

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input type="checkbox"/> <b>POLICY DIRECTIVE</b> <input checked="" type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>
<b>Subject</b> <b>Hazardous Materials Routing Procedure</b>		<b>Number</b> <b>1903.1</b>
<b>Effective</b> <b>02/03/2011</b>	<b>Supersedes</b> <b>05/20/2010</b>	<b>Originating Office</b> <b>Division of Transportation Development</b>

## **I. PURPOSE**

Title 42, Article 20 of the Colorado Revised Statutes governs the routing of hazardous materials by motor vehicles on all public roads. The Colorado State Patrol has sole authority to designate which public roads shall be used and which shall not be used by motor vehicles transporting hazardous materials (hazmat), notwithstanding the provisions of 42-4-106 C.R.S. concerning tunnels on the state highway system which remain under the authority of the Transportation Commission.

However, the Department of Transportation (department) is the petitioning authority with respect to any public road maintained by the state that is not located within a town, city, or city and county. In addition, the Transportation Commission (commission) must approve any petition the department wishes to make to the Colorado State Patrol regarding changes to hazmat routes. The purpose of this procedure is to detail the procedures the department will follow when considering whether to petition the Colorado State Patrol for changes to hazmat routes on roads maintained by the department.

## **II. AUTHORITY**

Executive Director

Hazardous Materials Transportation Act of 1987 (CRS 42-20-101 through 511)

Federal Hazardous Material Transportation Law, 49 CFR, Section 5101-5128

Federal Hazardous Material Regulations, HMR, 48 CFR, Parts 100-185

## **III. APPLICABILITY**

This directive applies to all Divisions and Offices of the Colorado Department of Transportation.

## **IV. DEFINITIONS**

Hazardous materials: Those materials listed in tables 1 and 2 of 49 CFR 172.504, excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (l), excluding ores, the products from mining, milling, smelting, and similar processing of ores, and

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the wastes and tailing therefrom, and excluding special fireworks as defined in 49 CFR 173.88 (d) when the aggregate amount of flash powder does not exceed fifty pounds.

Motor vehicle: Means any device which is capable of moving from place to place upon public roads. The term includes, but is not limited to, any motorized vehicle or any such vehicle with a trailer or semi-trailer attached thereto. [§42-20-103 (4), C.R.S.]

Petition: Colorado State Patrol Hazardous Material Route Designation Petitioning Packet, including the route analysis process, worksheets, and petition resolution.

## **V. PROCEDURE**

### Method for Requesting CDOT Analysis of Potential Hazmat Route Changes

When a department staff person, a local government, or private industry requests that the department consider a hazmat route change with the intention that the department and transportation commission, if approved, will petition the Colorado State Patrol for the change, the request must be submitted in writing to the Mobility Analysis Section within the Division of Transportation Development and must include, at a minimum:

- Identify the requesting entity
- Describe specifically the designation being sought
- Identify any local business or industry which is known to be significantly reliant on hazardous materials transportation and which would be affected by the designation
- Include any other information which is necessary for CDOT to consider the request.

Requesting entities are encouraged to provide sufficient information including quantifiable data regarding the requested route change so that CDOT can determine feasibility of preparing a route analysis. Depending upon the information provided, CDOT may request additional information in order to determine if a route analysis is warranted and to perform such analysis. No route shall be analyzed by CDOT more than once per year.

### Hazmat Route Advisory Team

The Mobility Analysis Section within the Division of Transportation Development shall be the lead section for consideration of hazmat route change requests. To assist in each analysis, the Mobility Analysis Section shall convene a HAZMAT Route Advisory Team, consisting of representatives of the following divisions and offices, and other offices as deemed appropriate by the Mobility Analysis Section to assist in considering the safety, environmental, traffic, and policy implications of any suggested change:

- Division of Transportation Development, Mobility Analysis Section
- Office of Traffic Engineering
- Commercial Vehicle Permits Office
- Office of Policy & Government Relations
- Region Traffic Engineer for the CDOT region the requested highway is in
- Region Environmental Manager for the CDOT region the requested highway is in

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- Division of Transportation Development, Environmental Branch
- Section Maintenance Superintendent or Deputy Maintenance Superintendent for the CDOT region the requested highway is in
- Staff Bridge

#### Factors to Address When Considering Route Changes

The department shall note bring a hazmat route change recommendation to the transportation commission for consideration unless it finds that, at a minimum, the routes under consideration:

- Are feasible, practicable, and not unreasonably expensive for such transportation
- Are continuous within a jurisdiction and from one jurisdiction to another
- Provide greater safety to the public than other feasible routes. Considerations include but are not limited to:
  - AADT, crash and fatality rates
  - population within a one-mile swath of each side of the highway
  - location of schools, hospitals, sensitive environmental areas, rivers, lakes, etc.
  - emergency response capabilities on the route
  - condition of the route, i.e., vertical and horizontal alignment, pavement condition, level of access to the route, etc.
- Do not unreasonably burden interstate or intrastate commerce
- The designation is not arbitrary or intended by the petitioner merely to divert the transportation of hazardous materials to other communities
- The designation will not interfere with the pickup or delivery of hazardous materials; and
- The designation is consistent with all applicable state and federal laws and regulations

#### Public Meeting

Before requesting the Transportation Commission initiate a hazmat route change petition to the Colorado State Patrol for their consideration, the Hazmat Route Advisory Team may conduct a public meeting in the area of the change to determine public sentiment for the proposed change. If such a public meeting is held, CDOT shall invite the Colorado State Patrol Hazmat Personnel, the local government or private industry requesting the change, and the Colorado Department of Public Health and Environment to the meeting.

#### Decisions

The HAZMAT Route Advisory Team shall have no more than 180 days following the receipt of the request to either deny the request, or recommend approval of the request and submission of a petition to the CSP at the next Transportation Commission meeting following their recommendation.

In some cases, the HAZMAT Route Advisory Team may be unable to recommend approval without first conducting a detailed route analysis. In such case, the Hazmat Route Advisory Team may deny the application with 180 days, but provide a timeline for completion of the route analysis, and allow the requesting entity to reapply following the results of the route analysis even if less than one year has passed since the original request.

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## **VI. IMPLEMENTATION PLAN**

This Procedural Directive shall be effective upon signature.

## **VII. REVIEW DATE**

This directive shall be reviewed on or before XXXXXXXXXXXX.

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Executive Director

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Date of Approval