

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF STATE PATROL**

**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**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to §42-20-108 (1) and (2), CRS, the Chief of the Colorado State Patrol (CSP) has the authority to promulgate rules and regulations for the permitting, routing, and safe transportation of hazardous materials by motor vehicles within the state of Colorado. Pursuant to §§42-20-403, 504 and 508, CRS, the Chief of the CSP has the authority to promulgate rules and regulations for the permitting, routing, and safe transportation of nuclear materials by motor vehicles within the state of Colorado. Pursuant to §42-20-108.5, CRS, the Chief of the CSP is authorized to also adopt rules and regulations which exempt agricultural products from the hazardous materials rules.

The rules are being amended to update and confirm references to both federal regulations and state statutes; to clarify information related to hazardous materials permits; to address the transportation of Transmix; to clarify the determination of temporary dedicated hazardous materials routes and to address grammatical and formatting errors.

It has been declared by the General Assembly that the permitting, routing, and transportation of vehicles transporting hazardous and nuclear materials is a matter of statewide concern. The absence of implementing 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 rule amendments be adopted.

COLONEL SCOTT HERNANDEZ
Chief, Colorado State Patrol

Date of Adoption

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AUTHORITY

The Chief of the Colorado State Patrol (CSP) is authorized by §42-20-108 (1) and (2) and §§42-20-403, 504, and 508, CRS, to promulgate rules and regulations for the permitting, routing and safe transportation of hazardous and nuclear materials by motor vehicle within the state of Colorado, both in interstate and intrastate transportation. Pursuant to §42-20-108.5, CRS, the Chief of the CSP is authorized to adopt rules and regulations which exempt agricultural products from the hazardous materials rules.

APPLICABILITY

These rules and regulations shall apply to all persons who transport, ship or cause to be transported or shipped, a hazardous material by motor vehicle over the public roads of this state.

COMPLIANCE WITH 8 CCR 1507-1

All commercial vehicles that transport hazardous and/or nuclear materials shall comply with the rules and regulations found at 8 CCR 1507-1, Concerning the Minimum Standards for the Operation of Commercial Vehicles.

GENERAL DEFINITIONS

Unless otherwise specified, definitions of general applicability throughout these rules are:

Enforcement Official: As identified within §42-20-103 (2), CRS, the definition of enforcement official is limited to a peace officer who is an officer of the CSP as described in §§16-2.5-101 and 114, CRS; a certified peace officer who is a certified Port of Entry (POE) officer as described in §§16-2.5-101 and 115, CRS; a peace officer who is an investigating official of the Public Utilities Commission (PUC) transportation section as described in §§16-2.5-101 and 143, CRS; or any peace officer as described in §16-2.5-101, CRS.

Hazardous Materials: As defined within §42-20-103 (3), CRS, are those materials listed in Tables 1 and 2 of Title 49, Code of Federal Regulations (CFR), 172.504 (49 CFR 172.504), excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (1), excluding ores, and the wastes and tailing there from, and excluding special fireworks where the aggregate amount of flash powder does not exceed 50 pounds.

Motor Vehicle: As defined within §42-20-103(4), CRS, is any device which is capable of moving from place to place upon public roads. The term includes, but is not limited to, any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto.

Person: As defined within §42-20-103 (6), CRS, is an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons.

PART I

HAZARDOUS MATERIALS TRANSPORTATION

HMT 1

APPLICATION OF TITLE 49, CODE OF FEDERAL REGULATIONS

The transportation of hazardous materials by motor vehicle must comply with the regulations contained in:

49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings
49 CFR 180	Continuing Qualification and Maintenance of Packagings
49 CFR 387	Minimum Levels of Financial Responsibility for Motor Carriers
49 CFR 397	Transportation of Hazardous Materials; Driving and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulations as the same were in effect on October 1, ~~2016~~2017. As authorized by §42-20-108 (3), CRS, these federal regulations are used as general guidelines by the Chief of the CSP in promulgating these rules and are adopted for enforcement by law enforcement officials with the following modifications:

1. The definition of person provided within 49 CFR 107.1 does not apply.
2. 49 CFR 107.1 (D) (5) does not apply.

HMT 2

INSPECTION STANDARDS

- A. Through a Memorandum of Understanding (MOU) with the Commercial Vehicle Safety Alliance (CVSA), the CSP, as a division of the Colorado Department of Public Safety (CDPS), adopts the CVSA inspection procedures, decal application policies, and Out-of-Service (OOS) criteria established for the inspection of commercial motor vehicles.
- B. Enforcement officials performing safety inspections on motor vehicles transporting hazardous materials shall use the inspection procedures, decal application policies, and OOS criteria, found in the CVSA Operations Manual, effective April 1, 2017.

HMT 3

NOTIFICATION OF INCIDENTS

- A. The driver of a motor vehicle transporting hazardous materials as cargo involved in a hazardous material spill, whether intentional or unintentional, shall give immediate notice of the location of such spill and such other information as necessary to the nearest law enforcement agency as required by §42-20-113 (3), CRS.
- B. A driver of a motor vehicle involved in an incident that may result in a potential spill of hazardous material cargo shall give immediate notice of the incident location and such other information as necessary to the nearest law enforcement agency.
- C. The driver of a motor vehicle involved in a spill of hazardous material from a fuel tank that provides fuel for the motor vehicle and/or equipment thereon, shall give immediate notice of the location of such spill and such other information as necessary to the nearest law enforcement agency.
- D. As it applies to the above paragraphs in this HMT 3, "...such other information as necessary..." includes, but is not limited to, the following:
 - 1. Name of the person reporting the incident;
 - 2. Phone number where person reporting incident can be contacted;
 - 3. Type of incident;
 - 4. Type of motor vehicle involved;
 - 5. Name of motor carrier involved, if applicable;
 - 6. Extent of injuries, if any;

7. Classification, name, and quantity of hazardous materials involved; and
 8. If a continuing danger to public safety or the environment exists at the scene.
- E. As soon as possible after initial notification of a hazardous material spill/incident to the nearest law enforcement agency, the driver or a company representative shall provide the same required information to the:
1. CSP at (303) 239-4501; and
 2. Colorado Department of Public Health and Environment (CDPHE) Environmental Spill Reporting Line at (877) 518-5608.

HMT 4

AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS AND RECORDS

- A. Enforcement officials who are authorized to perform motor vehicle safety inspections on commercial motor vehicles as defined by §42-4-235 (1) (a), CRS, and drivers thereof, shall be required to meet the inspector qualifications set forth in §42-4-235 (4) (a) (I), CRS.
- B. Enforcement officials shall at all times have the authority to inspect motor vehicles, motor vehicle drivers, cargo, and any required documents set forth in 49 CFR 368, 387, 390, 391, 392, 393, 395, 396 and 399, as revised October 1, ~~2016~~2017, whenever motor vehicles are transporting hazardous materials on streets and public roads in the state of Colorado.
- C. CSP Enforcement officials who are certified by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR 385, Subpart C) to perform Compliance Reviews and Safety Audits shall have the authority to enter the facilities of and inspect any motor carrier as defined by §42-4-235 (1) (c), CRS, and any required records and supporting documents, as set forth in 49 CFR 40, 368, 380, 382, 385, 387, 390, 391, 392, 393, 395, 396, and 399, and Appendix G, as revised October 1, ~~2016~~2017.

HMT 5

MOTOR VEHICLE OUT OF SERVICE CRITERIA

- A. The CSP adopts and incorporates by reference the North American Uniform OOS Criteria, as revised April 1, 2017.
- B. Enforcement officials shall use the North American Uniform OOS Criteria when determining whether a motor vehicle should be placed OOS pursuant to §42-20-110, CRS.

HMT 6

VIOLATION PENALTY

Any person shipping or transporting hazardous materials in violation of any of the rules of this part is guilty of a misdemeanor and upon conviction thereof shall be punished by such fine and/or imprisonment as provided in §42-20-109, CRS.

PART II

HAZARDOUS MATERIALS PERMITS

DEFINITIONS

For purposes of this Part II, the following definitions shall also apply:

Liability Insurance or Surety: As used in these rules means insurance or surety for public liability.

Longer Vehicle Combination: Abbreviated as “LVC,” is any of a number of vehicle configurations including a truck tractor as a power unit and multiple trailer combinations identified within §42-4-505(2) (a)-(d), CRS.

Peace Officer: Shall be as defined in §16-2.5-101, CRS.

Public Liability: Liability for bodily injury or property damage, including liability for environmental restoration, as defined within 49 CFR 387.5.

TRANSMIX: ALSO KNOWN AS PETROLEUM DISTILLATES, N.O.S., AND ONLY AS USED WITHIN THIS SECTION, IS A MIXTURE OF REFINED PRODUCTS. TRANSMIX, AS DEFINED BY THESE RULES IS A COMBINATION OF GASOLINE, DIESEL, JET FUEL AND/OR OTHER REFINED PETROLEUM PRODUCTS TRANSPORTED TO PROCESSING PLANTS FOR PURPOSES OF DISTILLATION AND PRODUCT SEPARATION. TRANSMIX FALLS UNDER UN1268 AND IS PLACARDED AS CLASS 3 HAZARDOUS MATERIALS.

HMP 1

ANNUAL PERMIT APPLICATION AND FEES

- A. All Hazardous Materials Transportation Permit applications and fees shall be submitted to the Colorado Public Utilities Commission (PUC) at 1560 Broadway, Ste. 250, Denver, Colorado.
- B. Checks should be made payable to the “Colorado Public Utilities Commission.”
- C. The annual hazardous material transport permit fee schedule is based on the number of motor vehicles an applicant operates within Colorado and may be found at §42-20-202 (1) (b), CRS.

HMP 2

PERMIT CONDITIONS

- A. Hazardous materials transporters operating within the state of Colorado are required to obtain a motor carrier identification number pursuant to the provisions of 49 CFR 390.19 prior to submission of their annual permit application.
- B. The PUC shall, upon review and approval of a permit application, issue an annual permit pursuant to the provisions of §42-20-201, CRS.
- C. ~~When the number of vehicles indicated on a motor carrier's annual permit application is 300 or less, the PUC shall issue to a motor carrier a number of non-transferable permits equal to the number of vehicles indicated.~~ **FEE ASSESSED BY THE PUC FOR AN ANNUAL PERMIT SHALL BE DETERMINED BY THE NUMBER OF VEHICLES BEING PERMITTED AND WILL BE AS DESCRIBED WITHIN §42-20-202 (1) (b), CRS.**
- D. When the number of vehicles indicated on a motor carrier's annual permit application is 301 or more, the ~~PUC shall issue a maximum fee permit to the motor carrier. The maximum fee permit shall contain written authorization for a motor carrier to make as many copies of the permit as necessary to facilitate placing one copy in each of their vehicles that operate within or through the state of Colorado.~~
- E. The required permits **MUST BE READILY AVAILABLE FOR INSPECTION AS REQUIRED BY §42-20-203, CRS.** ~~are to be placed in each motor vehicle operated within or through the state of Colorado except that, if a peace officer or any other enforcement official may determine that the hazardous materials transportation permit can be electronically verified at the time of contact, a copy of the permit need not be carried by the person transporting hazardous materials.~~
- F. Any increase in the total number of declared vehicles operating within or through the state of Colorado must be communicated immediately to the PUC in writing.
- G. No annual permit is to be altered, amended or copied unless authorized in writing by the PUC, or, in the case of a single trip permit (HMP 3), by any enforcement official.

HMP 3

SINGLE TRIP PERMITS

- A. Pursuant to §42-20-202 (1) (c), CRS, single trip permits may be obtained from the CSP at all Port of Entry (POE) weigh stations. Each person transporting hazardous materials in, to, from, or through this state who has not obtained an annual permit from the PUC shall apply for a single trip permit at the closest possible CSP POE weigh station or to a CSP POE officer or office.
 - 1. Each single trip permit shall be valid for a single continuous business venture, but in no event shall the permit be valid for more than 72 hours, unless extended by any enforcement official for any reason the official deems advisable, including mechanical difficulties and road and weather conditions.
 - 2. The single trip permit shall be issued upon the approval of the permit application and upon the payment of a 25 dollar permit fee.

- B. Persons making application for a hazardous materials transportation single trip permit are required by §42-20-202 (3) (a), CRS, to supply proof of liability insurance or surety or sign a verification at time of permit application.
- C. Applicants who sign a verification in lieu of supplying acceptable proof shall, within 30 days following the date of issuance of the permit:
 - 1. Return their copy of the single trip permit to the PUC hazardous materials permitting section; and,
 - 2. Applicants must also include a copy of the acceptable proof of financial responsibility required by §42-20-202, CRS, and as defined in paragraph HMP 4 (B) below.

HMP 4

LIABILITY INSURANCE (§42-20-202 (2) (a) and (3) (a), CRS)

- A. Persons making application for an annual hazardous materials transportation permit must obtain and keep in force public liability insurance or surety at all times that shall not be less than the minimum limits set forth in 49 CFR 387 with schedules and endorsements covering all vehicles that may be operated by, for, or under the control of the carrier.
- B. The carrier shall cause to be filed with the PUC one of the following:
 - 1. A National Association of Regulatory Utility Commission (NARUC) “Form E,” Uniform Major Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer. Also required with this filing is the MCS-90, “Endorsement for Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980,” issued by an insurer(s), and signed by an authorized representative of the insurance company.
 - 2. A form MCS-82, “Motor Carrier Surety Bond for Public Liability under Section 30 of the Motor Carrier Safety Act of 1980,” issued by a surety, and signed by an “Attorney In Fact” with a copy of the Power of Attorney attached; or
 - 3. A copy of a written decision, order, or authorization of the FMCSA authorizing the motor carrier to self-insure under 49 CFR 387.309.
- C. All insurance and surety forms coverage must be filed with the exact name, initial, corporate and trade name (if any), and address as shown in the application records of the PUC.
- D. Subsequent name or policy number changes shall be reflected by the insurer filing an endorsement with the PUC.
- E. Every insurance certificate or surety bond required by and filed with the PUC shall be kept in full force and effect, unless and until canceled by a 30-day written notice or not renewed by a

90-day written notice on a NARUC “Form K,” Uniform Notice of Cancellation of Motor Carrier Insurance Policies; “Form BMC 35,” Notice of Cancellation of Motor Carrier Insurance; or “Form BMC 36,” Notice of Cancellation of Motor Carrier Surety Bond, as applicable, from the insurer or surety to the PUC. The 30-day and 90-day notice shall commence from the date the notice is received by the PUC and the insurance certificate or surety bond shall contain a statement to this effect.

HMP 5

LONGER VEHICLE COMBINATIONS

- A. Motor vehicles defined as “Longer Vehicle Combinations” or “LVCs” operating under the provisions of the Colorado Department of Transportation (CDOT) Rules and Regulations promulgated pursuant to the provisions of §43-4-505, CRS, are prohibited from transporting the following specified hazardous material types and quantities:
1. Any quantity of hazardous material within the hazard classes specified in 49 CFR 172.504, Table 1.
 2. Any material, unless otherwise specified herein, within the hazardous classes specified in 49 CFR 172.504, Table 2, that:
 - a. Exceeds 55 gallons per package.
 - b. Is transported in bulk quantities (containment system in excess of 3500 water gallons), except as provided in paragraph (B), 1 through 5.
 - c. Is classified as a “Material Poisonous by Inhalation”- as defined in 49 CFR, Part 171.8.
 - d. Requires evacuation of populated areas as specified in the 2012 North American Emergency Response Guidebook.
- B. The prohibition in subparagraph A (2) (b) above, does not apply to the following petroleum based products when transported in bulk quantities in an LVC of the type described in §42-4-505 (c) and (d), CRS:
1. Gasoline, UN1203
 2. Diesel Fuel, NA1993
 3. Crude Oil, UN1267
 4. Liquefied Petroleum Gas, UN1075
 5. Aviation Fuel, UN1863
 6. **TRANSMIX, UN1268**

- C. Persons operating LVCs must comply with all other provisions of state law, rules and regulations as applicable.

HMP 6

VIOLATION PENALTY

Any person shipping or transporting hazardous materials in violation of any rule in this part shall be punished as provided in §42-20-204, CRS.

PART III

HAZARDOUS MATERIALS ROUTE DESIGNATION

DEFINITIONS

The definitions provided in §§42-20-103 and 29-22-101, CRS, shall apply to these rules and regulations. The following definition shall also apply:

Petition: As used within these rules means the CSP Hazardous Material Route Designation Petitioning Packet, including the route analysis process, worksheets, and petition resolution.

HMR 1

APPLICATION FOR ROUTE DESIGNATION

- A. Local governmental authorities and CDOT, hereafter referred to as “petitioning authorities,” making application to the CSP for a new hazardous materials route designation or for a change in an existing route designation pursuant to §42-20-302, CRS, may submit a petition for such route designation to the CSP, no more than once a year.
- B. Entities seeking to petition for a hazardous materials route designation should contact CDOT for consultation and guidance regarding the format and substance of the route petition. Additional guidance on petitioning for a hazardous material route designation is available from CDOT at the following physical and website address:

Colorado Department of Transportation
Division of Transportation Development
4201 E. Arkansas Ave
Denver, CO 80222
[HTTPS://WWW.CODOT.GOV/BUSINESS/HAZMAT-ROUTING](https://www.codot.gov/business/HAZMAT-ROUTING)

- C. Prepared Petitions should be delivered to:

Colorado State Patrol
Hazardous Materials Section
15065 S. Golden Rd.
Golden, CO 80401-3990
Phone: 303-273-1900

- D. All petitions received by the CSP will be considered to be “submitted” as required by §42-20-302 (1), CRS.
- E. The filing date for a “complete petition” as referenced by §42-20-302 (4), CRS, shall be the date of its acceptance by the CSP. Applicants will be notified in writing of the date of acceptance.

HMR 2

ROUTE DESIGNATION SIGNS

- A. Local governmental authorities electing to use signs to give notice of approved route designations within their jurisdiction pursuant §42-20-303, CRS, shall use the hazardous materials route designation and/or restriction sign standards adopted by CDOT.
- B. Local governmental authorities must specify the location of each sign erected to mark an approved route in writing to the CSP Hazardous Materials Section within 60 days of the approval of the route designation.

HMR 3

PROFESSIONAL QUALITY MAPS

- A. Local governmental authorities electing to use professional quality maps to identify approved route designations within their jurisdiction pursuant to §42-20-302 (8), CRS, shall meet the following minimum requirements:
 - 1. Scale: The map scale should be of sufficient proportions to clearly show the passage of a designated route within or through the jurisdiction.
 - 2. Colors: Designated routes or other approved route restrictions must be printed in red on a white background. All other printing should be in black.
 - 3. Legend: The map legend should clearly describe the graphic representations used within the map.
 - 4. Map Graphics: The map should use graphic symbols that clearly represent the difference between designated routes, other highways, and jurisdiction boundaries.
 - 5. Route Information: The map should include a telephone number where the operator of a motor vehicle transporting hazardous materials can obtain additional information on routes, guidance regarding other restrictions within the jurisdiction or emergency assistance on a 24 hour basis.
- B. Local governmental authorities must submit copies of their professional quality maps within 60 days of an approved route designation to the CSP Hazardous Materials Section for approval.

HMR 4

DESIGNATED ROUTE REVIEWS/SURVEYS

- A. Petitioning authorities must communicate changes in the original data and/or information used to evaluate the risk level associated with an approved route to the CSP Hazardous Materials Section immediately, or as soon as is practicable, following the change. A change would be considered to be, but not limited to, the following:
 - 1. a change in the accident rate;
 - 2. a change in the mandatory or subjective factors affecting the route.
- B. The CSP will periodically review the status of designated routes to determine if the approval terms of §42-20-302 (8) (a) (I-IV), CRS, continue to be met. Upon review, routes demonstrating a change in the risk level of the route toward a higher risk factor or that are impacted significantly by a change in a mandatory or subjective factor may be subject to reevaluation by the CSP at any time.
- C. The CSP will notify petitioning authorities in writing if, after reevaluation, any designated route within their jurisdiction no longer meets the acceptance terms specified in §42-20-302 (8) (a) (I-IV), CRS.
- D. If a designated route no longer meets the above referenced acceptance terms, the CSP will consult with the petitioning authority to coordinate the submission of a revised petition. Petitions submitted for a change in an existing route designation are subject to the conditions and procedures of §42-20-302, CRS.
- E. The CSP will conduct route surveys on designated routes on an as-needed basis. These surveys will be conducted to determine the type and quantity of materials being transported and the frequency of such transportation. Surveys conducted in incorporated areas will only be done after consultation with the appropriate local governmental agency.
- F. There will be no exceptions and/or exemptions to designated hazardous materials routes other than those already specified within Title 42, Article 20, CRS.

HMR 5

EMERGENCY ROAD CLOSURE

- A. The closing of a public road that is designated as a hazardous materials route, or restrictions on the movement of traffic over the same due to highway construction, severe weather or

other factors, must be communicated by CDOT or the affected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303) 273-1900. The CSP Denver Regional Communications Center must be contacted where these events occur outside of normal business hours at (303) 239-4501.

- B. When a hazardous materials route is restricted and/or closed, the CSP will determine if a temporary alternate route should be identified.
- C. **IN THE EVENT OF A DECLARATION OF EMERGENCY, THE CSP CHIEF WILL DETERMINE A TEMPORARY HAZARDOUS MATERIAL TRANSPORTATION ROUTE OR ROUTES. IF DETERMINED APPROPRIATE, THE CSP WILL DECLARE A TEMPORARY HAZARDOUS MATERIAL ROUTE THAT MAY REMAIN IN EFFECT FOR PERIOD NOT TO EXCEED THE DURATION OF THE DECLARED EMERGENCY.**
 - 1. **THE DEFINITION OF “EMERGENCY” SHALL BE CONSISTENT WITH AND AS ADOPTED WITHIN 8 CCR 1507-1, THE RULES AND REGULATIONS CONCERNING MINIMUM STANDARDS FOR THE OPERATION OF COMMERCIAL VEHICLES.**
- D. The CSP will notify the appropriate local law enforcement agencies regarding any temporary closure and whether or not an alternate route has been temporarily designated.

HMR 6

EMERGENCY RESPONSE CAPABILITIES

- A. Local governmental authorities petitioning for a route designation must provide the CSP Hazardous Materials Section with the following information on hazardous materials emergency response services within their jurisdiction:
 - 1. The agencies who provide emergency services along the proposed route(s) and available alternatives identified in the analysis;
 - 2. Of these, which agencies respond to hazardous materials incidents and during what periods of time service is available;
 - 3. Which agencies have emergency response teams and the total number of teams they have;
 - 4. The total number of emergency response personnel for each agency and their level of hazardous materials training; and
 - 5. An inventory, list or other information identifying the hazardous materials response equipment available from each agency.
- B. Provide the following information for each agency identified above:
 - 1. Response agency name;

2. Agency address;
 3. Name of contact person and an alternate;
 4. 24-hour emergency phone number;
 5. Non-emergency phone number; and
 6. Radio frequencies and call signs.
- C. Any changes to the above information should be communicated in writing, as soon as possible but no later than 45 days following the change, to the CSP Hazardous Materials Section at 15065 S Golden Rd., Golden, Colorado, 80401-3990.

HMR 7

COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)

CDOT is not required to meet the reporting requirements of Rule HMR 6. However, where CDOT, by agreement, submits a petition for a local governmental authority pursuant to §42-20-302 (9), CRS, provision must be made within the agreement for compliance with the above reporting requirements.

HMR 8

ROUTES TO BE USED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS PURSUANT TO §42-20-305, CRS

A. North – South Routes:

1. Colorado 9 from US 40 in Kremmling to Interstate 70 in Silverthorne.
2. Colorado 13 from Wyoming to Moffat County Road 183 North of Craig.
3. Colorado 13 from US 40 West of Craig South to US 6 West of Rifle.
4. Colorado 17 from US 285 near Mineral Hot Springs to US 160 near Alamosa.
5. Interstate 25 from Wyoming to New Mexico.
6. Colorado 47 from Interstate 25 to the junction of US 50.
7. Colorado 71 from Colorado 14 to US 24 in Limon (East junction).
8. Colorado 71 from US 24 in Limon (West junction) to US 50 near Rocky Ford.

9. Colorado 79 from Colorado 52 to Interstate 70 at Bennett.
10. Colorado 83 from US 24 to Colorado 115.
11. Colorado 91 from Interstate 70 to US 24 near Leadville.
12. Colorado 113 from Nebraska to US 138.
13. Colorado 115 from Colorado 83 to US 50.
14. Colorado 119 from Colorado 157 to Colorado 52.
15. Colorado 125 from Wyoming to US 40 West of Granby.
16. Colorado 127 from Wyoming to Colorado 125.
17. US 138 from Colorado 113 to US 6 (Chestnut St.) in Sterling.
18. Colorado 139 from Colorado 64 in Rangely to Interstate 70 near Loma.
19. Colorado 141 from Interstate 70 business loop near Grand Junction to US 50.
20. Colorado 141 from US 50 to US 491.
21. Colorado 157 from US 36 to Colorado 119.
22. Interstate 225 from Interstate 70 to Interstate 25.
23. US 287 from US 40 in Kit Carson to Oklahoma.
24. US 285 from US 160 in Alamosa to New Mexico.
25. US 285 from Colorado 470 to Colorado 112.
26. US 491 from Utah to New Mexico.
27. US 285 from Colorado 112 to US 160.
28. US 85 from Wyoming to Interstate 76.
29. Colorado 71 from Nebraska to Colorado 14.
30. US 385 from Interstate 76 in Julesburg to US 40 in Cheyenne Wells.
31. The City of Lamar's Second Street from US 50/385 to Maple Street.
32. The City of Lamar's Maple Street from Second Street to US 50/287.

33. The City of Craig's Great Divide Road from US 40 North to the city limits.
34. Moffat County Road 7 (Great Divide Road) from the Craig City limits North to Moffat County Road 183.
35. Moffat County Road 183 from Moffat County Road 7 (Great Divide Road) East to Colorado 13.

B. East – West Routes:

1. US 6 (Loveland Pass) from Interstate 70 just East of the Eisenhower/Johnson Tunnels to Interstate 70 at Silverthorne.
2. US 6 from Colorado 13 West of Rifle West to exit/entrance number 87 on Interstate 70.
3. US 6 from State Highway 14 (Main St.) in Sterling to Nebraska.
4. Colorado 10 from Interstate 25 in Walsenburg to US 50 in La Junta.
5. Colorado 14 from US 40 to Colorado 125.
6. Colorado 14 from interstate 25 to US 6 in Sterling.
7. US 24 from Colorado 91 at Leadville to Interstate 25 in Colorado Springs.
8. US 24 from Colorado 83 to Interstate 70 at West Limon (Exit 359).
9. US 24 business route from US 24 on the West side of Limon to the West junction of Colorado 71.
10. US 24 business route from the East junction of Colorado 71 (in Limon) to I-70 (Exit 363).
11. US 34 from Interstate 25 to Interstate 76.
12. US 34 from the West junction of Colorado 71 to Nebraska.
13. US 36 from Interstate 25 to Colorado 157.
14. US 36 from Interstate 70 in Byers to Kansas.
15. US 40 from Utah to the intersection of Colorado 13 West of Craig.
16. US 40 from Moffat County Road CG 2 (First Street) just East of Craig to Interstate 70.

17. US 40 from I-70 (Exit 363) in Limon to Kansas.
18. US 50 from the North junction of Colorado 141 near Grand Junction to Kansas.
19. Colorado 52 from Colorado 119 to Colorado 79.
20. Colorado 64 from US 40 in Dinosaur to Colorado 13.
21. Interstate 70 from Utah to US 6 at Silverthorne (Loveland Pass).
22. Interstate 70 from US 6 just East of Loveland Pass to Interstate 25.
23. Interstate 70 from Interstate 270 to Kansas.
24. Interstate 70 business route from Interstate 70 East of Grand Junction to Colorado 141.
25. Interstate 76 from Interstate 25 to Nebraska.
26. Colorado 112 from US 285 to US 160.
27. US 160 from New Mexico to Interstate-225 business route in Walsenburg, South to Exit 49 on Interstate 25.
28. Interstate 270 from Interstate 70 to Interstate 76.
29. Colorado 470 from US 285 to Interstate 70.
30. US 550 from Us 160 to New Mexico.
31. The City of Craig's 1st Street from Colorado 13 East to the city limits at Colorado 394.
32. Moffat County Road CG 2 (First Street) from the Craig City limits at Colorado 394 East to US 40.

C. While generally required to employ designated state, federal and interstate roadways, transporters of Gasoline, Diesel Fuel and Liquefied Petroleum Gas may routinely travel on the following state and federal highways:

1. US 160 from Interstate-25 to the Kansas border.
2. US 350 from US 160 to US 50.
3. US 385 from US 50 to US 40.
4. SH 96 from SH 71 to the Kansas Border, and

5. SH 109 from US 160 to East 3rd Street in La Junta.

HMR 9

PARKING REGULATIONS AND ORDINANCES

- A. Local governmental jurisdictions requiring approval of parking regulations or ordinances pursuant to the provisions of §42-20-302, CRS, must submit a copy of the proposed regulations or ordinances to:

Colorado State Patrol
Hazardous Materials Section
15065 S. Golden Rd.
Golden, CO 80401-3990

- B. The criteria for approval of regulations or ordinances concerning the parking of motor vehicles transporting hazardous materials contained herein apply only to those parking regulations and ordinances submitted by local governmental jurisdictions which affect such vehicles operating in conjunction with the use of a designated hazardous material route or routes.
- C. The CSP will use the criteria of this HMR 9 when reviewing regulations or ordinances for approval.
- D. Parking regulations or ordinances adopted by local governmental jurisdictions pursuant to the authority provided in §42-20-302 (2), CRS, as amended, must not unreasonably limit parking:
 1. On or near a designated hazardous material route;
 2. For the purpose of pick up or delivery of hazardous materials;
 3. In an emergency, i.e., breakdown or accident; or
 4. For the purpose of a rest stop, i.e., meals, restroom breaks, or to comply with the driver's hours-of-service requirements as defined in 49 CFR 395 as revised October 1, ~~2016~~2017.
- E. For the purposes of this Rule HMR 9, parking regulations or ordinances may be deemed to "unreasonably limit" when they are at variance with and more stringent than the regulations of the United States Department of Transportation as published in 49 CFR 397, as revised October 1, ~~2016~~2017.
- F. No parking regulation or ordinance shall require a permit or payment of a fee for parking which is necessary and incident to the transportation of hazardous materials on or near a

hazardous materials route. This provision does not apply where fees are collected from all motor vehicles, regardless of the type of commodity being transported, i.e. metered parking.

HMR 10

VIOLATION PENALTY

Any person shipping or transporting hazardous materials in violation of any of the rules of this part shall be punished as provided in §42-20-305, CRS.

PART IV

TRANSPORTATION OF NUCLEAR MATERIALS

DEFINITIONS

The definitions provided in §§42-20-103 and §42-20-402, CRS, shall apply to these rules and regulations. The following definition will also apply:

Complaint: A written document stating the essential facts and supporting documentation regarding any offense(s) charged.

NMT 1

APPLICATION OF 10 AND 49 CFR

A. The transportation of nuclear materials as defined within §42-20-402 (3) (a)-(c), CRS, by motor vehicle must comply with the regulations contained in:

49 CFR 107	Hazardous Materials Program Procedures
49 CFR 171	General Information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans
49 CFR 173	Shippers- General Requirements for Shipments and Packagings
49 CFR 177	Carriage by Public Highway
49 CFR 178	Specifications for Packagings

- 49 CFR 180 Continuing Qualification and Maintenance of Packagings
- 49 CFR 387 Minimum Levels of Financial Responsibility for Motor Carriers
- 49 CFR 397 Transportation of Hazardous Materials Driving; and Parking Rules

of the United States Department of Transportation Hazardous Materials Regulations as the same were in effect on October 1, ~~2016~~2017. As authorized by §42-20-403, CRS, these rules are promulgated by the Chief of the CSP for the safe transportation of nuclear materials with the following modifications:

1. The definition of person provided within 49 CFR 107.1 does not apply.
- B. Licensees shipping a Highway Route Controlled Quantity of nuclear material, as defined in 49 CFR 173.403 within or through the state and not otherwise required to comply with the provisions of 10 CFR 71.97 or 73.27, must provide advanced notification of shipment to the Governor or his designee in accordance with the requirements of 10 CFR 71.97 (c).

NMT 2

INSPECTION REQUIREMENTS

- A. Shipments entering the state: All motor vehicles carrying nuclear materials and entering the state on public roads shall be inspected by officers of the CSP nearest to the point at which the shipment enters the state or at a location specified by the CSP.
- B. Shipments originating within the state: All motor vehicles carrying nuclear materials shipments which originate within the state shall be inspected by the CSP at the point-of-origin.
- C. Inspection procedures by the CSP shall be in accordance with the CVSA inspection procedures, decal application policies, and OOS criteria, found in the CVSA Operations Manual, as were in effect on April 1, 2017.
- D. Before being authorized to continue its journey after being involved in a crash, the motor vehicle and shipping container shall be inspected by a qualified inspector in accordance with the procedures identified in paragraph C above.

NMT 3

ANNUAL PERMIT APPLICATION AND FEES

- A. All annual nuclear materials transportation permit application and fees shall be submitted to the Colorado PUC at 1560 Broadway, Ste. 250, Denver, Colorado 80203.
- B. The annual permit fee shall be \$500 and each permit will be valid for one year from the date of issuance.

- C. In addition to the annual permit fee, each carrier shall pay a \$200 fee for each shipment that is transported.
1. Shipment fees shall be paid by mail and postmarked seven (7) days prior to the date the shipment is made or at the time the shipment enters the state (at the POE weigh station nearest the point at which the shipment enters the state), if a regularly scheduled shipment is to be made, the carrier may make arrangements with the PUC to pay shipment fees on a monthly basis.
 2. If the shipment originates within the state, payment shall be made at the POE weigh station nearest the point of shipment origination, or mailed as provided in NMT 3 (C) (1) above.
 3. Make checks payable to the “Colorado Public Utilities Commission.”
- D. No person shall transport nuclear materials into, within, through, or out of the state of Colorado until a permit authorizing such transportation has been issued in accordance with provisions of NMT 3.
- E. Each person transporting nuclear materials within this state shall carry a copy of the shipping papers required in 49 CFR 172, Subpart C, as revised October 1, ~~2016~~2017 and a copy of the nuclear materials transportation permit in the motor vehicle.

F. **Permit Conditions**

1. Nuclear materials transporters operating within the state of Colorado are required to obtain a motor carrier identification number pursuant to the provisions of 49 CFR 390.19, prior to submission of their nuclear materials transportation permit application.
2. The PUC shall, upon review and approval of a nuclear materials transportation permit application, issue a nuclear materials transportation permit pursuant to §42-20-501, CRS.
3. A copy of the nuclear materials transportation permit shall be placed in each motor vehicle operated within or through the state of Colorado except that, if a peace officer or any other enforcement official may determine that the nuclear materials transportation permit can be electronically verified at the time of the contact, a copy of the permit need not be carried by the person transporting nuclear materials.
4. No nuclear materials transportation permit is to be altered, amended or copied unless authorized in writing by the PUC, or, in the case of a single permit, by any law enforcement official.

NMT 4

AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS AND RECORDS

- A. Personnel of the CSP may at any time inspect any vehicle driver, cargo, shipping papers, nuclear materials transportation permit and any other papers as required by law or rule to be carried when transporting nuclear materials on public roads in the state of Colorado.
- B. Personnel of the CSP and the PUC may inspect any and all books and records connected with the shipment of nuclear materials by any carrier, shipper, or person who transports, ships or who causes to be transported or shipped any nuclear materials within the state of Colorado.

NMT 5

VIOLATIONS- CIVIL PENALTIES

- A. Any person who violates any provision of Article 20, Title 42, Parts 4 and 5, CRS, or these rules and regulations, except for the violations enumerated in subsection (3) of §42-20-406, CRS, and of §42-20-505, CRS, shall be subject to a civil penalty of not more than 10,000 per day for each day during which the violation occurs. The penalty shall be assessed by the Chief of the CSP upon receipt of a complaint by any investigative personnel of the PUC, POE or CSP officer and after written notice and opportunity for a hearing pursuant to §24-4-105, CRS.
- B. Any person who commits any acts enumerated in §42-20-406 (3), CRS, shall be subject to the civil penalties listed in §42-20-406 (3) (a) through (w), CRS.
- C. Any person who violates any of the provisions of NMT 3 or 4 of these rules, shall be subject to the civil penalties listed in §42-20-505, CRS.
- D. Any person who violates a compliance order of the Chief of the CSP which is not subject to a stay pending judicial review and which has been issued pursuant to §42-20-208, CRS, shall be subject to a civil penalty of not more than \$10,000 per day for each day during which the violation occurs.

NMT 6

CIVIL PENALTY ASSESSMENT PROCEDURES

- A. All violations of statutes cited in NMT 5(A), (C), and (D) shall be investigated and summarized in a complaint filed by an authorized investigator of the Commission or the CSP. The investigation shall include, as applicable, the nature and gravity of any violations, the degree of culpability, any history of violations, and other public safety concerns.
- B. Civil penalties for violations of §§42-20-406 (3), and §42-20-505 (2), CRS, shall be assessed pursuant to statute and shall appear on the complaint prior to service.
- C. The complaint shall be served in person or by certified mail at the motor carrier's last known address on file at the CSP.

- D. Complaints containing violations of NMT 5 (A) and §42-20-505 (1), CRS, shall provide notice of an opportunity to appear before the Chief of the CSP, or designee, for the purpose of contesting the violation or for providing mitigating factors to be considered in determining the amount of civil penalty to be assessed.
1. Within 30 days of service of the complaint, the carrier shall file a written response containing:
 - a. A request for a formal hearing before the Chief of the CSP or a designee pursuant to §24-4-105, CRS;
 - b. A request for an informal hearing before the Chief of the CSP or designee; or
 - c. A waiver of the right to a hearing before the Chief of the CSP or designee.
 2. A request for an informal hearing before the Chief of the CSP or designee shall constitute a waiver of the right to a hearing pursuant to §24-4-105, CRS.
 3. Failure to timely file a written response shall constitute a default. Upon entry of a default, the Chief of the CSP or designee shall assess a civil penalty against the carrier. For good cause shown, the entry of default may be set aside by the Chief of the CSP or any designee within 10 days of the default.
 4. Within 30 days of receiving all relevant information, the Chief of the CSP or designee shall issue a final written agency decision to include the specific violations and assessed civil penalties. The final agency decision shall be served upon the carrier in person or by first class mail at the motor carrier's last known address on file at the CSP.

NMT 7

MISCELLANEOUS REQUIREMENTS

- A. Motor vehicles transporting nuclear materials shall schedule trips through all Colorado municipalities of over 50,000 in population so as to avoid rush-hour traffic.
1. For purposes of these rules, rush-hour is defined to be 6:00 am to 9:00 am and 3:00 pm to 6:00 pm, Monday through Friday.
 2. As a practical matter, this applies to the cities of Fort Collins, Denver (greater metropolitan area), Colorado Springs, and Pueblo.
 3. Motor vehicles transporting nuclear materials may access the POE weigh station on Interstate 25 in Fort Collins during rush-hour periods for the purpose of being inspected as required by §42-20-404, CRS.

NMT 8

ESCORT REQUIREMENT

- A. The CSP, based on security and/or emergency response concerns, may require motor vehicles transporting nuclear materials to be escorted by a CSP Hazardous Materials Team when traveling within or through the state. When it is required, the Hazardous Materials Team escort will supplement, but not replace, the escort(s) required for a shipment of irradiated reactor fuel under the provisions of 10 CFR 73.37 (b) and (c).
- B. A licensee (10 CFR 2.4) will be notified that a CSP Hazardous Materials Team escort is required following receipt of the shipment notification by the Governor or Governor's designee, in accordance with the provisions of 10 CFR 73.37 (f).

NMT 9

NOTIFICATION OF INCIDENTS

- A. A driver of a motor vehicle involved in a spill or potential spill of nuclear materials shall comply with the incident notification provision contained in HMT 3.
- B. The driver of a motor vehicle transporting nuclear materials as cargo involved in a motor vehicle crash, regardless of whether there is damage to the transporting motor vehicle, shall immediately notify the CSP at (303) 239-4501.

PART V

NUCLEAR MATERIAL ROUTE DESIGNATION

NMR 1

ROUTES TO BE USED FOR THE TRANSPORTATION OF NUCLEAR MATERIALS

- A. In order to ensure safe and environmentally acceptable transportation of nuclear materials within the state of Colorado, motor vehicles transporting nuclear materials shall travel only on those state highway segments as follows:
 - 1. For vehicles traveling North on Interstate Highway 25 and then going East on Interstate Highway 70, the following route will be used. Vehicles following the opposite direction will use the same routing in the opposite direction:
 - a. On Interstate Highway 25 between the Colorado-New Mexico state line and the junction with Interstate Highway 225; then,

- b. On Interstate Highway 225 between the junction with Interstate Highway 25 and the junction with Interstate Highway 70; then,
 - c. On Interstate Highway 70 between the junction with Interstate Highway 225 and the Colorado-Kansas state line.
 - 2. For vehicles traveling West on Interstate Highway 70 and then going North on Interstate Highway 25, the following route will be used. Vehicles following the opposite direction will use the same routing in the opposite direction:
 - a. On Interstate Highway 70 between the Colorado-Kansas state line and the junction with Interstate Highway 270; then,
 - b. On Interstate Highway 270 between the junction with Interstate Highway 70 and the junction with Interstate Highway 25; then,
 - c. On Interstate Highway 25 between the junction with Interstate Highway 270 and the Colorado-Wyoming state line.
 - 3. For vehicles traveling North on Interstate Highway 25 between the Colorado-New Mexico state line and the Colorado-Wyoming state line the following route will be used. Vehicles following the opposite direction will use the same routing in the opposite direction:
 - a. On Highway 25 between the Colorado-New Mexico state line and the Colorado-Wyoming state line.
 - 4. For vehicles traveling North on Interstate Highway 25 and then going North on Interstate Highway 76, the following route will be used. Vehicles following the opposite direction will use the same routing in the opposite direction:
 - a. On Interstate Highway 25 between the Colorado-New Mexico state line and the junction with Interstate Highway 76; then,
 - b. On Interstate Highway 76 between the junction with Interstate Highway 25 and the Colorado-Nebraska state line.
- B. Motor vehicles transporting nuclear materials shall under no circumstances travel on those state highway segments designated as follows:
 - 1. On Interstate Highway 70 between the Colorado-Utah state line and the junction with U.S. 40, at milepost 361.630.
 - 2. On Interstate Highway 70 between the junction with Interstate Highway 25 at milepost 274.039 and the junction with State Highway 2 at milepost 276.572.
- C. No carrier shall deviate from the routes designated in this rule except:

1. In cases of emergency conditions making continued use of the designated route unsafe;
2. When the designated route is closed due to road conditions, road construction, or maintenance operations.
3. To make local pickups and deliveries; or
4. To refuel. When making local pickups and deliveries or when refueling, the carrier shall minimize the distance traveled on non-designated routes.

NMR 2

EMERGENCY ROAD CLOSURE

- A. The closing of a public road that is designated as a nuclear materials route, or restrictions on the movement of traffic over the same due to highway construction, severe weather, or other factors must be communicated by CDOT or the effected county road and bridge office as soon as possible to the CSP Hazardous Materials Section during normal business hours at (303) 273-1900. The CSP Denver Regional Communication Center must be contacted where these events occur outside of normal business hours at (303) 239- 4501.
- B. When a nuclear materials route is restricted and/or closed, the CSP will determine if a temporary alternative route should be identified.
- C. The CSP will notify the appropriate local law enforcement agencies regarding any temporary closure and if an alternate route has been temporarily designated.
- D. Vehicles transporting nuclear materials are required to be escorted while traveling off a designated nuclear materials route due to an emergency road closure or other condition that restricts the movement of traffic over the same. The escort will be provided by the CSP, or when previously arranged by the CSP, by the local law enforcement agency in whose jurisdiction the closure or restriction occurs.

PART VI

INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS

AUTHORITY

The CSP is mandated by the provisions of §42-20-108.5, CRS, to adopt rules and regulations concerning the intrastate transportation of agricultural products in the state of Colorado.

APPLICABILITY

These rules and regulations shall apply to any person transporting an agricultural product in accordance with 49 CFR 173.5, as revised October 1, ~~2016~~2017.

DEFINITIONS

Agricultural Product: As defined by §42-20-108.5 (2) (a), CRS, a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to, a fertilizer, pesticide, soil amendment, or fuel. An agricultural product is limited to a material in class 3, 8, or 9, division 2.1, 2.2, 5.1, 6.1 or an ORM-D material as set forth in 49 CFR 172 and 173.

Farmer: As defined by §42-20-108.5 (2) (b), CRS, a person or such person's agent or contractor engaged in the production or raising of crops, poultry, or livestock.

HMA 1

EXEMPTIONS FROM THE FEDERAL RULES IN 49 CFR 173.5

The Chief of the CSP hereby adopts by rule and regulation the exemption provisions authorized in the federal rules, found at 49 CFR 173.5 and authorized by §42-20-108.5, CRS.

PUBLICATIONS AND RULES INCORPORATED BY REFERENCE

- A. All publications and rules adopted and incorporated by reference in these regulations are on file and available for public inspection by contacting the officer in charge of the CSP, Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO 80401-3990. This rule does not include later amendments to or editions of any materials incorporated by reference. All publications and rules adopted and incorporated by reference in these regulations may be examined at any state publications depository library.
- B. These rules are also available from the Hazardous Materials Section webpage of the CDPS website at WWW.COLORADO.GOV/PUBLICSAFETY.