

**DEPARTMENT OF TRANSPORTATION
COLORADO TRANSPORTATION COMMISSION**

**RULES PERTAINING TO TRANSPORT PERMITS FOR THE MOVEMENT OF EXTRA-LEGAL
VEHICLES OR LOADS**

2 CCR 601-4

EMERGENCY RULE

Pursuant to and in compliance with Title 42, Article 4 and Title 24, Article 4, C.R.S. as amended, notice of emergency rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Transportation Commission to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to Extra-Legal Vehicle or Loads.

- Section 1. Statement of Basis and Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. **CHAPTER 9 LONGER VEHICLE COMBINATIONS PERMIT OPERATING REQUIREMENTS, LIMITS AND RESTRICTIONS**
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis and authority for the rules titled Rules Pertaining to Transport Permits for the Movement of Extra-Legal or Load is Part 5 of Title 42 Article 4, Colorado Revised Statutes, as amended.

Section 2. Scope and Purpose

The Colorado Transportation Commission finds that immediate adoption of this emergency rule is imperatively necessary for the preservation of public health, safety, or welfare in order to facilitate the increased movement of freight during the State of Disaster Emergency declared on March 10, 2020, by Colorado Governor Jared Polis and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

As a result of the COVID-19 pandemic, the movement of freight has become vital to the Colorado and United States economies to ensure the delivery of medical supplies, food, and other necessities. With Governor Polis's Executive Order D 2020 013, Ordering Colorado Employers to Reduce In-Person Workforce by Fifty Percent Due to the Presence of COVID-19 in the State, traffic on Colorado highways has decreased by approximately 40 percent. Given the decrease of traffic and the need to keep freight moving as efficiently as possible, the purpose of this emergency rulemaking is to temporarily repeal the prohibition on the operation of Longer Vehicle Combination (LVC), as defined in §42-4-505, C.R.S., on certain state highways during "rush hour," the times of day the metropolitan areas of the state traditionally experience high traffic volumes.

The specific purpose of the emergency rule is to temporarily repeal the prohibition on the hours of operation and restrictions on operation of LVCs in the metropolitan areas of Colorado Springs, Denver, and Pueblo in order to facilitate the increased movement of freight during the State of Disaster Emergency declared on March 10, 2020, by Colorado Governor Jared Polis.

Section 3. Applicability

This emergency rule governs the hours of operation and restrictions on operation of LVCs who are subject to the requirements of Part 5 of Title 42, Article 4 of the Colorado Revised Statutes.

Section 4. CHAPTER 9 LONGER VEHICLE COMBINATIONS PERMIT OPERATING REQUIREMENTS, LIMITS AND RESTRICTIONS

CHAPTER 9 LONGER VEHICLE COMBINATIONS PERMIT OPERATING REQUIREMENTS, LIMITS AND RESTRICTIONS

- 900 An applicant must submit a complete application to the Department in the form provided by the Department to obtain a permit. The application must include, in detail, a description of the need for the permit, the vehicle to be permitted, and the location(s) or facility(s) off of the designated highway segments for which LVC access is requested. The issuance of a longer vehicle permit is subject to the approval of the Department of the movement of a longer vehicle combination. The Department shall give first consideration to the safety and convenience of the general public and the protection of the state highway system. Permits are expressly conditioned upon the applicant having an established safety program as provided in section 906 in this section.
- 901 Longer vehicle combinations operating under a permit shall travel only on those designated highway segments identified in these rules and route(s) of ingress and egress as provided in section 903 in this section.
- 902 As a condition of issuance of the longer vehicle combination permit, the Permittee agrees to abide by the terms and conditions of the permit. The permit may include but shall be limited to the terms and conditions specified by the Department and found in these rules and regulations or otherwise as provided by law. Additional terms and conditions may be imposed by the Department to protect the safety of the traveling public and the integrity of roads and highways under state jurisdiction. Application forms may be obtained from the Department's Permit Office.
- 903 A LVC is required to obtain a LVC permit, pursuant to §42-4-505 (1), C.R.S., as amended. If the LVC exceeds legal weight limits, it also must obtain an overweight permit to haul divisible loads, and may obtain an overweight annual fleet permit, pursuant to §42-4-510, C.R.S., as amended.
- 904 Permits may be issued as follows:
- 904.1 LVC permits are valid for a period of one year pursuant to §42-4-505 (1), C.R.S. however the Department has the discretion to offer a longer period and collect the appropriate fee for the permit period; and
- 904.2 If the LVC exceeds legal weight limits, an overweight permit, on an annual or a single trip basis, pursuant to Section 42-4-510, C.R.S., as amended; and

- 904.3 If the applicant has more than one LVC that exceed legal weight limits, an overweight fleet permit on an annual basis, pursuant to §42-4-510 (11) (a) (III) (C), C.R.S., as amended.
- 904.4 Issuance of permits is restricted to longer vehicle combinations as identified in these rules.
- 905 Application for the permit shall be made during regular business hours Monday through Friday except on legal holidays observed by the State of Colorado.
- 906 Application must be submitted to the Department and the application must be signed by the owner or lessee of the longer vehicle combinations covered under the permit, or by the authorized representative of such owner or lessee.
- 907 A copy of the permit, or access to the permit electronically, shall be carried in each longer vehicle combination operating under the Permittee's annual permit and shall be open to inspection by any peace officer or authorized agent of the Department, Colorado State Patrol, Port of Entry, and Public Utilities Commission, or counties and municipalities when a longer vehicle combination is being operated on a route of ingress and egress through their jurisdiction. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as described in §16-2.5-101, C.R.S., or an authorized agent of the department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle.
- 908 Upon request by the Department, Permittees shall provide the Department with reports and data on operational costs, equipment, maintenance, safety inspections, accidents, and other items as requested to assist the Department in evaluating operation of longer vehicle combinations.
- 909 The Department may grant a permit modification to allow a Permittee to access another facility as provided in Section 903 in this chapter, at the sole discretion of the Department.
- 910 ~~(REPEALED, EFFECTIVE MARCH 30, 2020) Hours of Operation and Restrictions on Operations. An LVC shall not operate on the following designated highway segments during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Friday, for Colorado Springs, Denver and Pueblo:~~
- ~~910.1 Colorado Springs: On I-25 between S.H. 83 (Academy Blvd South) and S.H. 83 (Academy Blvd North)~~
- ~~910.2 Denver on the following routes~~
- ~~910.2.1 On I-25 between I-225 and S.H. 128 (120th Ave.)~~
- ~~910.2.2 On I-70 between U.S. 40/S.H. 26 and I-225~~
- ~~910.2.3 On I-76 between I-25 and U.S. 85~~
- ~~910.2.4 On I-225 between I-25 and I-70~~
- ~~910.2.5 On I-270 between I-76 and I-70~~
- ~~910.3 Pueblo: On I-25 between Lake Ave. (Exit #94) and S.H. 47/S.H. 50 (Exit #101)~~

- 911 HAZARDS: An LVC is prohibited from travel when:
- 911.1 The Department, State Patrol, or other peace officer determines and provides public notice by any available means that a hazardous road condition exists for an Extra-legal Vehicle or Load; or
 - 911.2 The Permittee knows that a hazardous road condition exists for an Extra-legal Vehicle or Load. Hazardous road conditions may include water, ice, snow, mud, wind, or rocks on the Highway; or debris from an accident, natural disaster, or an Emergency on the Highway.
 - 911.3 When considering restricting travel during inclement weather drivers will consider road conditions, weather conditions, driving conditions and the overall safety of all motorists on the road. Specifically, drivers must consider at minimum the following factors when making the decision to travel:
 - 911.3.1 Road Conditions - Including but not limited to water, ice, snow, grade, shoulder availability, actual lane widths under adverse conditions ; and
 - 911.3.2 Driving Conditions – Including but not limited to vehicle volume, a minimum of 1,000 feet visibility, construction restrictions; and
 - 911.3.3 Weather Conditions - Including but not limited to rain, sleet, fog, hail, snow, wind, mud, ice, visibility of less than 1,000 feet.
- 912 In accordance with the Grandfather authority of 23 United States Code Section 127 (1988), and with § 42-4-501 through 511, C.R.S., as amended, the maximum gross vehicle weight (GVW) of longer vehicle combinations (LVC) cannot exceed the weight determined by the following formula or eighty thousand pounds GVW whichever is less, except as may be authorized under §42-4-510, C.R.S., as amended. A LVC may be authorized to exceed 80,000 pounds by an overweight permit issued pursuant to §42-4-510, C.R.S., as amended. The maximum GVW of such a LVC shall not exceed the weight determined by the formula $W=800(L+40)$ where “W” equals the gross weight in pounds and “L” equals the length in feet between the first and last axles, or the weight determined by the following formula, or 110,000 pounds, whichever is least:
- Formula: $W = 500 [(LN/N-1) + 12N + 36]$
- W = overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds.
- L = distance n feet between the extreme of any group of two or more consecutive axles.
- N = number of axles in the group under consideration.
- 913 A LVC shall be configured such that the shorter trailer shall be operated as the rear trailer, and the trailer with the heavier gross weight shall be operated as the front trailer. In the event that the shorter trailer is also the heavier, the load must be adjusted so that the front trailer is the longer and the heavier of the two. If these conditions cannot be met, operation of the combination is prohibited.
- 914 Ingress and Egress (Access) Provisions. In order to ensure public safety, to maintain the capacity and integrity of roadways adjacent to the designed state highway segments, and to eliminate unnecessary traffic noise and congestion, a LVC shall not be operated off the designated state highway segments except to access food, fuel, repairs, and rest, or to access a facility. Access to a facility shall be subject to the following conditions:

- 914.1 The facility must be either a manufacturing or a distribution center, or warehouse, or truck terminal, located in an area where industrial uses are permitted; or
- 914.2 The facility must be a construction site; and
- 914.3 The facility must meet the following criteria:
 - 914.3.1 LVCs are formed for transport or broken down for delivery on the premises; and
 - 914.3.2 Adequate off-roadway space exists on the premises to safely maneuver the LVC; and
 - 914.3.3 Adequate equipment is available on the premises to handle, load and unloads the LVC, its trailers, and cargo.
- 915 The Department may allow an applicant to access any other location or facility not named above which the Department determines meets the criteria specified in Section 903 in these rules, based in part upon information concerning the location or facility provided by the applicant in the permit application; and if the Permittee desires to change the facility or location it is authorized by permit to access, it must request a permit modification as provided in Section 909 in these rules.
- 916 The facility must be located within a maximum distance of ten (10) miles from the point where the LVC enters or exits the designated state highway segment. Such ten (10) mile distance shall be measured by the actual route(s) to be traveled to the facility, rather than by a straight line radius from the designated state highway segment to the facility; and
- 917 The ingress and egress route(s) between the designated state highway segment and the facility must be approved in advance by the public entity (the Department, municipality, or county) having jurisdiction for the roadway(s) that make up the route(s). Where the State of Colorado has jurisdiction over the route(s) of ingress and egress, in determining whether to approve the route(s) it will consider the following safety, engineering, and other criteria:
 - 917.1 Safety of the motoring public.
 - 917.2 Geometrics of the street and roadway.
 - 917.3 Traffic volumes and patterns.
 - 917.4 Protection of state highways, roadway, and structures.
 - 917.5 Zoning and general characteristics of the route(s) to be encountered.
 - 917.6 Other relevant criteria warranted by special circumstances of the proposed route(s).
- 917 Local entities, counties, and municipalities having jurisdiction over the route(s), should consider similar criteria in determining whether to approve the proposed ingress and egress route(s).
- 918 Driver Qualifications
 - 918.1 The driver must fully comply with all drivers' qualifications as set forth in the Department of Public Safety Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles, at 8 CCR 1507-1, and the Colorado Uniform Motor Vehicle Law, Article 2 of Title 42, C.R.S., as amended, which are incorporated herein by reference.

- 918.2 The driver must have had not suspension of driving privileges in any state during the past three years where such suspension arose out of the operation of a motor vehicle used as a contract or common carrier of persons or property, as defined in Sections 40-10-101(4) (a) and 40-11-101(3), C.R.S., as amended in Section 42-4-235, C.R.S., as amended.
- 918.3 The Permittee shall exercise control and supervision over any driver operating a longer vehicle combination under the Permittee's permit. This control and supervision shall include, but is not limited to, designation of route(s), hours of operation and methods of operation.
- 918.4 The responsibility for strict compliance with these driver requirements shall be borne equally by the driver and the Permittee; failure to comply shall be grounds for revoking a permit or denying renewal of a permit as provided in Chapter 10 of these rules.

919 Equipment Selection

- 919.1 Longer vehicle combinations shall be comprised of an individual truck or truck tractor and trailer(s) such that the combinations comply with permissible longer vehicle combinations as identified in §42-4-505 (2), C.R.S.
- 919.2 The truck or truck tractor unit of all longer vehicle combinations shall have adequate power to maintain a minimum speed of twenty mph on any grade over which the combination is operating and to operate on level grades at speeds compatible with other traffic.
- 919.3 All longer vehicle combinations shall have adequate traction to maintain a minimum speed of twenty mph on any grade over which the combination is operating and can resume a speed of twenty mph after stopping on any such grade.
- 919.4 Longer vehicle combinations shall be operated with tires that meet the standards set forth in the Department of Public Safety's Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles, at 8 CCR 1507-1, and in Sections 42-4-228 and 42-4-507, C.R.S., as amended.
- 919.5 All longer vehicle combinations are required to have a heavy duty fifth wheel and equal strength pick-up plates as provided in the Department of Public Safety's Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles, at 8 CCR 1507-1. This equipment must be properly lubricated and located in a position that provides stability in accordance with the requirements of Section 920.2.2 in these rules.
- 919.6 For all longer vehicle combinations utilizing a kingpin, the kingpin must be of a solid type and permanently fastened; screw-out or folding type kingpins are prohibited.
- 919.7 All longer vehicle combination hitch connections must be of no- minimal slack type, preferably air actuated ram.
- 919.8 All longer vehicle combination draw bar lengths shall be adequate to provide for the clearances required between the truck or truck tractor and the trailer(s) for turning and backing maneuvers.
- 919.9 All longer vehicle combination axles must be those designated for the width of the body of the trailer(s).

919.10 All longer vehicle combination braking systems must comply with the Department of Public Safety's Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles, at 8 CCR 1507-1, and Section 42-4-223, C.R.S., as amended. In addition, fast air transmission and release valves must be provided on all trailer(s), semi-trailer(s) and converter dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle.

920 Safety Considerations

920.1 Each applicant for longer vehicle combination permit and each current Permittee must have an established safety program that contains at a minimum the following requirements:

920.1.1 The applicant or Permittee always must be in compliance with the following equipment and operator requirements as applicable:

920.1.1.1 The Department of Public Safety's Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles, at 8 CCR 1507-1.

920.1.1.2 The Colorado State Patrol's Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado, at 8 CCR 1507-25.

920.1.1.3 The Colorado Uniform Motor Vehicle Law, Articles 1 through 4 of Title 42, C.R.S., as amended.

920.1.1.4 The Public Utilities Commission's Rules and Regulations entitled Rules Regulating Transportation by Motor Vehicle at 4 CCR 723-6.

920.1.2 All drivers of longer vehicle combinations operating under a permit must be certified by the Permittee's safety office. The certification shall demonstrate that the driver has complied with all written requirements, and that the driver has successfully completed a company approved road test for each type of combination to be operated as identified in these rules. The driver certification forms must be current and on file in the Permittee's business office as stated on the application and must be available for inspection during regular business hours.

920.1.3 All permit applicants are subject to prior approval to ensure that their equipment conforms with the requirements of these regulations. In addition, all equipment operated under the permit by the Permittee are subject to periodic field inspection to ensure continued compliance with equipment requirements.

Failure to establish and maintain such a safety program is grounds for refusal to issue a permit to an applicant or to revoke the permit of the Permittee as provided in Chapter 10 in these rules.

920.2 In operating longer vehicle combinations, the following safety standards shall be followed:

920.2.1 The driver of the longer vehicle combination shall maintain a minimum of six hundred feet between their vehicle and vehicles they are following except when overtaking and passing such vehicles.

920.2.2 Except when passing another vehicle traveling in the same direction, or when conditions exist such that the longer vehicle combination cannot be safely operated in the furthest right hand lane, longer vehicle combinations must remain in the furthest right hand lane.

920.2.3 In the event a longer vehicle combination is disabled for any reason, the driver shall park the combination as far off the traveled way as possible. In the case of an accident, the combination shall remain as close to the scene of the accident as possible without obstructing traffic more than necessary.

920.2.4 The maximum speed for any longer vehicle combinations operated under permit shall not exceed the speed at which the combination can be safely operated and shall not exceed the posted speed limit. The minimum speed for any combination is provided in Sections 919.2 and 919.3 in these rules.

920.2.5 All longer vehicle combinations must always be stable during normal operation, including braking. The trailer(s) of a longer vehicle combination traveling on the designated state highway segments shall follow in a path of the towing vehicle without shifting or swerving more than three inches to either side when the towing vehicle is moving in a straight line. Consideration shall be given to the condition of the road surface if the combination in operation does not comply with this standard.

920.3 In addition to reporting motor vehicle accidents as required in these rules and in Sections 42-4-1601 et seq., C.R.S., as amended, all accidents involving a longer vehicle combination operated under a permit shall be reported by the Permittee to the Department within ten (10) calendar days of the date of the accident.

920.4 Complaints received by the Permittee concerning operation of longer vehicle combinations shall be reported to the Department within ten (10) calendar days after receiving the complaint.

920.5 The owner of every longer vehicle combination operated under a permit shall have a motor vehicle liability insurance policy in the amounts required in these rules and in Section 42-7-510, C.R.S., as amended, for each combination operated under the permit.

Section 5. Effective Date

This emergency rule is effective March 30, 2020.