



E-470 Public Highway Authority
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May 1, 2018

VIA ELECTRONIC MAIL

**Re: E-470 Public Highway Authority Hazardous Materials ("HAZMAT")
Route Designation Partnership**

Dear Brian McBroom, City Manager:

The E-470 Public Highway Authority (the "Authority") Board of Directors has expressed interest in designating the E-470 Public Highway ("E-470") as a HAZMAT route and has asked me to communicate this interest to the Authority's Member Jurisdictions and seek input regarding the city's interest in assisting the Authority in doing so. This letter is intended to provide you with background information about the HAZMAT designation process and facilitate discussion with your Council about the possibility of partnering with the Authority to pursue HAZMAT route status on E-470.

Colorado statutes allow the Chief of the Colorado State Patrol (the "CSP") to regulate the permitting and routing of hazardous materials and establish a process by which a particular route may be designated as a HAZMAT route. To designate a road or highway as a HAZMAT route, the requesting entity must submit a petition to the CSP containing, among other information, a specific description of the designation sought, a list of those most likely to be affected, and a list of emergency response services. In addition to the petition itself, the requesting entity must also submit supporting documents that allow the CSP to make certain findings, including that the route is feasible, continuing, and provides greater safety than other feasible routes.

Colorado statutes also outline the process by which a petition may be filed, and Section 42-20-302(1), C.R.S. allows the following entities to petition the CSP to designate a new HAZMAT route: (1) a county with respect to any public road maintained by the county; (2) a town, city, or city and county with respect to any public road located within such town, city, or city and county; or (3) CDOT with respect to any public road maintained by the State.

The Authority, while responsible for ownership and maintenance of E-470, does not fall within the list of those authorized to petition the CSP, and the Authority, CDOT, and the CSP concur that the Authority is not empowered to petition the CSP to designate E-470 as a HAZMAT route on its own behalf. CDOT and the CSP have agreed, however, that the Authority's Member Jurisdictions are empowered to petition the CSP to designate E-470 as a HAZMAT route for those portions of E-470 that lie within their respective jurisdictions in accordance with the statutory provisions and the CSP's rules and regulations.

Given the Authority Board of Directors' interest in designating E-470 as a HAZMAT route, the Authority's staff and consultants have communicated with CDOT and the CSP to determine what the route designation process entails and how it may be accomplished. A detailed description of this process can be discussed and further information provided, but in short, the process consists of the following steps:

1. A petition and supporting documentation are prepared;
2. The petitioner may conduct an optional public meeting in the jurisdiction to determine public sentiment;
3. The petitioner's governing body approves the petition;
4. The petitioner submits the petition and supporting documentation to the CSP;
5. The CSP provides the petitioner written notice of the acceptance of the completed petition and gives public notice of the filing of the petition and of an informal public conference at which interested parties may comment;
6. The CSP holds an informal public conference on the petition;
7. The CSP approves the petition if the statutory criteria have been met and if no opposition is expressed;
8. If opposition is expressed at the public conference, the CSP holds a public hearing and acts to approve or deny the petition at that time.

Once a route is designated, the petitioner or the Authority must specify the location of the route by signs or maps and thereafter must communicate any road closures or updates to the information in the petition to the CSP.

The Authority's Board of Directors believes that exploring HAZMAT route designation could provide significant benefit to both the Authority and its Member Jurisdictions and that the designation of E-470 as a HAZMAT route has the potential to both increase mobility and facilitate the regulated transportation of hazardous materials on E-470 rather than local streets to benefit public safety. Due to the unique characteristics and location of E-470, the Board believes E-470 may be well-suited to provide regional assistance in this regard and has asked that I express this interest to our Member Jurisdictions and gauge the city's interest in such a partnership and in acting as the petitioner for route designation within the city's jurisdiction.

CDOT is willing to partner with the Authority to conduct a HAZMAT route analysis to determine if E-470 meets the required route criteria. The Authority is willing to prepare the petition and supporting documentation and to assist the City of Commerce City throughout the HAZMAT designation process. The Authority is also willing to pay the costs of the HAZMAT designation process to ensure the City of Commerce City is not unduly burdened if it chooses to partner with the Authority to accomplish HAZMAT designation. The Authority is interested in designating the full 47 miles of E-470, or any portion thereof, as a HAZMAT route. Wherever the HAZMAT designation is sought, it must connect to a current or approved HAZMAT designated roadway at each terminus to ensure safe routing of approved HAZMAT loads. Considering these factors, we ask that you confer with your Council regarding the Authority's proposal and the city's willingness to engage in discussions to partner with the Authority and serve as the petitioner for that portion of E-470 within its jurisdiction. Please feel free to contact me to schedule a time to further discuss the Authority's proposal at your convenience.

Sincerely,



Tim Stewart
Executive Director
E-470 Public Highway Authority

cc: Councilmember Steve Douglas
Colonel Matthew Packard, Chief, Colorado State Patrol
Jason Wallis, CDOT
Dave Kristick, E-470 Public Highway Authority