

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

Amendments are being proposed to 8 CCR 1507-25

- Adopting updated editions of the FMCSRs and CVSA Inspection and Out-of-Service Criteria;
- Reconciling and clarifying references to state statutes, related state rules, and federal regulations specifically addressing the Hazardous Materials Petition Application process, routing consideration factors and the conditions applicable to hazardous materials routing;
- Updating references to the Public Utilities Commission relevant to the application for and purchase of hazardous and nuclear materials permits to the Colorado Department of Transportation consistent with recently passed legislation and consistent with recently revised state statutes;
- Clarifying the statutory authority of the Colorado State Patrol to temporarily designate alternate hazardous materials routes or to temporarily apply conditions or restrictions to the use of existing hazardous materials routes in response to conditions adverse to public welfare and safety;
- Introducing new definitions applicable to these rules and standardizing the use of repetitions phrasing, updating and applying acronyms and abbreviations to these rules as appropriate throughout;
- Updating formatting of the rules in their entirety, applying paragraph subtitles and other formatting elements consistent with recommendations made by the Colorado Secretary of State; and
- Introducing a severability clause into these rules.

It has been declared by the General Assembly that the permitting, routing, and transportation of hazardous and nuclear materials is a matter of statewide interest and concern. The absence of rules to carry out the purpose of the statutes applicable thereto is contrary to the public health, peace, safety, and the welfare of this state. For these reasons, it is necessary that these rules, inclusive of the revisions proposed, are adopted.

Colonel Matthew C. Packard
Chief, Colorado State Patrol

Date of Adoption

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PART 1

GENERAL STATEMENTS

1.0 AUTHORITY. The Chief of the Colorado State Patrol is authorized by §42-20-108 (1) and (2) and §§ 42-20-403, 42-20-504 and 42-20-508, 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 **EITHER** interstate or intrastate transportation. **ADDITIONALLY, CONSISTENT WITH** Pursuant to §42-20-108.5, CRS, the Chief of the ~~CSP~~ **COLORADO STATE PATROL** is also authorized to adopt rules and regulations which exempt **EXEMPTING** agricultural products from hazardous materials rules.

1.1 APPLICABILITY. These rules and regulations shall apply to all persons who transport, ship or cause to be transported or shipped, a hazardous, **NUCLEAR, OR AGRICULTURAL** materials or **PRODUCTS** by motor vehicle over the public roads of this state **COLORADO**.

1.2 REQUIRED COMPLIANCE WITH 8 CCR 1507-1. MINIMUM STANDARDS FOR COMMERCIAL VEHICLE OPERATION IN COLORADO. All commercial vehicles that transport hazardous and/or nuclear materials shall ~~shall~~ **MUST** comply with the Rules and Regulations Concerning the Minimum Standards for the Operation of Commercial Vehicles, 8 CCR 1507-1.

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1.3 **GENERAL DEFINITIONS.** Unless otherwise specified, definitions of general applicability throughout these rules are:

1.3.1 CDOT: COLORADO DEPARTMENT OF TRANSPORTATION.

1.3.2 CDPHE: COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

1.3.3 CDPS: COLORADO DEPARTMENT OF PUBLIC SAFETY.

1.3.4 CFR: CODE OF FEDERAL REGULATIONS.

1.3.5 CHIEF: MEANS THE CHIEF OF THE COLORADO STATE PATROL. UNLESS OTHERWISE SPECIFIED, ALSO INCLUDES THE DESIGNEES OF THE CHIEF OF THE COLORADO STATE PATROL.

1.3.6 CSP: COLORADO STATE PATROL.

1.3.7 CVSA: COMMERCIAL VEHICLE SAFETY ALLIANCE.

1.3.8 Enforcement Official: As identified within §42-20-103 (2), CRS, is limited to a peace officer who is an officer of the CSP as described in §§16-2.5-101 and 16-2.5-114, CRS; a certified peace officer who is a certified Port of Entry ~~(POE)~~ officer as described in §§16-2.5-101 and 16-2.5-115, 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 16-2.5-143, CRS; or any peace officer as described in §16-2.5-101, CRS.

1.3.9 FMCSA: FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

1.3.10 FMCSR: FEDERAL MOTOR CARRIER SAFETY REGULATIONS.

1.3.11 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 (2), excluding ores, and the wastes and tailing therefrom, and excluding special fireworks where the aggregate amount of flash powder does not exceed 50 pounds.

1.3.12 Motor Vehicle: As defined within §42-20-103 (4), CRS, is any device 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.

1.3.13 MOU: MEMORANDUM OF UNDERSTANDING.

1.3.14 OOS: OUT-OF-SERVICE.

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1.3.15 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.

1.3.16 POE: PORT OF ENTRY, A BRANCH OF THE CSP.

1.3.17 PUC: PUBLIC UTILITIES COMMISSION.

PART I
PART 2
HAZARDOUS MATERIALS TRANSPORTATION
(HMT)

HMT 1

~~**APPLICATION OF TITLE 49, CODE OF FEDERAL REGULATIONS**~~

HMT2.0 APPLICATION OF 49 CFR TO THE TRANSPORTATION OF HAZARDOUS MATERIALS

The transportation of hazardous materials by motor vehicle must ~~comply~~ **OCCUR CONSISTENT** 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

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of the United State Department of Transportation Hazardous Materials Regulations as the same were in effect on October 1, 2019-2020. As authorized by §42-20-108 (3), CRS, **PROVIDES THAT** these federal regulations **MAY BE** are used as general guidelines by the Chief of the CSP in **THE PROMULGATION OF** promulgating these rules. **THESE RULES ADOPT THE AFOREMENTIONED SECTIONS OF THE CFR TO SUPPORT THE** and are adopted for enforcement **OF REGULATIONS APPLICABLE TO THE TRANSPORTATION OF HAZARDOUS MATERIALS,** by law enforcement officials with the following modifications:

HMT2.0.1 **1. DEFINITION OF PERSON.** The definition of person **IS AS IT IS DESCRIBED WITHIN THESE RULES. THE DEFINITION OF PERSON** provided SET FORTH within §49 CFR 107.1 ~~does~~ **IS** not apply **APPLICABLE.**

HMT2.0.2 **2. INAPPLICABILITY OF FEDERAL HAZARDOUS MATERIALS REGULATIONS EXEMPTION TO PERSONS AND FUNCTIONS.** §49 CFR 171.1 (d) (5), **AS IT EXEMPTS SPECIFIC FUNCTIONS FROM THE HAZARDOUS MATERIALS REGULATIONS IS SPECIFICALLY NOT ADOPTED BY THESE RULES AND** does not apply.

HMT2.1 **CVSA INSPECTION STANDARDS.** ~~A. Through a~~ **N** Memorandum of Understanding (MOU), dated October 1, 2019, ~~between~~ **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.

HMT2.2 **APPLICABILITY OF CVISA OPERATIONS MANUAL.** ~~B. Enforcement officials performing safety inspections on~~ **UPON** motor vehicles transporting hazardous materials ~~shall~~ **WILL** use the inspection procedures, decal application policies, and OOS criteria; **AS IT APPEARS** found in the CVSA Operations Manual, effective April 1, 2020-2021.

HMT 3

NOTIFICATION OF INCIDENTS

HMT2.3 **HAZARDOUS MATERIALS INCIDENT NOTIFICATION.** ~~A. The~~ **A** driver of a motor vehicle transporting hazardous materials as cargo involved in a hazardous material spill **OR INCIDENT,** whether intentional or unintentional, shall **MUST IMMEDIATELY PROVIDE** give immediate notice of the **NATURE AND** location of such **THE HAZARDOUS MATERIALS** spill **OR INCIDENT** and such other information as necessary to the nearest law enforcement agency **IN CLOSEST PROXIMITY THERETO,** as required by **CONSISTENT WITH THE REQUIREMENTS OF** §42-20-113 (3), CRS.

HMT2.3.1 **IMMEDIATE NOTICE REGARDING HAZARDOUS MATERIALS AS CARGO.**
~~B. A driver of a motor vehicle involved in an incident~~ **HAVING THE POTENTIAL TO** that may result in **OR THAT DOES RESULT IN THE** a potential spilling OR RELEASE of hazardous material cargo **CLASSIFIED AS HAZARDOUS MATERIAL(S) WILL** shall

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~~give immediate notice~~ **IMMEDIATELY NOTIFY** of the incident location and such other information as necessary to the nearest law enforcement agency **OF THE LOCATION OF THE INCIDENT AND ANY OTHER INFORMATION MINIMALLY NECESSARY FOR AN INFORMED RESPONSE.**

HMT2.3.2 IMMEDIATE NOTICE REGARDING SPILL OR RELEASE OF FUEL FROM VEHICLE FUEL TANK.

~~C. The~~ **A** driver of a motor vehicle involved in a spill of hazardous material from a fuel tank **PROVIDING** ~~that provides~~ fuel for the motor vehicle and/or equipment thereon, **WILL** ~~shall~~ give immediate notice of the location of such spill **OR RELEASE LOCATION** and such **ANY** other information as **MINIMALLY** necessary **FOR AN INFORMED RESPONSE** to the nearest law enforcement agency.

HMT2.3.3 MINIMALLY NECESSARY INFORMATION REQUIRED. ~~D.~~ As it applies **WITHIN THESE RULES**, to the above paragraphs in this HMT 3, “such other **“MINIMALLY NECESSARY “** information as necessary...” includes, but is not limited to the **FOLLOWING:**

HMT2.3.3.1 ~~1. THE~~ **N**ame of the person reporting the incident;

HMT2.3.3.2 ~~2. THE~~ **P**hone number where **AT WHICH THE** person reporting **THE** incident can be contacted;

HMT2.3.3.3 ~~3. THE~~ **T**ype of incident;

HMT2.3.3.4 ~~4. THE~~ **T**ype of motor vehicle involved;

HMT2.3.3.5 ~~5. THE~~ **N**ame of motor carrier involved, if applicable;

HMT2.3.3.6 ~~6. THE~~ **E**xtent of injuries, if any;

HMT2.3.3.7 ~~7. THE~~ **C**lassification, name, and quantity of **THE** hazardous materials involved; and

HMT2.3.3.8 ~~8.~~ If a continuing danger to public safety or the environment exists at the scene.

HMT2.3.4 NOTICE TO CSP AND CDPHE. ~~E.~~ As soon as possible after **MAKING AN** initial notification of a hazardous material spill/incident to the nearest law enforcement agency, the driver or a company representative ~~shall~~ **WILL** provide the same **MINIMALLY NECESSARY** ~~required~~ information to the:

HMT2.3.4.1 ~~1.~~ **CSP** at (303) 239-4501; and

HMT2.3.4.2 ~~2. THE~~ **Colorado Department of Public Health and Environment (CDPHE)** Environmental Spill Reporting Line at (877) 518-5608.

HMT 4

HMT2.4 AUTHORITY TO INSPECT MOTOR VEHICLES, BOOKS AND RECORDS

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ENFORCEMENT OFFICIALS, AS ARE IDENTIFIED WITHIN THESE RULES OR AS IS CONSISTENT WITH 8 CCR 1507-1, ARE AUTHORIZED BY §42-4-235 (1) (a), CRS, TO PERFORM COMMERCIAL MOTOR VEHICLE SAFETY INSPECTIONS.

HMT2.4.1 ENFORCEMENT OFFICIALS MUST MEET INSPECTOR QUALIFICATIONS. ~~A.~~

Enforcement officials ~~who are~~ authorized to perform **COMMERCIAL** motor vehicle safety inspections ~~on commercial motor vehicles as defined by §42-4-235 (1) (a), CRS, and~~ **UPON** the drivers thereof, **ARE** ~~shall be~~ required to meet the inspector qualifications ~~set forth~~ **REFERENCED** in §42-4-235 (4) (a) (I), CRS, ~~while~~ **WHEN** performing Level I North American Standard Safety Inspections. All enforcement officials performing Level I-VI North American Standard Safety Inspections must also maintain the certification requirements prescribed in the **CURRENT** CVSA Operations Manual **REFERENCED BY THESE RULES AND INCORPORATED AS PART OF 8 CCR 1507-1.**

HMT2.4.2 AUTHORITY TO INSPECT. ~~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, 397, and 399, as revised October 1, 2019-~~2020~~, ~~whenever~~ **WHERE AND WHEN** motor vehicles are transporting hazardous materials on **PUBLIC** streets and ~~public roads in the state of~~ **WITHIN** Colorado.

HMT2.4.3 CSP ENFORCEMENT OFFICIALS AND COMPLIANCE REVIEWS. ~~C.~~ CSP Enforcement officials ~~who are~~ certified by the ~~Federal Motor Carrier Safety Administration (FMCSA)~~ **PURSUANT TO** (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~~ **CONSISTENT WITH** §42-4-235 (1) (c), CRS, and any required records and supporting documents as **ARE** set forth in 49 CFR 40, 368, 380, 382, ~~383~~, 385, 387, 390, 391, 392, 392, 393, 395, 396, 397, ~~and~~ 399, and Appendix G, ~~as revised October 1, 2019-2020.~~

HMT-5

HMT2.4.4 MOTOR VEHICLE OUT-OF-SERVICE OOS CRITERIA. ~~A.~~ The CSP ~~adopts and incorporates by reference~~ **FOR ENFORCEMENT PURPOSES** the CVSA North American Uniform OOS Criteria, as revised **AND EFFECTIVE** April 1, 2020-~~2021~~. ~~B.~~ Enforcement officials ~~shall~~ **WILL** use the CVSA North American Uniform OOS Criteria when determining whether a motor vehicle **OR DRIVER** should be placed OOS pursuant to §42-20-110, CRS.

HMT2.4.5 SHARING OF VIOLATION DATA WITH CDOT. **THE CSP WILL INFORM CDOT IN WRITING OF INFORMATION RELEVANT TO VIOLATIONS IDENTIFIED AND ASSESSED AGAINST A PERSON HAVING A HAZARDOUS MATERIALS TRANSPORT PERMIT AND ENGAGED IN THE TRANSPORTATION OF HAZARDOUS MATERIALS. VIOLATIONS DISCOVERED DURING INSPECTIONS OR COMPLIANCE REVIEWS ARE SHARED TO PROMOTE THE JOINT INTERESTS OF PUBLIC SAFETY AND EFFECTIVE ENFORCEMENT OF HAZARDOUS MATERIALS**

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TRANSPORT PERMIT CONDITIONS, THESE RULES, APPLICABLE STATUTES AND REGULATIONS.

HMT6

HMT2.4.5 ~~**PENALTY-PENALTIES FOR VIOLATIONS.**~~ Any person shipping or transporting hazardous materials in violation of any of the rules of this part is guilty of a misdemeanor. ~~and u~~ Upon conviction thereof, **A PERSON WILL** ~~shall~~ be **SUBJECT** ~~punished by such~~ **TO** fine and/or imprisonment, as **EACH IS INDICATED WITHIN** ~~provided in §42-20-109, CRS.~~

PART II

PART 3

HAZARDOUS MATERIALS PERMITS

(HMP)

HMP 1

HMP3.0 **DEFINITIONS.** For purposes of this ~~P~~part II, the following definitions ~~shall~~ apply:

HMP3.0.1 **Liability Insurance or Surety:** As used in these rules, means insurance or surety for public liability.

HMP3.0.2 **Longer Vehicle Combination (LVC):** ~~Abbreviated as "LVC,"~~ is any number of vehicle configurations, including a truck tractor as a power unit and multiple trailer combinations, **AS** identified within §42-4-505 (2) (a) – (d), CRS.

HMP3.0.3 **Peace Officer:** ~~Shall be~~ **IS** as defined in §16-2.5-101, CRS.

HMP3.0.4 **Public Liability:** **IS** liability for bodily injury or property damage, including liability for environmental restoration, as ~~defined~~ **DISCUSSED** within 49 CFR 387.5.

HMP3.0.5 **Transmix:** Also known as Petroleum Distillates, N.O.S., and only as used within this section, is a mixture of refined products specifically and individually exempted under HMP-~~5~~**3.4.3 OF THESE RULES**. 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

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HMP3.1 **ANNUAL HAZARDOUS MATERIALS PERMIT APPLICATIONS AND FEES.** THE FEES ASSESSED FOR HAZARDOUS MATERIALS PERMITS, ANNUALLY OR PER TRIP, ARE SET WITHIN STATUTE AND ARE FOUND IN §42-20-202 (1) (b) AND (c), CRS. THE ANNUAL HAZARDOUS MATERIALS TRANSPORT PERMIT FEE SCHEDULE IS BASED ON THE NUMBER OF MOTOR VEHICLES AN APPLICANT OPERATES WITHIN COLORADO AND IS FOUND WITHIN §42-20-202 (1) (b), CRS. CONSISTENT WITH §42-20-201, CRS, THE CDOT IS RESPONSIBLE FOR THE REVIEW AND APPROVAL OF ANY SUBMITTED APPLICATIONS AND RENEWALS FOR ANNUAL HAZARDOUS MATERIALS TRANSPORT PERMITS.

HMP3.1.1—A. ALL ANNUAL APPLICATIONS PROCESSED BY CDOT. All applications and renewals for Hazardous Materials Transportation Permits are to be submitted to the CDOT FREIGHTS AND PERMITS OFFICE. THE CDOT FREIGHTS AND PERMITS OFFICE MAY BE CONTACTED AT 2829 W. HOWARD PL, DENVER, COLORADO, 80204 OR BY PHONE AT 303-757-9539. INFORMATION MAY ALSO BE FOUND ONLINE AT [HTTPS://WWW.COOPR.CDOT.GOV](https://www.coopr.cdot.gov). ~~Colorado Public Utilities Commission (PUC) at 1560 Broadway, Ste. 250, Denver, Colorado. The permit application or renewal process may be started online at~~ [HTTPS://DORAAPPS.STATE.CO.US/PUC/TRANSPORTATIONAPPLICATIONS/](https://DORAAPPS.STATE.CO.US/PUC/TRANSPORTATIONAPPLICATIONS/).

~~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 §42-20-2020 (1) (b), CRS.~~

HMP3.2 **CONDITIONS APPLICABLE TO HAZARDOUS MATERIALS PERMITS.** SEVERAL CONDITIONS ARE APPLICABLE TO THE ISSUE AND USE OF ANNUAL HAZARDOUS MATERIALS PERMITS. THESE CONDITIONS, DETAILED WITHIN APPLICABLE STATUTES, ALSO INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING SPECIFICALLY IDENTIFIED REQUIREMENTS:

HMP3.2.1 **A. USDOT NUMBER REQUIRED.** Hazardous materials transporters within ~~the state of Colorado~~ are required to obtain a ~~motor carrier~~ USDOT identification number pursuant to the provisions of 49 CFR 390.19T prior to **THE** submission of their ~~AN~~ 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.~~

HMP3.2.2 **C. ANNUAL PERMIT FEE AFFECTED BY NUMBER OF VEHICLES.** The fee assessed by the ~~PUC~~ CDOT for an annual permit ~~IS~~ shall be determined by the number of vehicles being permitted and will be as described within §42-20-202 (1) (b), CRS.

HMP3.2.3 **D. AUTHORIZATION TO MAKE ADDITIONAL PERMIT COPIES.** When the number of vehicles indicated on a ~~N Motor Carrier's~~ annual permit application is 301 or more, the permit shall ~~MUST~~ contain written authorization for a ~~motor carrier~~ **PERMIT HOLDER** to make as many copies of the permit as **IS** necessary to **PLACE**

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~~facilitate placing one copy~~ **OF THE PERMIT** in each of ~~THE~~ **their** vehicles **OPERATING** 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. This requirement will be met if a peace officer or enforcement official is able to determine that the permit can be electronically verified as valid at the time of contact.~~

HMP3.2.4 ~~F.~~ **MUST COMMUNICATE INCREASE IN VEHICLES TO CDOT.** Any increase in the total number of declared vehicles **DECLARED TO BE** operating within or through the state of Colorado must be communicated immediately to the ~~PUC~~ **CDOT** in writing.

HMP3.2.5 **MUST OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE CONSISTENT WITH §42-20-202 (2) (a) AND (3) (a), CRS.** PERSONS SUBMITTING AN APPLICATION FOR AND RECEIVING AN ANNUAL HAZARDOUS MATERIALS TRANSPORT PERMIT MUST OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE OR A SURETY AT ALL TIMES THAT MUST NOT BE LESS THAN THE MINIMUM LIMITS ESTABLISHED WITHIN 49 CFR 387 WITH SCHEDULES AND ENDORSEMENTS COVERING ALL VEHICLES THAT MAY BE OPERATED BY, FOR, OR UNDER THE CONTROL OF THE APPLICANT OR PERMIT HOLDER. APPLICANT MUST CAUSE TO FILED WITH THE CDOT ONE OF THE FOLLOWING:

HMP3.2.5.1 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 OR INSURERS, AND SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE INSURANCE COMPANY OR COMPANIES.

HMP3.2.5.2 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

HMP3.2.5.3 A COPY OF A WRITTEN DECISION, ORDER, OR AUTHORIZATION OF THE FMCSA AUTHORIZING THE MOTOR CARRIER TO SELF-INSURE PURSUANT TO 49 CFR 387.309.

HMP3.2.6 **ALL LIABILITY OR INSURANCE COVERAGE MUST MATCH NAME.** ALL INSURANCE AND SURETY FORMS COVERAGE MUST BE FILED WITH THE EXACT NAME, INITIAL, CORPORATE AND TRADE NAME, IF ANY, AND ADDRESS AS IS INCLUDED IN THE ANNUAL HAZARDOUS MATERIALS PERMIT APPLICATION FILED WITH AND MAINTAINED BY THE CDOT. SUBSEQUENT NAME OR POLICY NUMBER

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CHANGES MUST BE REFLECTED BY THE INSURER FILING AN ENDORSEMENT WITH THE CDOT.

HMP3.2.7 NOTICE OF INSURANCE OR SURETY CANCELLATION OR NON-RENEWAL REQUIRED. EVERY INSURANCE CERTIFICATE OR SURETY BOND REQUIRED BY AND FILED WITH THE CDOT MUST 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 POLICES; "FORM BMC 35," NOTICE OF CANCELLATION OF MOTOR CARRIER INSURANCE; OR "FORM BMC 36," NOTICE OF CANCELLATION OF MOTOR CARRIER SURETY BOND, AS MAY BE APPROPRIATE, FROM THE INSURER OR SURETY TO THE CDOT. THE 30-DAY AND 90-DAY NOTICE WILL COMMENCE FROM THE DATE THE NOTICE IS RECEIVED BY THE CDOT AND THE INSURANCE CERTIFICATE OR SURETY BOND MUST CONTAIN A STATEMENT TO THIS EFFECT.

HMP3.2.8 ~~G.~~ NO UNAUTHORIZED ALTERATIONS. No annual permit is to be altered, amended, or copied, unless authorized in writing by the ~~PUC~~ CDOT or, in the case of a single trip permit (~~DISCUSSED WITHIN HMP3.3 OF THESE RULES~~ ~~HMP 3~~), by an enforcement official.

HMP3.2.9 PERMITS MUST BE AVAILABLE FOR INSPECTION. The required permits must be readily available for inspection as required by §42-20-203, CRS. This requirement ~~IS~~ will be met if a peace officer or enforcement official is able to **ELECTRONICALLY VERIFY** determine that the permit ~~IS~~ can be electronically verified as valid at the time of contact.

~~HMP 3~~

HMP3.3 SINGLE TRIP HAZARDOUS MATERIALS PERMITS. ~~A.~~ Pursuant to §42-20-202 (1) (c), CRS, single trip permits may be obtained from the CSP at all ~~Port of Entry (CSP POE)~~ weigh stations. Each person transporting hazardous materials in, to, from, or through ~~this state~~ **COLORADO** who has not **PREVIOUSLY** obtained an **VALID** annual **HAZARDOUS MATERIALS TRANSPORT** permit from the ~~PUC~~ CDOT ~~shall~~ **MUST** apply **AND PAY** for a single trip **HAZARDOUS MATERIALS TRANSPORT** permit at the **NEAREST** ~~closest possible~~ CSP POE weigh station or to a CSP POE officer or office.

HMP3.3.1 1. VALID FOR 72 HOURS. Each single trip permit ~~shall~~ **WILL** be valid for a single continuous business venture, but in no event ~~shall~~ **WILL** the permit be valid for more than 72 hours, unless extended by any enforcement official for any reason the official deems advisable, ~~including~~ **REASONS FOR EXTENSION BY AN ENFORCEMENT OFFICIAL MAY INCLUDE** mechanical difficulties and road and weather conditions.

HMP3.3.2 2. ISSUED UPON APPROVAL AND PAYMENT. ~~The~~ **A** single trip **HAZARDOUS MATERIALS** permit ~~shall~~ **WILL** be issued upon the approval of ~~the~~ **A COMPLETE SINGLE TRIP** permit application and payment of a 25 dollar permit fee.

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HMP3.3.3 ~~B.~~ **PROOF OF LIABILITY INSURANCE OR SURETY REQUIRED.** Persons making **SUBMITTING AN** 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 **THE** permit application.

HMP3.3.4 ~~C.~~ **SUBSEQUENT PROOF REQUIRED WHERE VERIFICATION STATEMENT SUBMITTED. SINGLE TRIP HAZARDOUS MATERIALS PERMIT.** Applicants who sign a verification in lieu of supplying acceptable proof of financial responsibility (liability insurance or surety) ~~shall,~~ **MUST FORWARD TO THE CDOT FREIGHT OFFICE** within 30 days of issuance of the permit:

HMP3.3.4.1 ~~1. Return to~~ Their copy of the single trip **HAZARDOUS MATERIALS** permit to the PUC hazardous materials permitting section; and,

HMP3.3.4.2. ~~2. Include a copy of acceptable proof of financial responsibility as is required by §42-20-202, CRS, and as is defined in paragraph HMP3.2.5 HMP 4 (B) below~~ **OF THESE RULES.**

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 pursuant to 49 CFR 387.309.~~

~~C. All insurance and surety forms coverage must be filed with the exact same name, initial, corporate and trade name (if any), and address as shown in the hazardous materials permit 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~~

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~~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

HMP3.4 **LVCs AND THE TRANSPORTATION OF HAZARDOUS MATERIALS.** ~~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:~~

HMP3.4.1 ~~1. **TABLE 1, 49 CFR 172.504.**~~ Any quantity of hazardous material within the hazard classes specified in 49 CFR 172.504, Table 1.

HMP3.4.2 ~~2. **TABLE 2, 49 CFR 172.504.**~~ Any material, unless otherwise specified herein, within the hazardous classes specified in 49 CFR 172.504, Table 2, that:

HMP3.4.2.1 ~~a.~~ Exceeds 55 gallons per package.

HMP3.4.2.2 ~~b.~~ Is transported in bulk quantities (containment system in excess of 3,500 water gallons), except as provided in ~~HMP3.4.3-5~~ paragraph (B), 1 through 6.

HMP3.4.2.3 ~~c.~~ Is classified as a “Material Poisonous by Inhalation”- as **IT IS** defined in 49 CFR, ~~Part~~ 171.8.

HMP3.4.2.4 ~~d.~~ Requires evacuation of populated areas as specified in the most current version of the North American Emergency Response Guidebook in publication as of April 1, 2020.

HMP3.4.3 **PETROLEUM-BASED PRODUCTS EXEMPTED FROM LVC TRANSPORT PROHIBITION.** The prohibition ~~OF~~ in subparagraph A ~~(2) (b)~~ ~~HMP3.4.2.2~~ 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:

HMP3.4.3.1 ~~1.~~ Gasoline, UN1203;

HMP3.4.3.2 ~~2.~~ Diesel Fuel, NA1993;

HMP3.4.3.3 ~~3.~~ Crude Oil, UN1267;

HMP3.4.3.4 ~~4.~~ Liquefied Petroleum Gas (**LPG**), UN1075;

HMP3.4.3.5 ~~5.~~ Aviation Fuel, UN1863; **OR**

HMP3.4.3.6 ~~6.~~ Transmix, UN1268

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HMP3.4.4 **COMPLIANCE WITH OTHER APPLICABLE LAW.** Persons operating LVCs must ~~OPERATE CONSISTENT~~ **comply** with all other **APPLICABLE** provisions of state law, rules, and regulations ~~as applicable~~.

HMP-6

VIOLATIONS PENALTY

HMP3.5 **PENALTIES FOR VIOLATIONS.** **UPON CONVICTION,** Any person shipping or transporting hazardous materials in violation of any rule in this Part **3 IS SUBJECT TO THE PENALTIES SET FORTH WITHIN** ~~shall be punished as provided in §42-20-204, CRS.~~

PART III-4

HAZARDOUS MATERIALS ROUTE DESIGNATION

(HMR)

HMR4.0 **DEFINITIONS.** The definitions provided in §§42-20-103 and 29-22-101, CRS, ~~shall~~ apply to these rules and regulations. The following definitions ~~shall~~ also apply:

HMR4.0.1 **Petition:** As used within these rules, means ~~the~~ **A** CSP Hazardous Material Route Designation Petition Packet, including the route analysis process, worksheets, and petition resolution.

HMR4.0.2 **Petitioning Entity OR ENTITIES:** ~~Or Petitioning Entities,~~ **As** used within these rules, means local governmental entities, CDOT, a public highway authority, and any governmental entity that is a partner in a public-private partnership with respect to any highway, road or street it maintains, when making an application to the CSP for a new hazardous materials route designation or for a change to an existing route designation as **IT** is allowed under §42-20-302 (1) (a) – (e), CRS.

HMR4.0.3 **Routing Factors:** **AS USED WITHIN THESE RULES, ARE** Factors that must be considered and specifically addressed as part of any application ~~made to~~ **PETITIONING** the CSP for a new hazardous materials route designation or ~~for a~~ **TO** change ~~to~~ an existing route designation. **AS IT APPLIES TO PETITIONS SUBMITTED** ~~For purposes of applications to the CSP, Petitioning Entities must address~~ **EACH OF THE ROUTING** factors **REFERENCED BY THESE RULES AND/OR** ~~for consideration as~~ identified by 49 CFR 397.71 (b) (9) ~~as are applicable to the route represented by the~~ **application.** **IF A FACTOR IS INAPPLICABLE TO A ROUTE PETITION, THE PETITIONING ENTITY MUST SPECIFICALLY INDICATE THE FACTOR AND THE BASIS FOR INAPPLICABILITY.**

HMR4.0.4 **Sensitive Areas:** Sensitive Areas are areas that may experience a disparate impact in the event of exposure to the release of hazardous materials. ~~The reason for~~ this disparate impact may be environmental, social, etc., and could result in a greater

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demand ~~UPON~~ ~~on~~ emergency and public resources in the event of an emergency related to the release of hazardous materials. Sensitive Areas include, but are not limited to private homes; commercial buildings; special populations in hospitals, schools, prisons, stadiums, senior or group homes; **COMMUNITIES HAVING A HIGHER NUMBER OF ESL speaking INDIVIDUALS, OR INDIVIDUALS HAVING PHYSICAL, AND/OR MENTAL DISABILITIES** ~~individuals,~~ ~~AS COMPARED TO SURROUNDING COMMUNITIES,~~ ~~the physically or mentally disabled;~~ water sources; and natural areas such as parks, wetlands, and wildlife reserves.

HMR4.0.5 Special Populations: Groups, individuals, or institutions included in a population that could be potentially exposed in the event of a hazardous materials incident that are also members of groups that may not be able or are unable to mobilize effectively ~~without the assistance of emergency or other public services personnel~~ in response to a threat to public health or safety **WITHOUT THE ASSISTANCE OF EMERGENCY OR OTHER PUBLIC SERVICES PERSONNEL.**

HMR-1

HMR4.1 PETITION APPLICATIONS FOR ROUTE DESIGNATIONS. PETITIONING ENTITIES SEEKING TO PETITION FOR A NEW OR CHANGE TO AN EXISTING HAZARDOUS MATERIALS ROUTE DESIGNATION SHOULD CONSULT WITH AND REQUEST GUIDANCE FROM THE CDOT MOBILITY AND FREIGHT UNIT AND THE CSP HAZARDOUS MATERIALS SECTION REGARDING THE APPLICABLE PROCESS, FORMAT, AND SUBSTANCE OF THE ROUTE PETITION.

HMR4.1.1 INTRODUCTORY INFORMATION FROM CDOT. INTRODUCTORY INFORMATION ON THE PROCESS, FAQs, AND UNIT CONTACT INFORMATION FROM CDOT ARE AVAILABLE ONLINE AT [HTTPS://WWW.CODOT.GOV/BUSINESS/HAZMAT-ROUTING](https://www.codot.gov/business/hazmat-routing). CORRESPONDENCE TO CDOT MAY BE ADDRESSED TO THE CDOT MOBILITY AND FREIGHT UNIT AT 2829 W. HOWARD PL., DENVER CO., 80204.

HMR4.1.2 GUIDANCE DOCUMENT AVAILABLE FROM THE CSP HAZARDOUS MATERIALS SECTION. A GUIDANCE DOCUMENT, OUTLINING THE MINIMUM REQUIRED ELEMENTS AND DOCUMENTATION THAT SHOULD BE INCLUDED AS PART OF A HAZARDOUS MATERIALS ROUTE DESIGNATION PETITION APPLICATION IS AVAILABLE FROM THE CSP HAZARDOUS MATERIALS SECTION UPON REQUEST BY CALLING 303-273-1900 OR ONLINE AT [HTTPS://WWW.COLORADO.GOV/PACIFIC/CSP/HAZARDOUS-MATERIALS](https://www.colorado.gov/pacific/csp/hazardous-materials).

HMR4.2 A. PETITION APPLICATION SUBMISSION PURSUANT TO §42-20-302, CRS. Petitioning Entities making application to the CSP for a new hazardous materials route designation or for a change in an existing route designation **CONSISTENT WITH** ~~pursuant to~~ §42-20-302, CRS, may submit a petition **APPLICATION** for either to the CSP, no more than once a year.

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~~**B.** Petitioning Entities seeking to petition for a hazardous materials route designation should consult with and request guidance from the CDOT Mobility and Freight Unit regarding the applicable process, format and substance of the route petition. Introductory information on the process, FAQs and unit contact information are available online at [HTTPS://WWW.CDOT.GOV/BUSINESS/HAZMAT-ROUTING](https://www.cdot.gov/business/HAZMAT-ROUTING). Correspondence may be delivered to the CDOT Mobility and Freight Unit at 2829 W. Howard Pl., Denver CO, 80204.~~

HMR4.3 ~~**C.**~~ **CONSIDERATION FACTORS OF 49 CFR 397 ADOPTED.** 49 CFR 397 is adopted without amendment by these rules; ~~The~~ factors identified for consideration by 49 CFR 397.71 (b) (9) are applicable to all new and existing hazardous material routing petitions. ~~1.~~ 49 CFR 397.71 **SETS FORTH** ~~discusses~~ 13 categories of factors that must be considered when any hazardous material route, new or existing, is the subject of a hazardous materials routing petition **APPLICATION. ANY PETITION APPLICATIONS DELIVERED TO CSP SUBSEQUENT TO AN INITIAL CSP PETITION APPLICATION REVIEW NOT INCLUDING A DISCUSSION OF THESE FACTORS WILL NOT BE DEEMED TO BE RECEIVED, WILL BE DETERMINED INCOMPLETE, AND WILL BE RETURNED TO THE SUBMITTING ENTITY FOR CORRECTION AND RESUBMISSION WITHOUT PREJUDICE.** Broadly, these 13 categories are:

HMR4.3.1 ~~**i.**~~ **Population Density:** The population that will be potentially exposed in the event hazardous materials are released, inclusive of residents, employees, motorists, and other persons in the area, with specific discussion of any of those persons or groups that may be considered to be special populations. The relationship of populations density levels and the potential release of hazardous materials must also be addressed.

HMR4.3.2 ~~**ii.**~~ **Type of Highway:** The type and characteristics of the highway to be travelled must be identified.

HMR4.3.3 ~~**iii.**~~ **Types and Quantities ~~OF~~ of Hazardous Materials:** The type and amount of the hazardous materialS that will **OR ARE** normally transported along the petitioned route.

HMR4.3.4 ~~**iv.**~~ **Emergency Response Capabilities:** An analysis of the emergency response capabilities resulting from consultation with the ~~proper~~ **APPROPRIATE** fire, law enforcement and highway safety agencies. **ANALYSIS MUST CONSIDER AND IDENTIFY THE** ~~and based upon~~ proximity of facilities and resources to the potential impact zone in the event hazardous materials are released ~~shall be completed~~ and **MUST BE** included with the petition. **FURTHERMORE, LOCAL GOVERNMENTAL AUTHORITIES PETITIONING FOR A NEW OR CHANGES TO AN EXISTING HAZARDOUS MATERIALS ROUTE DESIGNATION MUST PROVIDE THE CSP HAZARDOUS MATERIALS SECTION WITH THE FOLLOWING INFORMATION ON THE HAZARDOUS MATERIALS EMERGENCY RESPONSE SERVICES WITHIN THEIR JURISDICTION:**

HMR4.3.4.1 **THE NAMES, ADDRESSES, POINTS OF CONTACT, RADIO FREQUENCIES, CALL SIGNS, AND EMERGENCY AND NON-EMERGENCY PHONE NUMBERS OF ALL AGENCIES WHO PROVIDE EMERGENCY SERVICES ALONG THE PROPOSED ROUTE(S) AND AVAILABLE ALTERNATIVES;**

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HMR4.3.4.2 WHICH OF THE AGENCIES IDENTIFIED RESPOND TO HAZARDOUS MATERIALS INCIDENTS AND DURING WHAT PERIODS OF TIME SERVICES ARE AVAILABLE;

HMR4.3.4.3 WHICH OF THE AGENCIES IDENTIFIED HAVE EMERGENCY RESPONSE TEAMS AND THE TOTAL NUMBER OF TEAMS EACH AGENCY HAS;

HMR4.3.4.4 THE TOTAL NUMBER OF EMERGENCY RESPONSE PERSONNEL AVAILABLE FOR EACH AGENCY, AND THEIR LEVEL OF HAZARDOUS MATERIALS TRAINING; AND

HMR4.3.4.5 AN INVENTORY, LIST, OR OTHER INFORMATION IDENTIFYING THE HAZARDOUS MATERIALS RESPONSE EQUIPMENT AVAILABLE FROM EACH AGENCY.

HMR4.3.5 ~~v.~~ **RESULTS OF COMMUNITY OUTREACH/CONSULTATION:** Petitioning Entity must include the results of any consultation conducted in accordance with persons and/or entities who will be affected by the petitioned **FOR** routing **OR ROUTING CHANGE**.

HMR4.3.6 ~~vi.~~ **DISCUSSION OF SPECIFIC EXPOSURE AND RISK FACTORS:** Petitioning Entity must include **A** discussion-defining **SPECIFYING** the exposure and risk factors associated with any of the hazardous materials likely to be transported along the petitioned route. **E**xposure risks for sensitive areas must be addressed.

HMR4.3.7 ~~vii.~~ **Terrain Considerations:** **DISCUSSION OF T**opography along and adjacent to the petitioned routing that may affect severity of an accident, control of hazardous materials in the event of a release, and impact the control and clean up of the release of any hazardous materials must be **INCLUDED**~~discussed~~.

HMR4.3.8 ~~viii.~~ **Continuity of Routes:** Information on any ~~efforts of outreach~~ **EFFORTS** to adjacent jurisdictions to consult and ensure routing continuity should be **INCLUDED**~~referenced~~.

HMR4.3.9 ~~ix.~~ **Alternate Routes:** Information **RELEVANT** ~~should be provided as to any alternate routes considered and~~ **MUST BE INCLUDED**. Petitioning entity ~~ENTITIES~~ should ~~provide~~ **INCLUDE DETAILED AND SPECIFIC** information as to why the route being petitioned for is the most appropriate option and is safer than the alternative option(s) or, in the event of **AN** existing route, the current route. **ANY REFERENCES TO STATISTICAL DATA, PUBLISHED WORKS OR WRITTEN ANALYSIS REQUIRES FULL REFERENCE INFORMATION AND MAY REQUIRE A COPY OF THE REFERENCED INFORMATION TO BE INCLUDED AS PART OF THE PETITION APPLICATION.**

HMR4.3.10 ~~x.~~ **Effects on Commerce:** The routing proposed **WILL** ~~shall~~ not impose an unreasonable burden upon interstate or intrastate commerce.

HMR4.3.11 ~~xi.~~ **Delays in Transportation:** The routing proposed **WILL** ~~shall~~ not create unnecessary delays in the transport of hazardous materials.

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HMR4.3.12 ~~xii.~~ **Climatic Conditions:** Weather conditions that are unique to a proposed route must be addressed **WITHIN THE PETITION APPLICATION**, including the impact of the weather conditions upon the potential release of any hazardous materials, control of a hazardous materials release, and clean up thereof.

HMR4.3.13 ~~xiii.~~ **Congestion and Accident History:** Petitioning Entity ~~ENTITIES~~ should also consider the congestion and accident history of the specific route they are petitioning to become a hazardous materials route **OR TO MAKE CHANGES TO** and the impact of these factors upon the public emergency response, and **TO** general transportation in the event of a potential hazardous materials release.

~~2. Any petition applications delivered to the CSP failing to include discussion of the consideration factors set forth by 49 CFR 397 (b) (9) as may be applicable to the route application submitted will be determined “Insufficient for Consideration” (IFC) and returned to the applicant without prejudice.~~

HMR4.4 **INITIAL PETITION APPLICATION REVIEW PRIOR TO CSP “RECEIPT.”** PRIOR TO FORMAL SUBMISSION AND RECEIPT OF A HAZARDOUS MATERIALS PETITION, PETITIONING ENTITIES MAY REQUEST AN INITIAL REVIEW OF THE APPLICATION DRAFT FROM THE CSP HAZARDOUS MATERIALS SECTION. THE INITIAL REVIEW IS LIMITED ONLY TO DETERMINING THAT ALL REQUIRED ELEMENTS OF THE HAZARDOUS MATERIALS PETITION APPLICATION ARE ADDRESSED BY THE APPLICANT AND TO IDENTIFY THE NEED FOR ANY ADDITIONAL SUPPORTING DOCUMENTATION REGARDING STATEMENTS AND INFORMATION SET FORTH WITHIN THE APPLICATION.

HMR4.4.1 **INITIAL REVIEW NOT AN OPINION.** THE INITIAL REVIEW WILL NOT INDICATE AN OPINION OF THE CSP REGARDING THE POTENTIAL SUCCESS OF THE PETITION REGARDING THE SPECIFIED ROUTE DESIGNATION OR ROUTE DESIGNATION AMENDMENT(S) PROPOSED.

HMR4.4.2 **RESULTS OF INITIAL REVIEW COMMUNICATED BY EMAIL.** ANY FINDINGS RESULTING OUT OF AN INITIAL PETITION REVIEW WILL BE INFORMALLY COMMUNICATED TO THE PETITIONING ENTITY BY EMAIL AT AN ADDRESS PROVIDED BY THE PETITIONING ENTITY TO THE CSP HAZARDOUS MATERIALS SECTION.

HMR4.4.3 **FAILURE TO REQUEST REVIEW NOT PREJUDICIAL.** THE DECISION OF A PETITIONING ENTITY TO NOT REQUEST AND MAKE AVAILABLE A HAZARDOUS MATERIALS ROUTING PETITION TO THE CSP HAZARDOUS MATERIALS SECTION FOR INTIAL REVIEW WILL NOT PREJUDICE THE RECEIPT OF THE PETITION APPLICATION. PETITION APPLICATIONS SUBMITTED BY PETITIONING ENTITIES THAT DO NOT RECEIVE AN INITIAL REVIEW AND ARE RETURNED AS NOT RECEIVED FOR BEING INCOMPLETE WILL BE ENCOURAGED TO SEEK INITIAL REVIEW OF THE APPLICATION UPON RESUBMISSION IN THE WRITTEN RESPONSE OF THE CSP HAZARDOUS MATERIALS SECTION RETURNING THE APPLICATION.

~~2. Any petition applications delivered to the CSP failing to include discussion of the consideration factors set forth by 49 CFR 397 (b) (9) as may be applicable to the route application submitted will be determined “Insufficient for Consideration” (IFC) and returned to the applicant without prejudice.~~

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~~3. A Petitioning Entity resubmitting a corrected or previously determined IFC petition application to the CSP shall not be considered to be in violation of the one application per year limitation set forth in HMR 1 part A and §42-20-302, CRS.~~

HMR4.5 INCOMPLETE HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS.
HAZARDOUS MATERIALS ROUTING PETITION APPLICATIONS DELIVERED TO THE CSP WILL ONLY BE DETERMINED COMPLETE CONSISTENT WITH §42-20-302 (4), CRS, IF THE APPLICATION SATISFIES ALL APPLICATION CRITERIA SET FORTH WITHIN THESE RULES, APPLICABLE STATUTES AND FEDERAL REGULATIONS.

HMR.4.5.1 RETURN FOR COMPLETION. APPLICATIONS DETERMINED TO BE INCOMPLETE WILL BE RETURNED TO THE PETITIONING ENTITY WITH A WRITTEN STATEMENT FROM THE CSP HAZARDOUS MATERIALS SECTION WITHIN 20 CALENDAR DAYS OF RECEIPT. THE WRITTEN STATEMENT FROM THE CSP INCLUDED WITH THE RETURNED APPLICATION WILL PROVIDE INFORMATION IDENTIFYING WHAT INFORMATION IS MISSING FROM THE PETITION APPLICATION.

HMR4.5.2 APPLICATIONS REQUIRING ADDITIONAL DOCUMENTATION. UPON SUBMISSION, THE CSP HAZARDOUS MATERIALS SECTION MAY DETERMINE THAT ADDITIONAL INFORMATION SUPPORTING STATEMENTS, CONCLUSIONS, OR EFFORTS RELATED TO THE PETITION MAY BE REQUIRED. PETITIONING ENTITIES WILL HAVE 14 CALENDAR DAYS TO RESPOND TO ANY REQUEST FROM THE CSP HAZARDOUS MATERIALS SECTION FOR THIS INFORMATION. FAILURE TO PROVIDE INFORMATION WITHIN 14 CALENDAR DAYS AS REQUESTED MAY RESULT IN THE PETITION APPLICATION BEING DETERMINED INCOMPLETE AND RETURNED TO THE PETITIONING ENTITY, CONSISTENT WITH THESE RULES. SATISFACTORY RECEIPT OF THE REQUESTED INFORMATION WILL RESULT IN THE PETITION APPLICATION BEING DETERMINED COMPLETE AS IS SET FORTH WITHIN THESE RULES.

HMR 4.5.3 SINGLE APPLICATION PER YEAR PROHIBITION INAPPLICABLE.
PETITION APPLICATIONS DETERMINED TO BE INCOMPLETE AND RETURNED TO PETITIONING ENTITIES FOR COMPLETION AND RESUBMISSION ARE NOT SUBJECT TO THE STATUTORY ONE APPLICATION PER YEAR LIMITATION ESTABLISHED BY THESE RULES AND SET FORTH WITHIN §42-20-302, CRS. THIS LIMITATION ONLY APPLIES TO PETITION APPLICATIONS SUBMITTED TO THE CSP HAZARDOUS MATERIALS SECTION CONSISTENT WITH §42-20-302(1), CRS, AND DETERMINED TO BE COMPLETE PURSUANT TO §42-20-302 (4), CRS. ALL PETITION APPLICATIONS RECEIVED BY THE CSP ARE CONSIDERED TO BE "SUBMITTED" AS IS REQUIRED BY §42-20-302 (1), CRS, BUT A PETITION APPLICATION IS NOT CONSIDERED TO BE ACCEPTED BY THE CSP UNTIL THE PETITION IS DETERMINED TO BE "COMPLETE" PURSUANT TO §42-20-303 (4), CRS.

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HMR4.6 **COMPLETE PETITION APPLICATION FILING DATE.** THE FILING DATE FOR A “COMPLETE” HAZARDOUS MATERIALS ROUTING PETITION APPLICATION AS IT IS PRESENTED WITHIN §42-20-302 (4), CRS, IS THE DATE OF ITS ACCEPTANCE BY THE CSP. PETITIONING ENTITIES WILL BE NOTIFIED IN WRITING OF THE DATE OF ACCEPTANCE/FILING DATE. ADDITIONAL DETAILS REGARDING STATUTORY REQUIREMENTS APPLICABLE TO THE PETITIONING PROCESS AND RELEVANT TIMELINES THERETO WILL ALSO BE INCLUDED.

HMR4.7 **4.—DELIVERY OF DRAFT OR FINAL HAZARDOUS ROUTE PETITION APPLICATIONS.** PETITIONING ENTITIES SHOULD DELIVER prepared petitions FOR INITIAL REVIEW OR TO BE CONSIDERED AS COMPLETE PETITION APPLICATIONS ~~should be delivered TO:~~ THE Colorado State Patrol Hazardous Materials Section, 15065 S. Golden Rd., Golden, CO., 80401-3990. PETITIONING ENTITIES MAY ALSO ARRANGE FOR ELECTRONIC DELIVERY OF HAZARDOUS MATERIALS ROUTE PETITION APPLICATIONS BY FIRST CALLING THE CSP HAZARDOUS MATERIALS SECTION AT ~~Phone~~ 303-273-1900.

~~E. All petitions received by the CSP will be considered to be “submitted” as required by §42-20-302 (1), CRS.~~

~~F. The filing date for a “complete petition” as referenced by §42-20-303 (4), CRS, shall be the date of its acceptance by the CSP. Petitioning Entities will be notified in writing of the date of acceptance.~~

HMR-2

HMR4.8 **HAZARDOUS MATERIALS ROUTE DESIGNATION SIGNS.** ~~A.—PURSUANT §42-20-303, CRS, Local government authorities electing to use signs to give~~ **PROVIDE** notice of approved **HAZARDOUS MATERIALS** route designations within their jurisdiction ~~pursuant §42-20-303, CRS, shall~~ **MUST** use the hazardous materials designation and/or restriction sign standards adopted by CDOT.

HMR 4.8.1 **LOCATION OF SIGNAGE MUST BE SPECIFIED.** Local governmental authorities must specify the location of each sign erected to mark an approved **HAZARDOUS MATERIALS** route in writing to the CSP Hazardous Materials Section within 60 days of ~~the A~~ route designation approval.

HMR-3

HMR4.9 **USE OF PROFESSIONAL QUALITY MAPS.** LOCAL GOVERNMENTAL AUTHORITIES MUST SUBMIT COPIES OF THEIR PROFESSIONAL QUALITY MAPS WITHIN 60 DAYS OF AN APPROVED HAZARDOUS MATERIALS ROUTE DESIGNATION TO THE CSP HAZARDOUS MATERIALS SECTION FOR APPROVAL. ~~A.—Local governmental authorities electing to use professional quality maps to identify approved~~ **HAZARDOUS MATERIALS** route designations within their jurisdictions ~~pursuant~~ **CONSISTENT** ~~to~~ **WITH** §42-20-302 (8), CRS, ~~shall~~ **MUST** meet the following minimum requirements:

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HMR4.9.1 ~~1-~~**MAP Scale:** The map scale should be of sufficient proportions to clearly show the passage of a designated **HAZARDOUS MATERIALS** route within or through the jurisdiction.

HMR4.9.2 ~~2-~~**MAP Colors:** Designated **HAZARDOUS MATERIALS** routes or other approved route restrictions must be printed in red on a white background. All other printing should be in black.

HMR4.9.3 ~~3-~~**MAP Legend:** The map legend should clearly describe the graphic representations used within the map.

HMR4.9.4 ~~4-~~**Map Graphics:** The map should use graphic symbols that clearly represent the differences between designated **HAZARDOUS MATERIALS AND OTHER** routes, other highways, and jurisdiction boundaries.

HMR4.9.5 ~~5-~~**MAP Route Information:** The map should include a telephone number where the operator of a motor vehicle transporting hazardous materials can obtain additional information on hazardous materials **AND OTHER** routes, guidance regarding 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.~~

HMR4.10 **DATA CHANGES AFFECTING APPROVED HAZARDOUS MATERIALS ROUTE PETITIONS.** ~~A-~~ Petitioning ~~authorities-~~**ENTITIES** must communicate changes in the original data and/or information **RELIED UPON** ~~used-~~ to evaluate the risk level associated with an approved route to the CSP Hazardous Material immediately, or as soon as is practicable, following the change. A change would be considered to be, but not be limited to ~~the following:~~

HMR4.10.1 **ACCIDENT RATE.** A **SUBSTANTIAL** change in the accident rate **INITIALLY REPORTED; OR**

HMR4.10.2 **CONSIDERATION FACTORS.** A **SUBSTANTAL** change in the mandatory or subjective factors affecting the route or required to be considered by 49 CFR 397.71 (b) (9) **AND/OR APPLICABLE STATUTES OR THESE RULES.**

HMR4.10.3 **EMERGENCY SERVICES INFORMATION:** ANY CHANGES TO INFORMATION RELEVANT TO AVAILABLE EMERGENCY SERVICES. ANY CHANGES REGARDING EMERGENCY SERVICES IDENTIFIED BY A PETITIONING ENTITY MUST BE COMMUNICATED IN WRITING AS SOON AS POSSIBLE, BUT NO LATER THAN 45 DAYS FOLLOWING THE CHANGE, TO THE CSP HAZARDOUS MATERIALS SECTION.

HMR4.10.3.1 **CDOT EXEMPTED.** CDOT IS GENERALLY NOT REQUIRED TO PROVIDE NOTICE OF CHANGES TO RELEVANT EMERGENCY SERVICES ALONG DESIGNATED HAZARDOUS MATERIALS ROUTES. HOWEVER, WHERE CDOT, BY AGREEMENT, SUBMITS A PETITION FOR A LOCAL GOVERNMENTAL AUTHORITY PURSUANT TO §42-20-302 (9), CRS, PROVISIONS MUST BE MADE WITHIN THE AGREEMENT BETWEEN CDOT

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AND THE LOCAL GOVERNMENTAL AUTHORITY FOR COMPLIANCE WITH THIS REPORTING REQUIREMENT.

HMR4

HMR4.11 **DESIGNATED ROUTE REVIEWS/, SURVEYS AND EXEMPTIONS.** ~~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 ~~TO~~ a mandatory or subject factor, may be subject to reevaluation by the CSP.

HMR4.11.1 **ROUTE DETERMINED TO NO LONGER MEET §42-20-302 (8) (a) (I) - (IV), CRS.** ~~C-~~The CSP will notify Petitioning ~~authorities-ENTITIES~~ in writing if, ~~after reevaluation,~~ any designated **HAZARDOUS MATERIALS** route within their jurisdiction no longer meets the acceptance terms specified within §42-20-302 (8) (a) (I) - (IV), CRS, **FOLLOWING REEVALUATION OR A ROUTE REVIEW.**

HMR4.11.1.1 ~~D-~~If a designated **HAZARDOUS MATERIALS** route no longer meets the ~~above-referenced APPROVAL~~ acceptance terms of §42-20-302 (8) (a) (I) - (IV), CRS, the CSP will consult with the ~~p~~Petitioning ~~authority-ENTITY~~ 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.

HMR4.11.2 **COMPLETION OF DESIGNATED ROUTE ROAD SURVEYS.** ~~E-~~The CSP will conduct **COMPLETE** route surveys on designated **HAZARDOUS MATERIALS** 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.

HMR4.11.3 **NO ADDITIONAL EXCEPTIONS OR EXEMPTIONS.** ~~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.

HMR5

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 the 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.~~

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- ~~C. In the event of a declaration of emergency, the CSP Chief may determine a temporary hazardous material transportation route or routes. If determined appropriate, the CSP will declare a temporary hazardous material route or routes 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.~~

HMR6

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 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.~~

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HMR4.12 HAZARDOUS MATERIALS PARKING REGULATIONS AND ORDINANCES. THE APPROVAL CRITERIA SET FORTH BY THESE RULES HEREIN APPLIES ONLY TO THOSE PARKING REGULATIONS AND ORDINANCES SUBMITTED BY LOCAL GOVERNMENTAL JURISDICTIONS WHICH AFFECT VEHICLES TRANSPORTING HAZARDOUS MATERIALS OPERATING IN CONJUNCTION WITH THE USE OF A DESIGNATED HAZARDOUS MATERIALS ROUTE OR ROUTES. LOCAL GOVERNMENTAL JURISDICTIONS REQUIRING APPROVAL OF PARKING REGULATIONS OR ORDINANCES PURSUANT TO §42-20-302, CRS, MUST SUBMIT A COPY OF THE PROPOSED REGULATIONS OR ORDINANCES TO THE CSP HAZARDOUS MATERIALS SECTION FOR REVIEW CONSISTENT WITH THESE RULES.

HMR4.12.1 MUST NOT UNREASONABLY LIMIT PARKING. FOR PURPOSES OF THESE RULES, PARKING REGULATIONS OR ORDINANCES MAY BE DEEMED TO UNREASONABLY LIMIT PARKING OF VEHICLES TRANSPORTING HAZARDOUS MATERIALS WHEN THEY ARE AT VARIANCE WITH AND MORE STRINGENT THAN THE REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION PUBLISHED IN 49 CFR 397, AS REVISED OCTOBER 1, 2020. PARKING REGULATIONS OR ORDINANCES ADOPTED BY LOCAL GOVERNMENTAL JURISDICTIONS PURSUANT TO THE AUTHORITY PROVIDED IN §42-20-302 (2), CRS, AS IT IS AMENDED, MUST NOT UNREASONABLY LIMIT PARKING:

HMR4.12.1.1 ON OR NEAR A DESIGNATED HAZARDOUS MATERIALS ROUTE;

HMR4.12.1.2 FOR THE PURPOSE OF PICK UP OR DELIVERY OF HAZARDOUS MATERIALS;

HMR4.12.1.3 IN AN EMERGENCY, I.E., BREAKDOWN OR ACCIDENT; OR

HMR4.12.1.4 FOR THE PURPOSE OF A REST STOP, I.E., MEALS, RESTROOM BREAKS, OR TO COMPLY WITH THE DRIVER'S HOURS OF SERVICE REQUIREMENTS AS THEY ARE DEFINED IN 49 CFR 395, REVISED OCTOBER 1, 2020.

HMR4.12.2 NO SPECIAL PAYMENT OR PERMIT REQUIRED. NO PARKING REGULATION OR ORDINANCE WILL 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-8

HMR4.13 ROUTES ~~TO BE USED~~ DESIGNATED FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS PURSUANT TO ~~§42-20-305, CRS~~. PERMANENTLY DESIGNATED HAZARDOUS MATERIALS ROUTES FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS ARE AS SPECIFIED HEREIN:

HMR4.13.1 NORTH - SOUTH HAZARDOUS MATERIALS ROUTES DESIGNATED PURSUANT TO §42-20-305, CRS:

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- HMR4.13.1.1** ~~1~~—Colorado 9 from US 40 in Kremmling to Interstate 70 in Silverthorne.
- HMR4.13.1.2** ~~2~~—Colorado 13 from Wyoming to Moffat County Road 183 North of Craig
- HMR4.13.1.3** ~~3~~—Colorado 13 from US 40 West of Craig South to US 6 West of Rifle.
- HMR4.13.1.4** ~~4~~—Colorado 17 from US 285 near Mineral Hot Springs to US 160 near Alamosa.
- HMR4.13.1.5** ~~5~~—Interstate 25 from Wyoming to New Mexico.
- HMR4.13.1.6** ~~6~~—Colorado 47 from Interstate 25 to the junction of US 50.
- HMR4.13.1.7** ~~7~~—Colorado 71 from Colorado 14 to US 24 in Limon (East junction).
- HMR4.13.1.8** ~~8~~—Colorado 71 from US 24 in Limon (West junction) to US 50 near Rocky Ford.
- HMR4.13.1.9** ~~9~~—Colorado 79 from Colorado 52 to Interstate 70 at Bennet.
- HMR4.13.1.10** ~~10~~—Colorado 83 from US 24 to Colorado 115.
- HMR4.13.1.11** ~~11~~—Colorado 91 from Interstate 70 to US 24 near Leadville.
- HMR4.13.1.12** ~~12~~—Colorado 113 from Nebraska to US 138.
- HMR4.13.1.13** ~~13~~—Colorado 115 from Colorado 83 to US 50.
- HMR4.13.1.14** ~~14~~—Colorado 119 from Colorado 157 to Colorado 52.
- HMR4.13.1.15** ~~15~~—Colorado 125 from Wyoming to US 40 West of Granby.
- HMR4.13.1.16** ~~16~~—Colorado 127 from Wyoming to Colorado 125.
- HMR4.13.1.17** ~~17~~—US 138 from Colorado 113 to US 6 (Chestnut St.) in Sterling.
- HMR4.13.1.18** ~~18~~—Colorado 139 from Colorado 64 in Rangely to Interstate 70 near Loma.
- HMR4.13.1.19** ~~19~~—Colorado 141 from Interstate 70 business loop near Grand Junction to US 50.
- HMR4.13.1.20** ~~20~~—Colorado 141 from US 50 to US 491.
- HMR4.13.1.21** ~~21~~—Colorado 157 from US 36 to Colorado 119.
- HMR4.13.1.22** ~~22~~—Interstate 225 from Interstate 70 to Interstate 25.
- HMR4.13.1.23** ~~23~~—US 287 from US 40 in Kit Carson to Oklahoma.
- HMR4.13.1.24** ~~24~~—US 285 from US 160 in Alamosa to New Mexico.
- HMR4.13.1.25** ~~25~~—US 285 from Colorado 470 to Colorado 112.
- HMR4.13.1.26** ~~26~~—US 491 from Utah to New Mexico.

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~~HMR4.13.1.27~~²⁷-US 285 from Colorado 112 to US 160.

~~HMR4.13.1.28~~²⁸-US 85 from Wyoming to Interstate 76.

~~HMR4.13.1.29~~²⁹-Colorado 71 from Nebraska to Colorado 14.

~~HMR4.13.1.30~~³⁰-US 385 from Interstate 76 in Julesburg to US 40 in Cheyenne Wells.

~~HMR4.13.1.31~~³¹-The City of Lamar's Second Street from US 50/385 to Maple Street.

~~HMR4.13.1.32~~³²-The City of Lamar's Maple Street from Second Street to US 50/287.

~~HMR4.13.1.33~~³³-The City of Craig's Great Divide Road from US 40 North to the city limits.

~~HMR4.13.1.34~~³⁴-Moffat County Road 7 (Great Divide Road) from Craig city limits North to Moffat County Road.

~~HMR4.13.1.35~~³⁵-Moffat County Road 183 from Moffat County Road 7 (Great Divide Road) East to Colorado 13.

HMR4.13.2 EAST - WEST HAZARDOUS MATERIALS ROUTES DESIGNATED PURSUANT TO §42-20-305, CRS:

~~HMR4.13.2.1~~¹-US 6 (Loveland Pass) from Interstate 70 just East of the Eisenhower/Johnson Tunnels to Interstate 70 at Silverthorne.

~~HMR4.13.2.2~~²-US 6 from Colorado 13 West of Rifle West to exit/entrance number 87 on Interstate 70.

~~HMR4.13.2.3~~³-US 6 from State Highway 14 (Main St.) in Sterling to Nebraska.

~~HMR4.13.2.4~~⁴-Colorado 10 from Interstate 25 in Walsenburg to US 50 in La Junta.

~~HMR4.13.2.5~~⁵-Colorado 14 from US 40 to Colorado 125.

~~HMR4.13.2.6~~⁶-Colorado 14 from Interstate 25 to US 6 in Sterling.

~~HMR4.13.2.7~~⁷-US 24 from Colorado 91 at Leadville to Interstate 25 in Colorado Springs.

~~HMR4.13.2.8~~⁸-US 24 from Colorado 83 to Interstate 70 at West Limon (Exit 359).

~~HMR4.13.2.9~~⁹-US 24 business route from US 24 on the West side of Limon to the West junction of Colorado 71.

~~HMR4.13.2.10~~¹⁰-US 24 business route from the East junction of Colorado 71 (in Limon) to I-70 (Exit 363).

~~HMR4.13.2.11~~¹¹-US 34 from Interstate 25 to Interstate 76.

~~HMR4.13.2.12~~¹²-US 34 from the West junction of Colorado 71 to Nebraska.

~~HMR4.13.2.13~~¹³-US 36 from Interstate 25 to Colorado 157.

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~~HMR4.13.2.14~~**14**-US 36 from Interstate 70 in Byers to Kansas.

~~HMR4.13.2.15~~**15**-US 40 from Utah to the intersection of Colorado 13 west of Craig.

~~HMR4.13.2.16~~**16**-US 40 from Moffat County Road CG 2 (First Street) just East of Craig to Interstate 70.

~~HMR4.13.2.17~~**17**-US 40 from I-70 (Exit 363) in Limon to Kansas.

~~HMR4.13.2.18~~**18**-US 50 from the North junction of Colorado 141 near Grand Junction to Kansas.

~~HMR4.13.2.19~~**19**-Colorado 52 from Colorado 119 to Colorado 79.

~~HMR4.13.2.20~~**20**-Colorado 64 from US 40 in Dinosaur to Colorado 13.

~~HMR4.13.2.21~~**21**-Interstate 70 from Utah to US 6 at Silverthorne (Loveland Pass).

~~HMR4.13.2.22~~**22**-Interstate 70 from US 6 just East of Loveland Pass to Interstate 25.

~~HMR4.13.2.23~~**23**-Interstate 70 from Interstate 27 to Kansas.

~~HMR4.13.2.24~~**24**-Interstate 70 business route from Interstate 70 East of Grand Junction to Colorado 141.

~~HMR4.13.2.25~~**25**-Interstate 76 from Interstate 25 to Nebraska.

~~HMR4.13.2.26~~**26**-Colorado 112 from US 285 to US 160.

~~HMR4.13.2.27~~**27**-US 160 from New Mexico to Interstate 25 business route in Walsenburg, South to Exit 49 on Interstate 25.

~~HMR4.13.2.28~~**28**-Interstate 270 from Interstate 70 to Interstate 76.

~~HMR4.13.2.29~~**29**-Colorado 470 from US 285 to Interstate 70.

~~HMR4.13.2.30~~**30**-US 550 from US 160 to New Mexico.

~~HMR4.13.2.31~~**31**-The City of Craig's 1st Street from Colorado 13 East to the city limits at Colorado 394.

~~HMR4.13.2.32~~**32**-Moffat County Road CG 2 (First Street) from the Craig city limits at Colorado 394 East to US 40.

~~HMR4.13.3~~ **C-ADDITIONAL ROUTES FOR GASOLINE DIESEL FUEL AND LIQUEFIED PETROLEUM GAS.** 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:

~~HMR4.13.3.1~~ **1**-US 160 from Interstate-25 to the Kansas border.

~~HMR4.13.3.2~~ **2**-US 350 from US 160 to US 50.

~~HMR4.13.3.3~~ **3**-US 385 from US 50 US 40.

~~HMR4.13.3.5~~ **4**-SH 96 from SH 71 to the Kansas Border, and

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HMR4.13.3.6 ~~5~~-SH 109 from US 160 to East 3rd Street in La Junta.

HMR4.13.4 **ADDITIONAL ROUTE FOR GASOLINE, DIESEL FUEL, LIQUIDIFIED PETROLEUM GAS AND CRUDE OIL.** WHILE GENERALLY REQUIRED TO EMPLOY DESIGNATED STATE, FEDERAL, AND INTERSTATE ROADWAYS, TRANSPORTERS OF GASOLINE, DIESEL FUEL, LIQUEFIED PETROLEUM GAS AND CRUDE OIL MAY ROUTINELY TRAVEL ON WELD COUNTY ROAD 49, ALSO IDENTIFIED AS THE WELD COUNTY HIGHWAY, BETWEEN INTERSTATE 76 AND US 34.

HMR4.14 **CLOSING OF DESIGNATED HAZARDOUS MATERIALS ROUTES MUST BE COMMUNICATED.** THE CLOSING OF A PUBLIC ROAD THAT IS DESIGNATED AS A HAZARDOUS MATERIALS ROUTE, OR RESTRICTION 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 WHEN THESE EVENTS OCCUR OUTSIDE OF NORMAL BUSINESS HOURS AT (303) 273-4501.

HMR4.15 **CSP DECLARATION OF EMERGENCY, TEMPORARY OR ALTERNATE HAZARDOUS MATERIALS ROUTES.** PURSUANT TO §42-20-301 (1) (a), CRS, THE CSP HAS THE SOLE AUTHORITY TO DESIGNATE WHICH PUBLIC ROADS ARE PERMITTED TO BE USED BY MOTOR VEHICLES TRANSPORTING HAZARDOUS MATERIALS AND WHICH ARE NOT. INCLUDED IN THIS AUTHORITY IS THE ABILITY TO APPLY CONDITIONS TO THE USE OF HAZARDOUS MATERIALS ROUTES CONSISTENT WITH THE SCOPE OF AUTHORITY PROVIDED TO THE CSP THROUGH §42-20-301, CRS.

HMR4.15.1. **ROUTING IN RESPONSE TO EMERGENCY DECLARATION.** IN THE EVENT OF A DECLARATION OF EMERGENCY, THE CHIEF MAY DETERMINE A TEMPORARY ALTERNATE HAZARDOUS MATERIALS TRANSPORTATION ROUTE OR ROUTES WHICH THEN MAY REMAIN IN EFFECT FOR A PERIOD NOT TO EXCEED THE DURATION OF THE DECLARED EMERGENCY.

HMR4.15.2. **TEMPORARY ROUTING IN RESPONSE TO EVENTS.** CONSISTENT WITH THE AUTHORITY GRANTED BY §42-20-301 (1) (b), CRS, THE CSP MAY INCLUDE OR APPLY CONDITIONS OR RESTRICTIONS TO VEHICLES TRANSPORTING HAZARDOUS MATERIALS NOT DEFINED AS AGRICULTURAL PRODUCTS, AND LISTED IN TABLES 1 AND 2 OF 49 CFR 172.504 THAT ARE CONSISTENT WITH THE RESTRICTIONS OF §42-20-301 (1)(b) AND (2), CRS.

HMR4.15.2.1. THE CSP MAY TEMPORARILY DECLARE AN ALTERNATE ROUTE WHEN A HAZARDOUS MATERIALS ROUTE IS RESTRICTED AND/OR CLOSED DUE TO HIGHWAY CONSTRUCTION, WEATHER, OR OTHER RESTRICTIONS OR CONDITIONS AFFECTING THE MOVEMENT OF TRAFFIC (I.E., TRAFFIC INCIDENTS, MOTORCADES, OTHER SPECIAL EVENTS). THE TEMPORARY ROUTE DECLARATION WILL BE FOR A SET PERIOD OF TIME NOT TO EXCEED

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THE ACTIVITY OR EVENT AFFECTING THE ABILITY TO USE A DESIGNATED HAZARDOUS MATERIALS ROUTE.

HMR4.15.3 TEMPORARY ROUTING IN RESPONSE TO OTHER CONDITIONS. AS MAY BE ADVISABLE AND IN THE INTEREST OF PUBLIC WELFARE AND SAFETY, THE CSP MAY EXERCISE ITS AUTHORITY UNDER §42-20-301 (b), CRS, TO TEMPORARILY DESIGNATE PUBLIC ROADS OR TO APPLY CONDITIONS TO THE USE OF EXISTING DESIGNATED HAZARDOUS MATERIALS ROUTES IN RESPONSE TO SPECIFIC CONDITIONS REASONABLY DETERMINED BY THE CSP TO PRESENT AN IMMEDIATE NEGATIVE IMPACT TO PUBLIC WELFARE AND SAFETY.

HMR4.15.3.1 EFFECTIVE UP TO 12 MONTHS. AN INITIAL TEMPORARY HAZARDOUS MATERIALS ROUTE DESIGNATION OR INITIAL TEMPORARY CONDITIONS DESIGNATED BY THE CSP WILL REMAIN IN EFFECT FOR A PERIOD NOT TO EXCEED THE DURATION OF THE CONDITION NOR TO EXCEED 12 MONTHS ABSENT SUBSEQUENT REVIEW BY THE CSP.

HMR4.15.3.2 CONDITION REVIEW, EXTENSION AND RESOLUTION. A TEMPORARY HAZARDOUS MATERIALS ROUTE DESIGNATION OR CONDITIONS UPON AN EXISTING HAZARDOUS MATERIALS ROUTE DETERMINED BY THE CSP MAY NOT REMAIN IN EFFECT BEYOND 12 MONTHS WITHOUT A REVIEW TO EVALUATE IF THE CONDITION REASONABLY DETERMINED TO PRESENT THE IMMEDIATE NEGATIVE IMPACT TO PUBLIC WELFARE AND SAFETY PERSISTS. IF THIS EVALUATION RESULTS IN A DETERMINATION THAT THE CONDITION PERSISTS, THE CSP WILL EXTEND THE TEMPORARY DESIGNATION UP TO 180 DAYS.

HMR4.15.3.2.1 OPPORTUNITY TO PETITION OR CORRECT. A LOCAL PETITIONING ENTITY OR CDOT IS ENCOURAGED TO TAKE APPROPRIATE ACTION CONSISTENT WITH RESOLVING THE CONDITION AT ANY POINT PRIOR TO OR SUBSEQUENT TO A TEMPORARY ROUTE DESIGNATION OR APPLICATION OF TEMPORARY CONDITIONS TO AN EXISTING ROUTE. LOCAL ENTITIES AND/OR CDOT WILL BE ENCOURAGED TO DO SO PRIOR TO THE EXPIRATION OF ANY 180-DAY EXTENSION APPLIED TO A CSP TEMPORARY DESIGNATION FINDING A NEGATIVE CONDITION TO EXIST OR PERSIST. FAILING THE SUBMISSION OF AN APPLICATION, LOCAL ENTITIES AND/OR CDOT WILL BE ENCOURAGED TO TAKE ACTION TO EITHER ELIMINATE, CORRECT OR MITIGATE A CONDITION REASONABLY DETERMINED BY THE CSP PURSUANT TO STATUTE AND THESE RULES TO REPRESENT AN IMMEDIATE NEGATIVE IMPACT TO PUBLIC WELFARE OR SAFETY.

HMR4.15.3.3 TEMPORARY DESIGNATION OR CONDITIONS REPRESENT INFORMAL NOTICE. TEMPORARY DESIGNATION OF A HAZARDOUS MATERIALS ROUTE OR THE DETERMINATION TO APPLY TEMPORARY RESTRICTIONS TO AN EXISTING HAZARDOUS MATERIALS ROUTE BY THE CSP IN RESPONSE TO A CONDITION REASONABLY DETERMINED TO

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REPRESENT AN IMMEDIATE NEGATIVE IMPACT TO PUBLIC WELFARE AND SAFETY REPRESENTS INFORMAL NOTICE THAT AN EXISTING ROUTE DESIGNATION MAY NO LONGER SATISFY STATUTORY APPROVAL REQUIREMENTS REFERENCED WITHIN THESE RULES. TEMPORARY ROUTE DESIGNATIONS OR TEMPORARY CONDITIONS PLACED UPON EXISTING ROUTE DESIGNATIONS WILL RESULT IN A ROUTE REVIEW WITHIN 12 MONTHS FROM THE CSP THAT MAY RESULT IN PERMANENT CHANGES TO EXISTING ROUTING OR ALTERNATE ROUTE DETERMINATION(S), CONSISTENT WITH THE ROUTE REVIEW PROCESS OUTLINED IN THESE RULES.

HMR4.15.3.4 NO CURFEWS. CONSISTENT WITH §42-20-301 (1) (b) AND (c), CRS, THE CSP WILL NOT IMPOSE CURFEWS OR CONDITIONS AFFECTING THE HOURS OF OPERATION OR TO MOTOR VEHICLES BEING USED TO TRANSPORT TO OR FROM A FARM OR RANCH PRODUCTS NECESSARY FOR AGRICULTURAL PRODUCTION.

HMR4.15.3.5 APPLICABLE TO TABLES 1 AND 2, 49 CFR 172.504, AS LIMITED BY STATUTE. ANY CSP HAZARDOUS MATERIALS ROUTE DESIGNATIONS OR CONDITIONS THEREUPON APPLY ONLY TO THOSE MATERIALS LISTED IN TABLES 1 AND 2 OF 49 CFR 172.504 AS SPECIFICALLY PROVIDED WITHIN §42-20-301 (2), CRS.

HMR 10

HMR4.16 VIOLATION PENALTY. Any person **CONVICTED** of shipping or transporting hazardous materials in violation of any of the rules of this part ~~shall~~ **WILL** be **SUBJECT TO THE PENALTIES** ~~punished as provided in~~ **SET FORTH WITHIN** §42-20-305, CRS.

PART IV

PART 5

TRANSPORTATION OF NUCLEAR MATERIALS

(NMT)

NMT5.0 DEFINITIONS. The definitions provided in §§42-20-103 and §42-20-402, CRS, ~~shall~~ **WILL** apply to these rules and regulations. The following **ADDITIONAL** definition will also apply:

NMT5.0.1 Complaint: A written document stating the essential facts and supporting documentation regarding any offense(s) charged.

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NMT5.1 **APPLICATION OF ARTICLES 10 AND 49 CFR TO NUCLEAR MATERIALS TRANSPORTATION.** ~~A.~~ The transportation of nuclear materials, as **THEY ARE DEFINED WITHIN** §42-20-402 (3) (a) – (c), CRS, by motor vehicle**S IN COLORADO** 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, ~~2019~~**2020**. ~~As A~~ 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:

NMT5.1.1 The definition of person provided within 49 CFR 107.1 does not apply.

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.

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NMT 5.2 **INSPECTION REQUIREMENTS.** ~~C.~~ Inspection procedures by the CSP **ARE** ~~shall be in accordance~~ **CONSISTENT** with the CVSA inspection procedures, decal application policies, and OOS criteria as are **PUBLISHED AND** in effect on April 1, ~~2020-2021~~.

NMT5.2.1 **SHIPMENTS ENTERING COLORADO.** ALL MOTOR VEHICLES CARRYING NUCLEAR MATERIALS AND ENTERING COLORADO ON PUBLIC ROADS MUST BE INSPECTED BY AN AUTHORIZED ENFORCEMENT OFFICIAL OF THE CSP NEAREST TO THE POINT AT WHICH THE NUCLEAR MATERIALS SHIPMENT ENTERS THE STATE OR AT A LOCATION SPECIFIED BY THE CSP.

NMT5.2.2 **SHIPMENTS ORIGINATING IN COLORADO.** ALL MOTOR VEHICLES CARRYING NUCLEAR MATERIALS WHERE THE SHIPMENT THEREOF ORIGINATES WITHIN COLORADO MUST BE INSPECTED BY AN AUTHORIZED ENFORCEMENT OFFICIAL OF THE CSP AT THE POINT OF ORIGIN.

NMT5.2.3 **TRANSPORT SUBSEQUENT TO CRASH.** ~~D.~~ Before being authorized to continue **SUBSEQUENT TO A CRASH** ~~its journey after being involved in a crash, the~~ **A** motor vehicle and shipping container **TRANSPORTING NUCLEAR MATERIALS MUST** ~~shall be~~ inspected by a qualified inspector **CONSISTENT** ~~in accordance with~~ **NMT5 OF THESE RULES AND APPLICABLE STATUTES.** ~~the procedures identified in paragraph C above.~~

NMT5.2.4 **NO TRANSPORT OF NUCLEAR MATERIALS ABSENT PERMIT.** NO PERSON WILL TRANSPORT NUCLEAR MATERIALS INTO, WITHIN, THROUGH, OR OUT OF COLORADO UNLESS AND UNTIL A PERMIT AUTHORIZING THE TRANSPORTATION OF THE NUCLEAR MATERIALS IS ISSUED CONSISTENT WITH STATUTE, THESE RULES, AND APPLICABLE RULES ADOPTED BY THE CDOT.

NMT 3

NMT5.3 **NUCLEAR MATERIALS ANNUAL PERMIT APPLICATIONS AND FEES.** ~~A.~~ UPON REVIEW AND APPROVAL OF AN ANNUAL NUCLEAR MATERIALS TRANSPORTATION PERMIT APPLICATION, THE CDOT WILL ISSUE AN ANNUAL NUCLEAR MATERIALS TRANSPORTATION PERMIT PURSUANT TO THE AUTHORITY PROVIDED BY §42-20-501, CRS. All annual nuclear materials transportation permit applications and fees ~~shall~~ **MUST** be submitted to the ~~Colorado PUC~~ **CDOT** at ~~1560 Broadway, Ste. 250~~ **2829 W Howard Place, Denver, Colorado, 80204.** **INFORMATION ABOUT THE APPLICATION, FEES, TERMS AND PROCESS** ~~This application~~ may be downloaded from ~~DORA~~ **CDOT** online at ~~HTTPS://WWW.COLORADO.GOV/PACIFIC/DORA/HAZ-MAT~~ **HTTPS://WWW.COOPR.CODOT.GOV.**

NMT5.3.1 ~~B.~~ **ANNUAL COST AND TERM.** The annual **NUCLEAR MATERIALS TRANSPORT** permit fee ~~IS shall be~~ **\$500 UNLESS OTHERWISE**

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INDICATED and each permit will be valid for one year ~~form~~ **FROM** the date of issuance.

NMT5.3.2 ~~C.~~ **ADDITIONAL APPLICABLE NUCLEAR TRANSPORT FEES.**

In addition to the annual permit fee, each carrier shall pay a \$200 fee for each shipment that is transported.

NMT5.3.2.1 ~~1.~~ Shipment fees ~~shall~~ **MUST** be paid by mail **TO THE CDOT** and postmarked seven ~~(7)~~ days prior to the date the **NUCLEAR MATERIALS** shipment is made or at the time the shipment enters the state, ~~{at the CSP POE weigh station nearest the point at which the shipment enters COLORADO the state}.~~

NMT5.3.2.2 If a regularly scheduled **NUCLEAR MATERIALS** shipment is ~~to~~ **BEING** made, the carrier may make arrangements with the ~~CDOT-PUC~~ to pay shipment fees on a monthly basis.

NMT5.3.2.3 ~~2.~~ If ~~the~~ **A NUCLEAR MATERIALS** shipment originates within ~~the state~~ **COLORADO**, payment ~~shall~~ **MUST** be made at the **CSP** POE weigh station nearest the point of shipment origination, or mailed **TO THE CDOT** as provided in **NMT5.3.2.1 HEREIN** ~~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 the provisions of NMT 3.

NMT5.4 **CONDITIONS APPLICABLE TO NUCLEAR MATERIALS PERMITS.** THE FOLLOWING CONDITIONS ARE APPLICABLE TO THE USE OF NUCLEAR MATERIALS PERMITS IN COLORADO:

NMT5.4.1 **SHIPPING PAPERS REQUIRED.** ~~E.~~ Each person transporting nuclear materials within this state ~~shall~~ **MUST** carry a copy of the shipping papers required in 49 CFR 172, Subpart C, as revised October 1, ~~2019~~ **2020**, and a **PAPER OR ELECTRONIC** copy of the nuclear materials transportation permit in the motor vehicle.

~~F.~~ **Permit Conditions**

NMT5.4.2 **USDOT NUMBER REQUIRED.** ~~1.~~ Nuclear materials transporters operating within ~~the state of~~ Colorado are required to obtain a ~~motor carrier~~ **USDOT** identification number pursuant to the provisions of 49 CFR 390.19T prior to **THE** submission of ~~their~~ **A** nuclear materials transport application.

~~2.~~ ~~The PUC shall, upon review and approval of a nuclear transportation permit application, issue a nuclear materials transportation permit pursuant to §42-20-501, CRS.~~

NMT5.4.3 **NUCLEAR TRANSPORTATION PERMIT COPY REQUIRED.** ~~3.~~ A copy of the nuclear materials transportation permit ~~shall~~ **MUST** be placed in each

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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.

NMT5.4.4 NUCLEAR TRANSPORTATION PERMIT NOT TO BE ALTERED. 4.

No nuclear materials transportation permit is to be altered, amended, or copied unless authorized in writing by the ~~PUC-CDOT~~, or, in the ~~case~~ **INSTANCE** of a single permit, by any law enforcement official.

NMT-4

NMT5.5 AUTHORITY TO INSPECTION MOTOR VEHICLES, BOOKS, AND RECORDS

RELATED TO THE TRANSPORT OF NUCLEAR MATERIALS. ENFORCEMENT OFFICIALS OF THE CSP AND/OR THE PUC HAVE THE AUTHORITY TO AND MAY INSPECT MOTOR VEHICLES, DRIVERS, BOOKS, AND RECORDS RELEVANT TO THE TRANSPORT OF NUCLEAR MATERIALS.

NMT5.5.1 CSP INSPECTION OF NUCLEAR MATERIALS TRANSPORTERS. A.

~~Personnel of the CSP~~ **ENFORCEMENT OFFICIALS HAVE THE AUTHORITY TO AND** may at any time inspect any vehicle, driver, cargo, shipping papers, nuclear materials transportation permit, and any other papers required by law or rule to be carried when transporting nuclear materials on public roads in ~~the state of~~ Colorado.

NMT5.5.2 CSP AND PUC INSPECTION OF RECORDS RELEVANT TO NUCLEAR MATERIALS TRANSPORTATION. B

~~Personnel of the CSP and the PUC~~ **ENFORCEMENT OFFICIALS HAVE THE AUTHORITY TO AND** may inspect any and all books and records ~~connected with the shipment of nuclear materials~~ **by-OF** any carrier, shipper, or person who transports, ships, or causes to be transported or shipped any nuclear materials within ~~the state of~~ Colorado.

HMT5.5.3 SHARING OF VIOLATION DATA WITH CDOT. THE CSP WILL INFORM CDOT IN WRITING OF INFORMATION RELEVANT TO VIOLATIONS IDENTIFIED AND ASSESSED AGAINST A PERSON HAVING A NUCLEAR MATERIALS TRANSPORT PERMIT AND ENGAGED IN THE TRANSPORTATION OF NUCLEAR MATERIALS. VIOLATIONS DISCOVERED DURING INSPECTIONS OR COMPLIANCE REVIEWS ARE SHARED TO PROMOTE THE JOINT INTERESTS OF PUBLIC SAFETY AND EFFECTIVE ENFORCEMENT OF NUCLEAR MATERIALS TRANSPORT PERMIT CONDITIONS, THESE RULES, APPLICABLE STATUTES AND REGULATIONS.

NMT-5

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NMT5.6 **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 the subsection (3) of §42-20-406, CRS, and of §42-20-505, CRS, ~~shall be~~ **IS** subject to a civil penalty of not more than \$10,000 per day for each day during which ~~the~~ **A** violation occurs. The penalty ~~WILL shall~~ be assessed by the Chief ~~of the CSP~~ upon receipt of a complaint by any investigative personnel of the PUC, ~~POE,~~ or CSP, and after written notice and opportunity for a hearing pursuant to §24-4-105, CRS.

NMT5.6.1 **VIOLATIONS OF §§42-20-406 (3) AND 42-20-505, CRS.** ~~B.~~ Civil penalties for violations of §§42-20-406 (3); and §42-20-505 (2), CRS, **WILL** ~~shall~~ be assessed pursuant to statute and **WILL** ~~shall~~ appear on the complaint prior to service.

NMT5.6.2 **VIOLATIONS SUBJECT TO PENALTIES WITHIN §42-20-505, CRS.** ~~C.~~ Any person who ~~violations~~ **VIOLATES** any of the provisions of **NMT5.3 OR 5.4** of these rules ~~shall be~~ **IS** subject to the civil penalties listed in §42-20-505, CRS.

NMT5.6.3 **PENALTIES ASSESSED DAILY FOR VIOLATION OF COMPLIANCE ORDER ISSUED PURSUANT §42-20-208, CRS.** ~~D.~~ Any person who violates a compliance order of the Chief ~~of the CSP~~ which is not subject to a state pending judicial review and which has been issued pursuant to §42-20-208, CRS, **WILL** ~~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

NMT5.7 **CIVIL PENALTY ASSESSMENT PROCEDURES.** ~~A.~~ All violations of statutes cited in **NMT5.6, NMT5.6.2 AND NMT5.6.3 WILL** ~~shall~~ be investigated and summarized in a complaint filed by an authorized investigator of the PUC or the CSP. The investigation ~~shall~~ **WILL** include, as applicable, the nature and gravity of any violations, the degree of culpability, any history of violations, and other public safety concerns. **THE COMPLAINT WILL BE SERVED IN PERSON OR BY CERTIFIED MAIL AT THE MOTOR CARRIER'S LAST KNOW ADDRESS ON FILE AT THE CSP UNLESS A MORE CURRENT ADDRESS IS ON FILE WITH THE CDOT. IN THE EVENT A MORE CURRENT ADDRESS IS ON FILE WITH THE CDOT, THE COMPLAINT WILL BE SERVED IN PERSON OR BY CERTIFIED MAIL AT THE MORE CURRENT ADDRESS ON FILE WITH THE CDOT.**

NMT5.7.1 **CIVIL PENALTIES ASSESSED PURSUANT §§42-20-406 (3) AND 42-20-505 (2), CRS.** Civil penalties for violations of §§42-20-406 (3); and §42-20-505 (2), CRS, ~~shall~~ **WILL** be assessed pursuant to statute and ~~shall~~ **WILL** 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 know address on file at the CSP.~~

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NMT5.7.2 **NOTICE AND RESPONSE FOR VIOLATIONS OF NMT5.6 AND §42-20-505 (1), CRS.** Complaints containing violations of ~~NMT 4 (A)~~ **NMT5.6** and §42-20-505 (1), CRS, ~~shall~~ **MUST** provide notice of an opportunity to appear before the Chief of the CSP, or his or her designee, for the purpose of contesting the violation or for providing mitigating factors to be considered in determining the amount of **THE** civil penalty to be assessed.

NMT5.7.2.1 **CARRIER RESPONSE TO COMPLAINT.** ~~1-~~ Within 30 days of service of the complaint, the carrier ~~shall~~ **MUST** file a written response containing:

NMT5.7.2.1.1 ~~a-~~ A request for a formal hearing before the Chief of the CSP or his or her designee pursuant to §24-4-105, CRS;

NMT5.7.2.1.2 ~~b-~~ A request for an informal hearing before the Chief of the CSP or his or her designee; or

NMT5.7.2.1.3 ~~c-~~ A waiver of the right to a hearing before the Chief of the CSP or his or her designee.

NMT5.7.2.2 **REQUEST FOR INFORMAL HEARING WAIVES FORMAL HEARING.** ~~2-~~ A request for an informal hearing before the Chief of the CSP or designee ~~shall~~ **WILL** constitute a waiver of the right to a hearing pursuant to §24-4-105, CRS.

NMT5.7.2.3 **FAILURE TO FILE TIMELY RESPONSE TO COMPLAINT.** ~~3-~~ Failure to timely file a written response ~~shall~~ **WILL** constitute a default. Upon entry of a default, the Chief of the CSP or his or her designee ~~shall~~ **WILL** 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.

NMT5.7.3 **CHIEF WILL ISSUE FINAL WRITTEN AGENCY DECISION.** ~~4-~~ Within 30 days of receiving all relevant information, the Chief of the CSP or his or her designee ~~shall~~ **WILL** issue a final written agency decision to include the specific violations and civil penalties assessed. The final agency decision ~~shall~~ **WILL** be served upon the carrier in person or by first class mail at **THE** last known address on file at the CSP **OR CDOT, WHICHEVER IS MORE CURRENT.**

NMT-7

MISCELLANEOUS REQUIREMENTS

NMT5.8 **SCHEDULING OF NUCLEAR MATERIALS TRANSPORTS.** ~~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.

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NMT5.8.1 **RUSH-HOUR DEFINED.** For purposes of these rules, rush-hour is defined to be between 6:00 am to 9:00 am and 3:00 pm to 6:00 pm, Monday through Friday.

NMT5.8.2 **APPLICABILITY.** As a practical matter, this applies to the cities of Ft. Collins, Denver (greater metropolitan area), Colorado Springs, and Pueblo.

NMT5.8.3 **ACCESS OF FORT COLLINS WEIGH STATION DURING RUSH-HOUR.** Motor vehicles transporting nuclear materials may access the CSP 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

NMT5.9 **ESCORT REQUIREMENTS FOR NUCLEAR MATERIAL TRANSPORTS.** ~~A.~~ ~~The CSP, b~~ ~~Based UP~~ ~~on security and/or emergency response concerns,~~ ~~THE CSP~~ may require motor vehicles transporting nuclear materials to be escorted by a CSP Hazardous Materials Team when traveling within or through ~~the state~~ **COLORADO.**

NMT5.9.1 **HAZARDOUS MATERIALS TEAM NOT A REPLACEMENT -FOR SHIPMENTS OF IRRADIATED REACTOR FUEL.** 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).

NMT5.9.2 **LICENSEE WILL BE NOTIFIED.** A licensee, ~~AS DEFINED WITHIN~~ ~~{10 CFR 2.4}~~ will be notified that a CSP Hazardous Materials Team escort is required following ~~THE~~ receipt of the shipment notification by the Governor or Governor's designee, ~~CONSISTENT in accordance~~ with the provisions of 10 CFR 73.37 (b) and (c).

NMT-9

NMT5.10 **NOTIFICATION OF NUCLEAR MATERIALS INCIDENTS.** ~~A.~~—A driver of a motor vehicle involved in a spill or potential spill of nuclear materials ~~MUST-shall~~ comply with the incident notification provision~~S~~ contained in ~~HMT2.3-3.~~

NMT5.10.1 **NOTIFICATION REGARDLESS OF DAMAGE.** ~~B.~~—The driver of a motor vehicle transporting nuclear materials as cargo ~~IS~~ involved in a motor vehicle crash, regardless of whether there is damage to the transporting motor vehicle, ~~WILL-shall~~ immediately notify the CSP at (303) 239-4501.

~~PART V~~

PART 6

NUCLEAR MATERIAL ROUTE DESIGNATION

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(NMR)

NMR6.0 **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~~ **MUST** travel only on **THE FOLLOWING** ~~these state highway segments as follows:~~

NMR6.01 **N I-25 TO E I-70 AND ITS REVERSE.** ~~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:

NMR6.01.1 ~~a.~~ On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 225; then,

NMR6.01.2 ~~b.~~ On Interstate Highway 225 between the junction with Interstate Highway 25 and the junction with Interstate Highway 70; then,

NMR6.01.3 ~~c.~~ On Interstate Highway 70 between the junction with Interstate Highway 225 and the Colorado – Kansas state line.

NMR6.02 **W I-70 to N I-25 AND ITS REVERSE.** ~~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:

NMR6.02.1 ~~a.~~ On Interstate Highway 70 between the Colorado – Kansas state line and the junction with Interstate Highway 270; then,

NMR6.02.2 ~~b.~~ On Interstate Highway 270 between the junction with Interstate Highway 70 and the junction with Interstate Highway 25; then,

NMR6.02.3 ~~c.~~ On Interstate Highway 25 between the junction with Interstate Highway 270 and the Colorado – Wyoming state line.

NMR6.03 **N I-25 AT CO – WY AND CO – NM AND ITS REVERSE.** ~~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:

NMR6.03.1 ~~a.~~ On Highway 25 between the Colorado – New Mexico state line and the Colorado – Wyoming state line.

NMR6.04 **N I-25 TO N I-76 AND ITS REVERSE.** ~~4.~~ For vehicles traveling North on Interstate Highway 25 and then going North on Interstate Highway 76, the following

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route will be used. Vehicles following the opposite direction will use the same routing in the opposite direction:

NMR6.04.1 ~~a~~—On Interstate Highway 25 between the Colorado – New Mexico state line and the junction with Interstate Highway 76; then,

NMR6.04.2 ~~b~~—On Interstate Highway 76 between the junction with Interstate Highway 25 and the Colorado – Nebraska state line.

NMR6.1 **PROHIBITED HIGHWAY SEGMENTS.** ~~B~~—Motor vehicles transporting nuclear materials shall under no circumstances travel on ~~these~~ state highway segments designated as follows:

NMR6.1.1 **MILEPOST 361.630.** ~~1~~—On Interstate Highway 70 between the Colorado-Utah state line and the junction with US 40, at milepost 361.630.

NMR6.1.2 **MILEPOSTS 274.039 AND 276.572.** ~~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.

NMR6.2 **ROUTE DEVIATION EXCEPTIONS.** ~~C~~—No carrier shall deviate from the routes designated in this rule except:

NMR6.2.1 **EMERGENCY SAFETY.** ~~1~~—In cases of emergency conditions making continued use of the designated route unsafe.

NMR6.2.2 **ROAD CLOSURE.** ~~2~~—When the designated route is closed due to road conditions, road construction, or maintenance operations.

NMR6.2.3 **LOCAL OPERATION.** ~~3~~—To make local pickups and deliveries; or

NMR6.2.4 **REFUELING.** ~~4~~—When making local pickups and deliveries or when refueling, the carrier shall ~~shall~~ **MUST** minimize the distance traveled on non-designated routes.

NMR-2

NMR6.3 **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 ~~affected~~ **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 Communication Center must be contacted where these events occur outside of normal business hours at (303) 239-4501.

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NMR6.3.1 **DETERMINATION OF ALTERNATE ROUTE.** ~~**B.**~~ When a nuclear materials route is restricted and/or closed, the CSP will determine if a temporary alternative route should be identified.

NMR6.3.2 **NOTIFICATION OF TEMPORARY DESIGNATION.** ~~**C.**~~ The CSP will notify the appropriate local law enforcement agencies regarding any temporary closure and if an alternate route has been temporarily designated.

NMR6.3.3 **ESCORT REQUIRED.** ~~**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

PART 7

INTRASTATE TRANSPORTATION OF AGRICULTURAL PRODUCTS

(HMA)

HMA7.0 **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.

HMA7.1 **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, ~~2019~~ **2020**.

HMA7.2 **DEFINITIONS.** For purposes of this **PART 7**, the following definitions apply:

HMA7.2.1 **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.

HMA7.2.2 **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.

HMA7.3 **EXEMPTIONS FROM THE FEDERAL RULES IN 49 CFR 173.5.** The Chief of the CSP hereby adopts by rule and regulation the **FEDERAL AGRICULTURAL PRODUCT** exemption

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provisions **OF** authorized in the federal regulations, 49 CFR 173.5, **AS** and authorized by §42-20-108.5, CRS.

PART 8
PUBLICATIONS, RESOURCES, AND SEVERABILITY
(HPR)

HPR8.0 **PUBLICATIONS AND RULES INCORPORATED BY REFERENCE.** ~~A~~—All publications, standards, guidelines and rules adopted and incorporated by reference in these rules are on file and available upon request for public inspection by contacting the CSP Hazardous Materials Section, ~~15065 S. Golden Rd., Golden, CO 80401-3990.~~

HPR8.01 **COMPLIANCE WITH §24-4-103, CRS.** ~~1~~—All publications, standards, guidelines, and rules adopted and incorporated by reference in these rules will be provided to and made available for examination at any state publications depository library as **IS** required by §24-4-103 (12.5), CRS. The following publications, standards, guidelines, and rules are adopted as **EACH MAY BE** amended within these rules, ~~in accordance~~ **CONSISTENT** with §24-4-103 (12.5), CRS:

HMP8.01.1 ~~a~~—Commercial Vehicle Safety Alliance (~~2020–2021~~). **North American Standard Out-of-Service Criteria (OOSC)**. April 1, ~~2020–2021~~. Greenbelt, MD: Author.

HMP8.01.2 ~~b~~—**Federal Motor Carrier Safety Regulations**, 49 CFR §§ 40, 380, 382, 385, 387, 390, 397, 399, and Appendix G (~~2019–2020~~). This information is also available online through the government publishing office website at: <HTTPS://WWW.EFCR.GOV/CGI-BIN/ECFR?PAGE=BROWSE>.

HMP8.01.3 ~~c~~—**Pipeline and Hazardous Materials Safety Regulations**, 49 CFR §§ 107, 171 – 173, 177, 178, ~~AND~~ **and** 180 (~~2019–2020~~). This information is also available online through the Government Publishing Office website at: <HTTPS://WWW.ECFR.GOV/CGI-BIN/ECFR?PAGE=BROWSE>.

HMP8.01.4 ~~d~~—**Nuclear Regulatory Commission Regulations**, 10 CFR §§ ~~71.97, 73.27, AND~~ **and** 180 (~~2019–2020~~). This information is also available online through the

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Government Publishing Office website at [HTTPS://WWW/ECFR.GOV/CGI-BIN/ECFR?PAGE=BROWSE](https://www.ecfr.gov/cgi-bin/ecfr?PAGE=BROWSE).

HMP8.01.5 ~~e.~~—US Department of Transportation Pipeline and Hazardous Materials Safety Administration. **2020 Emergency Response Guidebook (2020)**. Washington, DC: Author.

HMP8.1 **COPIES OF PUBLICATIONS MAINTAINED BY THE CSP.** ~~2.~~—The CSP Hazardous Materials Section ~~shall~~ **WILL** maintain copies of the complete texts of each 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 incorporated materials and/or obtain copies of the adopted standards for a reasonable fee by contacting the CSP Hazardous Materials Section ~~at 15065 S. Golden Rd., Golden, CO, 80401.~~ Copies of the adopted publications, standards, guidelines and rules may also be available from the organizations of original issue:

HMP8.1.1 ~~a.~~—**2021–2020 CVSA Out-of-Service Inspection Criteria:** Commercial Vehicle Safety Alliance (CVSA), 6303 Ivy Lane, Suite 310, Greenbelt, Maryland 20770-6319. Phone: 301-830-6143. Email: CVSAHQ@CVSA.ORG.

HMP8.1.2 ~~b.~~—**Federal Motor Carrier Safety Administration (FMCSA)**, US Department of Transportation, 1200 New Jersey Ave., SE Room W-65-206, Washington, DC, 20590. Phone: 1-800-832-5660. Website: WWW.FMCSA.DOT.GOV.

HMP8.1.3 ~~c.~~—**Pipeline and Hazardous Materials Safety Administration**, US Department of Transportation, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: 202-366-4433. Website: WWW.PHMSA.DOT.GOV.

HMP8.1.4 ~~d.~~—**US Nuclear Regulatory Commission**, Washington, DC, 20555-0001. Phone: 1-800-368-5642 ~~OR~~ **or** 301-415-7000. Website: WWW.NRC.GOV.

HMP8.1.5 ~~e.~~—**2020 Emergency Response Guidebook:** Hazardous Materials Training Program, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Ave., SE, Washington, DC, 20590. Phone: 202-366-4900. Website: WWW.PHMSA.DOT.GOV.

HMP8.2 **LATER EDITIONS NOT INCORPORATED BY REFERENCE.** ~~B.~~—These rules do not include later amendments to or editions of any publications, standards, guidelines, or rules incorporated by reference herein.

HMP8.3 **RULES AVAILABLE ONLINE.** ~~C.~~—These rules are available online through the ~~CSP hazardous material section webpage accessible through the CDPS website at~~ [HTTPS://WWW.COLORADO.GOV/PACIFIC/CSP/HAZARDOUS-MATERIALSPUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS](https://www.colorado.gov/pacific/csp/HAZARDOUS-MATERIALSPUBLICSAFETY.COLORADO.GOV/GET-INVOLVED/RULES-AND-REGULATIONS).

Editing Note: Strike out text appearing in **BLUE** is text that has been relocated to another section of these rules. Strike out text appearing in **BLACK** is text proposed to be deleted. **Red** Text is text proposed to be added into these rules.

HMP8.4 **INQUIRIES ABOUT RULES.** All contact with the CSP regarding these rules should be addressed to:

Colorado State Patrol

Hazardous Materials Section

15065 S. Golden **Rd**~~Rd~~

Golden, CO. 80401

303-273-1900

HMP8.5 **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.