



COLORADO

Transportation Commission

4201 East Arkansas Avenue, Room 270
Denver, CO 80222-3406

DATE: November 17, 2016
TO: Transportation Commission
FROM: Herman Stockinger / Kyle Lester
SUBJECT: Authorize Commencement of Rule-Making by Opening the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

Purpose

To authorize the Department to commence the rule-making process by opening the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

Action

To pass a resolution authorizing the Department to commence rule-making by opening the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads (“Rules”), 2 CCR 601-4, and delegate authority to an Administrative Hearing Officer to conduct a public hearing.

Background

CDOT has 22 sets of rules; of these, the Commission has statutory authority to promulgate 13 sets; the remaining 9 sets are under the authority of the Executive Director. These Rules are under the authority of the Commission. Because administrative rules have the force of law, any change in wording must follow the full process set forth in the Administrative Procedure Act. The many steps in this process include: requesting that stakeholders review the rule changes, requesting the Commission open the rule making process, gathering public input, holding a hearing, the Administrative Hearing Officer recommending a course of action to the Commission, requesting the Commission adopt the rules, and finally, requesting review by the Attorney General’s Office.

Details

The Rules were last updated on November 14, 2015. The proposed changes to the Rules are primarily a result of the passage of the FAST Act, codified at 23 U.S.C. 127. The proposed changes include:

- Adding Rule 207, the definition of “Bulk Fluid Milk Products”;
- Adding Rule 409.4, requiring vehicles or loads of more than 17 feet in height must be accompanied by a licensed signal contractor through all intersections controlled by an overhead traffic signal;
- Under Rule 500.9, revising requirements for Pilot Escort Drivers;
- Adding Rule 704.4.3.6, exempting “covered heavy-duty tow and recovery vehicle” from the requirement to obtain an overweight permit; and
- Adding Rule 712, exempting “emergency vehicles” from the requirement to obtain an overweight permit under certain conditions.

Key Benefits

The proposed changes to the Rules comply with the FAST Act.



Options and Recommendations

- 1) Authorize the Department to open the Rules and delegate authority to an Administrative Hearing Officer to hold a public rule-making hearing (staff recommendation);
- 2) Defer the decision to open the Rules pending the provision of additional information; or
- 3) Decline to open the Rules at this time.

Attachments

Resolution

Red-line copy of Rules showing proposed changes



Resolution # TC-

Open Rule-Making and Delegate Authority to an Administrative Hearing Officer to Conduct a Public Rule-Making Hearing Regarding Amendments to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

WHEREAS, § § 42-4-510(1)(b), 511(1), and 43-1-106(8)(k), C.R.S., authorize the Transportation Commission of Colorado (“Commission”) to adopt rules that are necessary for the proper administration and enforcement of state permits for the operation of vehicles that are of excess size and/or weight; and

WHEREAS, the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads (“Rules”), 2 CCR 601-4, were last updated on November 14, 2015; and

WHEREAS, the proposed amendments to the Rules are primarily based on the passage of the FAST Act, codified at 23 U.S.C. 127; and

WHEREAS, the Commission will review the proposed Rules once all comments have been submitted, testimony has been taken at the public rule-making hearing, and the Administrative Hearing Officer has submitted recommendations to the Commission along with a complete procedural record of the hearing; and

WHEREAS, the Department recommends the Rules be amended to conform to the FAST Act; and

NOW THEREFORE BE IT RESOLVED, the Commission authorizes an Administrative Hearing Officer to conduct a public rule-making, and authorizes staff to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rule-making for the purpose of amending the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rule-making hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and forward said record and Rules to the Commission for consideration and adoption of the Rules.

Herman Stockinger, III
Transportation Secretary

Date

DEPARTMENT OF TRANSPORTATION

Transportation Commission

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

2 CCR 601-4

CHAPTER 1 AUTHORITY AND GENERAL PROVISIONS

100 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

101 History

The Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads were made effective on the following dates: June 30, 1984; January 30, 1986; November 30, 1986; January 30, 1988; May 30, 1988; April 30, 1989; March 4, 1991; April 30, 1992; July 30, 1999; January 30, 2004; August 1, 2007; August 1, 2010, ~~and June 30, 2012,~~ and November 14, 2015.

102 Statement of Basis and Purpose and Statutory Authority

The July 2015 rulemaking was initiated to conform the rules to a change in HB14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate overweight divisible loads pertaining to power units utilizing a trailer with two or three axles. Additionally, the Department is clarifying height restrictions in conformance with § 42-4-504(1), C.R.S., incorporating processes for the new electronic permitting system, and conforming the Auxiliary Power Unit (“APU”) requirements to a change in weight made in MAP-21 (23 U.S.C. 127), increasing the APU from 400 to 550 lbs. Thereafter, with the passage of the FAST Act, codified at 23 U.S.C. 127, a rulemaking was initiated to conform the requirements of the Act and make other minor changes.

Specific statutory authority for the Colorado Transportation Commission to adopt and promulgate Rules pertaining to Transport Permits for the operation or movement of Extra-legal Vehicles or Loads, is contained in §§ 42-4-510 (1)(b), 511(1), and § 43-1-106(8)(k), C.R.S. Various permits issued under the law require restrictions or conditions for movement which includes using Pilot Escort Vehicles to accompany the movement of Loads, in an effort to protect the health, safety and welfare of the traveling public. Conditions for requirements prescribed by the Department are statutorily authorized under § 42-4-510 (3), C.R.S.

The purpose of the Rules is to comply with state statutes that allow the movement on State Highways of Vehicles and Loads exceeding Legal Limits provided that the Department issues a permit for such Vehicles and Loads. Section 42-4-510 (3), C.R.S. authorizes the Department to prescribe conditions of operation for the movement of Extra-Legal Loads.

103 General Provisions

[\[No changes from 103 to 103.5\]](#)

CHAPTER 2 DEFINITIONS

[\[No changes from 200 to 206\]](#)

[207 Bulk Fluid Milk Products – A cargo tank shipment of raw unpasteurized milk from a dairy farm to market for processing.](#)

~~2078~~ Cluster Lights - An assemblage of three or more red or yellow clearance lights.

~~2089~~ Commercial Vehicle Rules - The State of Colorado, Department of Public Safety, Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles (8 C.C.R. 1507-1).

~~209 C.R.S. – Colorado Revised Statutes, as may be amended.~~

[\[No changes from 210 to 256\]](#)

CHAPTER 3 TRANSPORT PERMITS AND APPLICATION INFORMATION

[\[No changes to Chapter 3\]](#)

CHAPTER 4 TRANSPORT PERMIT OPERATING REQUIREMENTS AND RESTRICTIONS

[\[No changes from 400 to 407.2\]](#)

~~407.3 An Extra-legal Vehicle or Load that weighs more than one hundred forty thousand pounds Gross Vehicle Weight must:~~

~~407.3.1 Not exceed forty miles per hour when crossing bridges; and~~

~~407.3.2 Travel in the center of the driving Lane when crossing bridges.~~

407.43 An Extra-legal Vehicle or Load that weighs more than two hundred thousand pounds Gross Vehicle Weight and all Chapter 8 Special Mobile Machinery must:

407.43.1 Not exceed ten miles per hour on those bridge specifically restricted by the Department and listed on the Transport Permit.

407.43.2 Travel in the center of the driving Lane when crossing bridges; and

407.43.3 If required to slow to ten miles per hours on any bridge along the approved route, attached to the rear of the Extra-legal Vehicle or Load an Oversize Load Sign reading as follows: "CAUTION: THIS VEHICLE MAY SLOW TO 10 MPH TO CROSS BRIDGES" .

[\[No change from 408 to 409.3\]](#)

[409.4 An Extra-legal Vehicle or Load more than 17 feet in Height must be accompanied by a licensed signal contractor through all intersections controlled by an overhead traffic signal.](#)

[\[No change from 410 to 412.2\]](#)

CHAPTER 5 PILOT ESCORT CERTIFICATION REQUIREMENTS

[\[No change from 500 to 500.4.3\]](#)

500.5 Pilot escort drivers must provide a current (within 30 days) Motor Vehicle Record (MVR) in the state of current residence, for the immediate previous five year period, to the Pilot Escort Certification Program at the time of the course. [For this immediate previous five year period, t](#)The driving records must be clear of any conviction for drug or alcohol related offenses and not contain a single moving violation penalty assessment of six (6) points or more.

500.6 Pilot Escort drivers will be issued a certification card by an authorized Pilot Escort Certification Program and shall have it in their possession at all times while in pilot escort operations.

500.7 Initial certification will be valid for four years from the date of issue. One additional four-year certification may be obtained through a mail in or on-line recertification process provided by an authorized Pilot Escort Certification Program. It will be the responsibility of the driver to maintain certification.

~~500.8 Colorado Pilot Escort certifications issued prior to August 1, 2007 will not be valid.~~

500.98 Operators must notify the Department in writing within 30 days of any change of address or name.

500.409 All Pilot Escort drivers must [be knowledgeable of, and comply with, these Rules and escort the permitted Vehicle in such a manner that complies with these Rules, the Bridge Weight Limit Map, the Pilot Escort and Oversize Restriction Map, the Height Restriction Map, the Hazardous and Nuclear materials map and all other Highway restrictions. This information is available, and may be printed if the pilot escort driver so desires, on both the CDOT Commercial Vehicle Permits Webpage or on the Motor Carriers' dashboard of the CDOT permitting system by clicking on the Annual Permit Route link. The Pilot Escort driver must have the following documents, or access to the documents electronically, in the Pilot Escort Vehicle when piloting permitted vehicles on the Colorado Highways:](#)

500.409.1 Their valid certification card;

500.409.2 [Copy of the Extra-Legal Rules; Proof of insurance as required in 500.4.3;](#)

500.409.3 [Bridge Weight Limit Map;The original Transport Permit or legible copy of the same in accordance with § 42-4-510\(4\), C.R.S.](#)

~~500.10.4 Pilot Escort and Oversize Restriction Map;~~

~~500.10.5 Height Restriction Map;~~

~~500.10.6 Hazardous and Nuclear Materials Map; and~~

~~500.10.7 Proof of insurance as required in 500.4.3~~

[\[No change from 501 to 504.4\]](#)

505 Pilot Escort Vehicle Equipment Requirements

505.1 Pilot Escort vehicles shall be equipped with the following safety items:

505.1.1 Standard 18 inch or 24 inch red/white "STOP" and black/orange "SLOW" paddle signs. Construction zone flagging requires the 24-inch sign.

505.1.2 At least three reflective bi-directional triangles or their equivalent.

505.1.3 Eight red-burning flares, glow sticks or equivalent illumination device approved by the Department.

505.1.4 Three orange traffic cones which are a minimum of 18 inches high with a 6 inch reflective collar.

505.1.5 Flashlight, ~~which uses two or more D-cell batteries,~~ with a minimum 1 ½ inch lens diameter, with extra batteries or charger (emergency type shake or crank will not be allowed); ~~and~~ a 6 inch minimum length red or orange cone flashlight for use when directing traffic.

505.1.6 Orange or white hardhat and ~~Type Class 2 or Class 3~~ reflective ~~orange high visibility~~ safety vest for each person ~~not~~ involved in pilot escort operations. Class 3 reflective vests are required for operations during hours of darkness.

505.1.7 For front escort vehicles piloting loads greater than 16' high, a height-measuring pole with a non-conductive tip, made of non-destructive, flexible material. Compression fittings are not acceptable.

- a. A Pilot Escort Vehicle shall use a Height pole at all times when escorting an Extra-legal Vehicle or Load exceeding sixteen feet in Height, unless otherwise expressly authorized by the Department on the permit.
- b. The Height pole shall not extend more than six inches above the maximum Height of the Extra-legal Vehicle or Load the Pilot Escort Vehicle is escorting.
- c. When the Pilot Escort Vehicle is not escorting an Extra-legal Vehicle or Load but is moving on the Highway, the Height pole shall be removed, tied down, or shortened to within Legal Limits.

[No changes from 505.1.1.8 to 509.2]

CHAPTER 6 SPECIAL PERMITS

[No changes to Chapter 6]

CHAPTER 7 EXCEPTIONS TO THE RULES

[No changes from 700 to 704.3.3]

704.4 Towing carriers may transport an Extra-legal Vehicle, LVC, or other combination, divisible or non-divisible, or single unit that becomes an Extra-legal Vehicle when connected to a towing carrier, to place of repair or towing carrier's storage facility, and:

704.4.1 The towing carrier must have a valid extra-legal permit but not confined to parameters of section 304 and

704.4.2 The towing carrier must have a PUC permit as required in 40-13-103 CRS; and

704.4.3 When towing a combination vehicle, the towing carrier must utilize the braking system of the trailer, if operational, unless exempted by a peace officer; and

704.4.3.1 Any pilot escort vehicles, which were required to accompany the load prior to requiring the tow, shall continue to accompany the load, while being towed.

704.4.3.2 These rules shall not require the tow carrier to obtain a pilot escort vehicle[s] if not required before the towing carrier connected; and

704.4.3.3 The towing carrier is exempt from Section 405 regarding hazards; and

704.4.3.4 The towing carrier is exempt from Section 212 and 407.1 regarding divisible loads; and

704.4.3.5 The towing carrier is exempt from Sections 407 and 412 regarding weight restrictions however in no event shall a towing carrier exceed the allowable weights of any bridge as designated on the Bridge Weight map.

704.4.3.6 A 'covered heavy-duty tow and recovery vehicle' shall be exempt from the requirement to obtain an overweight permit.

704.4.3.6.1 The term 'covered heavy-duty tow and recovery vehicle' means a vehicle that—

(A) Is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

(B) Has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

[No change from 705 to 711]

~~712 — Drive-away saddle-mount vehicle transporter combinations are specialized equipment (Title 23 C.F.R., Part 658.13). Such equipment may operate with an overall length limit of not more than 97 feet on such combinations. This provision applies to drive-away saddle-mount combinations with up to three saddle-mounted vehicles. Such combinations may include on full-mount. Title 23 C.F.R., Part 658.13 supersedes §42-4-504 (4.5), C.R.S.~~

712 Emergency Vehicles

712.1 An emergency vehicle, other than an "Authorized emergency vehicle", as defined in § 421-1-102(6), C.R.S., which is designed to be used under emergency conditions: to transport personnel and equipment; and to support the suppression of fires and mitigation of other hazardous situations shall be exempt from the requirement to obtain an overweight permit if the gross vehicle weight is less than 86,000 lbs. Maximum axle allowances are as follows:

(A) 24,000 pounds on a single steering axle;

(B) 33,500 pounds on a single drive axle;

(C) 62,000 pounds on a tandem axle; or

[\(D\) 52,000 pounds on a tandem rear drive steer axle.](#)

[712.2 Weight allowances for axle configurations not listed in 712.1, are as listed on the Colorado Bridge Weight Limit map](#)

[\[No change from 713 to 713.2\]](#)

[\[No change to Chapter 8 and 9\]](#)

CHAPTER 10 DENIAL OF PERMIT APPLICATION SUSPENSION OR REVOCATION OF PERMITS HEARINGS AND APPEALS

- 1000 The Department shall track permit violations reported to the Department by law enforcement agencies, including data reported to the Department that establish patterns of noncompliance. The Department may deny a permit application and may amend, revise, modify, suspend, or revoke a permit for violations of the Rules or of permit conditions, in accordance with the provisions of §24-4-104 and §24-4-105, C.R.S. If the application for a new permit or a renewal permit is denied without a hearing, the Department shall notify the Applicant in writing of such action and the ground(s) therefore, and the Applicant has sixty days after the giving of such notice in which to request a hearing.
- 1001 The Department may deny a permit application if the Applicant:
- 1001.1 Does not comply with the stated criteria, terms, purpose, and requirements of the Rules, a prior permit, §42-4-505, C.R.S. or §42-4-510, C.R.S.
 - 1001.2 Fails to show Good Cause to issue a permit.
 - 1001.3 Makes a false statement on the application for a Transport Permit.
 - 1001.4 Fails to provide all applicable information in the form required by the Department.
 - 1001.5 Fails to submit permit fee with the application.
 - 1001.6 The Department determines that granting a permit in the particular circumstances described in the application will present a public safety hazard, will unreasonably interfere with the efficient movement of traffic, or will subject the State Highways to undue damage.
 - 1001.7 Violates any ordinance or resolution of a local authority concerning operation or movement of an Extra-legal Vehicle or Load.
- 1002 The Department may revoke or suspend an existing permit as follows:
- 1002.1 Upon a finding that the Permittee has violated the stated criteria, terms, purpose, requirements and conditions of the permit, the Rules, §42-4-505 C.R.S. or §42-4-510 C.R.S.
 - 1002.2 A false statement by the Applicant in the application for a Transport Permit.
 - 1002.3 Failure by the Permittee to pay applicable ad valorem taxes prior to movement of a used manufactured home.
 - 1002.4 Falsification or misrepresentation by the Permittee of an Emergency situation, in order to obtain oral authorization to move an Extra-legal Vehicle or Load.

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- 1002.5 Where the Department has reasonable grounds to believe and finds that the Permittee has been guilty of deliberate and willful violation or that the public health, safety or welfare imperatively requires Emergency action as outlined in §24-4-104 (4), C.R.S.
- 1002.6 Permittee actions or omissions while operating or moving an Extra-legal Vehicle or Load which impair public safety, interfere with the efficient movement of traffic, or damage the State Highway.
- 1002.7 Violation by the Permittee of any ordinance or resolution of a local authority concerning operation or movement of an Extra-legal Vehicle or Load.
- 1003 All appeals and hearings which are required by law regarding denial, suspension, revocation, limitation or modification of a permit shall be requested, provided and conducted pursuant to the Administrative Procedures Act (APA) §24-4-101 et. seq., C.R.S.
- 1004 Any hearing required by this Chapter shall be presided over by the Chief Engineer of the Department or by an Administrative Law Judge appointed pursuant to Part 10 of Article 30 of Title 24, C.R.S. If a hearing is held before an Administrative Law Judge and if either party is dissatisfied with the initial decision of the administrative law judge, then an appeal may be made to the Chief Engineer, pursuant to §24-4-105 (14) and (15), C.R.S., within thirty days after the date of service of the initial decision. The appeal shall comply with the requirements of §24-4-105, C.R.S., and shall specify the findings of fact and conclusions of law the dissatisfied party is appealing. All appeals shall be submitted to: [the CDOT Headquarters Building, addressed to the Chief Engineer, Colorado Department of Transportation 4201 East Arkansas Avenue, Denver, Colorado 80222.](#)
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