

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0796.01 Kate Meyer

HOUSE BILL 08-1251

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING HAZARDOUS MATERIAL ROUTE DESIGNATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Enables a county to petition for changes to a hazardous material route designation with respect to any portion of a state- or county-maintained public road located within that county. Requires any entity petitioning for a route designation change to identify any alternate routes in its petition. Mandates that such alternate routes will be presumed viable unless clear and convincing evidence to the contrary is established. Specifies that unapproved and necessary deviations to designated routes, for the purposes of servicing a motor vehicle delivering or picking up hazardous materials, must occur wholly within the restricted

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

route.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 42-20-302 (1) (a) and (3), Colorado Revised
3 Statutes, are amended, and the said 42-20-302 is further amended BY
4 THE ADDITION OF A NEW SUBSECTION, to read:

5 **42-20-302. Application for route designation - procedure -**
6 **approval.** (1) Petitions for new route designations or for a change in an
7 existing route designation may be submitted to the patrol no more than
8 once a year:

9 (a) By a county, with respect to any PORTION OF ANY public road
10 LOCATED WITHIN THE COUNTY THAT IS maintained by THE STATE OR the
11 county, upon approval of the petition by the board of county
12 commissioners of such county;

13 (3) The petition shall describe specifically the designation sought,
14 shall identify any local business or industry ~~which~~ THAT is known to be
15 significantly reliant on hazardous materials transportation and ~~which~~
16 THAT would be affected by the designation, and shall include any other
17 information ~~which~~ THAT is necessary for the patrol to act upon the
18 petition, INCLUDING ANY ALTERNATE ROUTES IDENTIFIED BY THE
19 PETITIONING AUTHORITY, and ~~which~~ THAT is required by rule ~~and~~
20 ~~regulation~~ of the patrol.

21 (8.1) ALTERNATE ROUTES IDENTIFIED BY THE PETITIONING
22 AUTHORITY SHALL BE PRESUMED TO SATISFY THE REQUIREMENTS OF
23 SUBSECTION (8) OF THIS SECTION UNLESS THE CONTRARY IS ESTABLISHED
24 BY CLEAR AND CONVINCING EVIDENCE.

25 **SECTION 2.** 42-20-305 (1), Colorado Revised Statutes, is

1 amended to read:

2 **42-20-305. Deviation from authorized route - penalty.** (1) No
3 person shall transport hazardous materials by motor vehicle contrary to
4 any route designation approved by the patrol pursuant to this part 3 unless
5 such action is necessary to service a motor vehicle or to make a local
6 pickup or delivery of hazardous materials WITHIN THE RESTRICTED ROUTE
7 or unless such action is so required by emergency conditions ~~which~~ THAT
8 would make continued use of authorized routes unsafe or by the closure
9 of an authorized route pursuant to section 42-20-304, and, in such
10 circumstances, the motor vehicle shall remain on authorized routes
11 whenever possible and shall minimize the distance traveled on restricted
12 routes. A person transporting hazardous materials by motor vehicle may
13 make successive local pickups and deliveries without returning to the
14 authorized route between each pickup or delivery when such return would
15 be unreasonable. A person transporting hazardous materials shall not
16 utilize residential streets unless there is no other reasonable route
17 available to reach the destination.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.