State Patrol.
- 2.12. **GCW:** Gross Combined Weight.
- 2.13. **GCWR:** Gross Combined Weight Rating.
- 2.14. **GVW:** Gross Vehicle Weight.
- 2.15. **GVWR:** Gross Vehicle Weight Rating.
- 2.16. **HIGH-RISK MOTOR CARRIER:** A non-passenger carrier that:
- 2.16.1. 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
- 2.16.2. 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.
- 2.17. **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.
- 2.18. **OSB:** ~~THE COLORADO STATE PATROL OPERATIONAL SERVICES BRANCH.~~ **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.~~
- 2.19. **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. ~~**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.~~
- 2.20. **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. ~~**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:~~
- 2.20.1. ~~Determined an eligible, but unsatisfactory SRP applicant following review of their application, and violation, safety, and/or port clearance records; or~~

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~~2.20.2. An SRP permit holder applying for a new SRP following the revocation of a prior SRP.~~

2.21. 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:

2.21.1. Determined an eligible, but unsatisfactory SRP applicant following review of their application, and violation, safety, and/or port clearance records; or

2.21.2. An SRP permit holder applying for a new SRP following the revocation of a prior SRP.

~~**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.~~

2.22. 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. **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.

2.23. 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. **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.

2.24. 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. **SPECIAL REVOCABLE PERMIT (SRP):** ~~A PERMIT THAT Ww~~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's or operator's regularly scheduled route. Eligibility for an SRP is based, partly, on the applicant's or permit holder's safety record and "BASICS" scores reported by the Federal Motor Carrier Safety Administration (FMCSA).

2.25. SPECIAL REVOCABLE PERMIT (SRP): ~~A PERMIT THAT Ww~~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's or operator's regularly scheduled route. Eligibility for an SRP is based, partly, on the applicant's or permit holder's safety record and "BASICS" scores reported by the Federal Motor Carrier Safety Administration (FMCSA). **SPECIALIZED AUTOMOBILE**

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~~**TRANSPORTER:** A stinger-steered vehicle combination consistent with the definition provided within §42-4-504 (4.5) (C) (3), CRS, 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 an over-cab rack.~~

- 2.26. SPECIALIZED AUTOMOBILE TRANSPORTER:** A stinger-steered vehicle combination consistent with the definition provided within §42-4-504 (4.5) (C) (3), CRS, 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 an over-cab rack. ~~**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.~~

~~**2.26.1.** 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 used as such.~~

- 2.27. 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.

~~**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.~~

~~**2.27.1.** 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 used as such.~~

- 2.28 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 **OSB MAJOR** relevant to POE operations will conform **BE CONSISTENT** 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.

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- 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 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.** 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 he or she is 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 in response 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.

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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 under §42-8-105 (1), CRS, include:

4.1.1. Owners or operators of motor vehicles that are subject to payment of registration fees according 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 over 26,000 lbs.

4.1.4. Owners or operators of motor vehicles may obtain **A** 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.

4.1.4.1.1. CMVIT may facilitate the collection of commercial motor vehicle data at physical, mobile, or virtual weigh stations where available and authorized to do so. Data collected through virtual operations will not be used to directly enforce statutory commercial motor vehicle clearance requirements.

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, **THE** clearance must occur before arriving at the point of destination and before removing the load from the motor vehicle.

4.1.4.2.1. The route that a reasonable commercial vehicle owner or operator would take from the same points of departure and destination is

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considered to be the “route that an owner or operator would normally follow.”

4.1.4.3. Any owner or operator violates §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 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 over an axle weight of 20,000 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 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. 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

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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 lbs. in the calculation of the federal bridge formula.

4.5.1.3.1. Natural gas alternative fuel system vehicles may operate up to an **ADDITIONAL 2,000 GVW** of 82,000 lbs., **OR** 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 **AN ADDITIONAL 2,000** maximum GVW of 80,000 lbs., **OR AS IS** consistent with §§42-4-508 (1.5), ~~25-7-106.8,~~ 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. 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 a combination of motor vehicles on each side of the vehicle or a 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.

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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; **OR**

4.7.2.4. Lamps or flags on projecting loads in use consistent with §42-4-209, CRS, or devices exempted from **THE** length, **AND** 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.

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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 a trailer's drawbar or tongue length.

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 that cannot be readily dismembered; or

4.7.4.4.2. Connections between vehicles are of rigid construction and are 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 are available online from the CDOT Freight Mobility & Safety website, [HTTPS://FREIGHT.COLORADO.GOV](https://freight.colorado.gov), by selecting "route planning" ~~and~~ **THEN "maps," AND THEN BY SCROLLING DOWN TO "OTHER MAPS" AND SELECTING "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.

4.9. USE OF CMVIT CONCERNING CMV SIZE AND WEIGHT. CMVIT may facilitate the identification of potential size, weight, and permit violations of commercial motor vehicles in Colorado where available and authorized to do so. CMVIT will not be used **IN ANY WAY INCONSISTENT WITH STATE STATUTES OR CONTRARY TO ANY APPLICABLE STATE AND/OR FEDERAL RULES OR REGULATIONS** ~~to directly enforce size, weight, or permit state statutes or federal regulations.~~

POE 5 PERMITS.

5.1. 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 according to §42-8-105 (1), CRS.

5.1.1. 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.

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5.4.10.1. An applicant whose SRP application is denied due to the applicant's failure to respond to a request from the CSP POE ~~SECTION-Branch~~ to provide additional information may resubmit their application without prejudice.

5.4.10.2. The CSP POE ~~SECTION-Branch~~ will have 7 calendar days to respond to the resubmitted SRP application.

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

5.5.1. A permit holder fails to pay taxes or registration fees when due;

5.5.2. A permit holder is subject to the payment of recurrent distraint penalties as described within §39-21-114 (7), CRS;

5.5.3. A permit holder used the permit to evade any law;

5.5.4. 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 **TO** an SRP of the size and weight requirements of §42-4-501, et seq., CRS;

5.5.5. 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;

5.5.6. 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;

5.5.7. 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;

5.5.7.1. The quarterly clearance requirement cannot be satisfied using PrePass, Drivewyze, or any other electronic clearance program.

5.5.8. The approved regularly scheduled route for which an SRP is issued to a permit holder is altered or discontinued;

5.5.9. A permit holder is identified as a "High-Risk Motor Carrier" and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an "unsatisfactory" carrier rating;

5.5.10. The permit holder violates any conditions applicable to an SRP; or

5.5.11. The permit holder misuses any permit or license.

5.6. SRP REVOCATION. A permit holder's SRP(s) may be revoked when:

5.6.1. A permit holder who has been subject to SRP suspension continues to demonstrate a pattern of non-compliance with applicable laws and rules;

5.6.2. A permit holder fails to comply with the terms of any Probationary SRP; and/or

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- 5.6.3. A permit holder fails to take any steps as may be directed by the CSP POE **SECTION Branch** to improve or achieve compliance within a prescribed period.
- 5.7. **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 **SECTION Branch**.
- 5.8. **RIGHT TO APPEAL SRP APPLICATION OR PERMIT DENIAL, SUSPENSION, OR REVOCATION AND TO REQUEST A HEARING.** An applicant or permit holder may request a hearing within ~~30~~**60** days of receiving written notice from the CSP POE **SECTION Branch** denying, suspending, or revoking an SRP. Hearing requests by applicants or permit holders appealing an SRP denial, suspension, or revocation must be:
- 5.8.1. Made in writing; and
- 5.8.2. Addressed to the ~~Director~~ **MAJOR** of the CSP ~~POE OSB Branch~~ at 15075 S. Golden Rd., Golden, CO., 80401.
- 5.9. **HEARING AND REVIEW.** ~~The POE Branch Director~~ **OSB MAJOR** will hold the hearing.
- 5.9.1. The scope of the hearing will be limited to whether the applicant or permit holder has complied with these rules.
- 5.9.2. ~~The POE Director~~ **OSB MAJOR** will issue a written decision within 20 business days of the completed hearing.
- 5.9.2.1. If the ~~POE Director~~ **OSB MAJOR** finds that evidence of non-compliance and ineligibility is sufficient, the SRP application denial, suspension, or revocation will be sustained.
- 5.9.2.2. If the ~~POE Director~~ **OSB MAJOR** 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 SRPs will be issued or reinstated.
- 5.9.2.3. If the ~~POE Director~~ **OSB MAJOR** 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 under these rules, it is within the discretion of the **MAJOR Director** to issue or reinstate any SRP as a Probationary SRP for a period not to exceed one (1) year.
- 5.9.3. The decision by the ~~Director~~ **MAJOR** 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.

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- 6.1. RULE INQUIRIES.** All contact with the CSP POE ~~Branch~~ **SECTION** about these rules or their applicability should be addressed to the:

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

- 6.2. PUBLICATIONS.** All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by §24-4-103 (12.5), CRS. Inspection by contacting the CSP POE ~~SECTION-Branch~~ at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at [HTTPS://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://PUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

- 6.2.1.** All publications, standards, or guidelines 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 publication(s), standard(s), and guideline(s) have been referenced within these rules in accordance with §24-4-103 (12.5), CRS:

6.2.1.1. United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed **NOVEMBER 30, 2023**. [HTTPS://WWW.FMCSA.DOT.GOV/MISSION/POLICY/HIGH-RISK-CARRIERS-INVESTIGATION-REPORT](https://WWW.FMCSA.DOT.GOV/MISSION/POLICY/HIGH-RISK-CARRIERS-INVESTIGATION-REPORT). ~~September 19, 2022,~~
<https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/High%20Risk%20Carriers%20Investigation%20Report.pdf#:~:text=The%20Federal%20Motor%20Carrier%20Safety%20Administration%20%28FMCSA%29%20identifies,America%27s%20Surface%20Transportation%20Act%20%28FAST%20Act%29%20Section%205305>.

- 6.2.2.** The CSP POE ~~SECTION-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 **OR BY EMAIL AT CDPS_CSPRECORDS@STATE.CO.US**. Copies of the adopted publications, standards, guidelines, and rules may also be available from the organization(s) of their original issue:

6.2.2.1. 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.

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6.2.3. These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference.

6.3. **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.