

CHAPTER 81

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 19-032

BY SENATOR(S) Scott, Bridges, Cooke, Coram, Donovan, Gardner, Ginal, Hill, Hisey, Holbert, Lee, Lundeen, Marble, Moreno, Priola, Smallwood, Sonnenberg, Story, Tate, Todd, Woodward, Zenzinger, Garcia; also REPRESENTATIVE(S) McCluskie, Bird, Buentello, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Gray, Kipp, Kraft-Tharp, McKean, Michaelson Jenet, Roberts, Snyder, Sullivan, Titone, Valdez D.

AN ACT

CONCERNING THE ROUTING OF HAZARDOUS MATERIALS BEING TRANSPORTED ON THE ROADWAYS OF THE STATE.

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

SECTION 1. In Colorado Revised Statutes, 42-20-302, **add** (1)(d) and (1)(e) as follows:

42-20-302. Application for route designation - procedure - approval.

(1) Petitions for new route designations or for a change in an existing route designation may be submitted to the patrol no more than once a year:

(d) ~~BY A PUBLIC HIGHWAY AUTHORITY CREATED PURSUANT TO PART 5 OF ARTICLE 4 OF TITLE 43 WITH RESPECT TO ANY PUBLIC HIGHWAY, AS DEFINED IN SECTION 43-4-503 (12), THAT IT MAINTAINS, EITHER DIRECTLY OR INDIRECTLY THROUGH A CONCESSION AGREEMENT OR OTHER AGREEMENT WITH A THIRD PARTY, UPON APPROVAL OF THE PETITION BY THE BOARD OF DIRECTORS OF THE PUBLIC HIGHWAY AUTHORITY; OR~~

(e) ~~BY ANY GOVERNMENTAL ENTITY THAT IS A PARTNER IN A PUBLIC-PRIVATE PARTNERSHIP WITH RESPECT TO ANY HIGHWAY, ROAD, OR STREET THAT IT MAINTAINS, EITHER DIRECTLY OR INDIRECTLY THROUGH A CONCESSION AGREEMENT OR OTHER AGREEMENT WITH A PRIVATE PARTNER, UPON APPROVAL BY THE GOVERNING BODY OF THE GOVERNMENTAL ENTITY.~~

SECTION 2. In Colorado Revised Statutes, **add** 42-20-306 as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

42-20-306. Transportation of hazardous materials through Eisenhower-Edwin C. Johnson Memorial Tunnel - study - definitions - repeal.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION 43-1-103.

(b) "TUNNEL" MEANS THE EISENHOWER-EDWIN C. JOHNSON MEMORIAL TUNNEL.

(2) THE DEPARTMENT SHALL CONDUCT A STUDY TO ASSESS THE FEASIBILITY OF ALLOWING THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH THE TUNNEL AND SHALL PREPARE A STUDY REPORT THAT INCLUDES FINDINGS AND RECOMMENDATIONS AS TO WHETHER AND UNDER WHAT CONDITIONS THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH THE TUNNEL SHOULD BE ALLOWED. THE DEPARTMENT SHALL COMPLETE THE STUDY AND STUDY REPORT NO LATER THAN DECEMBER 1, 2020, AND SHALL PROVIDE COPIES OF THE REPORT TO THE MEMBERS OF THE TRANSPORTATION COMMISSION, THE COLORADO STATE PATROL, THE PRIME SPONSORS OF SENATE BILL 19-032, ENACTED IN 2019, AND THE REPRESENTATIVES OF THE ENTITIES LISTED IN SUBSECTION (3) OF THIS SECTION.

(3) IN DETERMINING THE SCOPE OF THE STUDY, THE DEPARTMENT SHALL SOLICIT INPUT FROM REPRESENTATIVES OF:

(a) SUMMIT COUNTY;

(b) CLEAR CREEK COUNTY;

(c) THE TOWNS OF DILLON, GEORGETOWN, SILVER PLUME, AND SILVERTHORNE AND THE RESIDENTS OF THE UNINCORPORATED COMMUNITY OF KEYSTONE;

(d) SUMMIT FIRE & EMS;

(e) CLEAR CREEK FIRE AUTHORITY;

(f) CLUB 20, WHICH REPRESENTATIVE OR REPRESENTATIVES SHALL NOT RESIDE IN SUMMIT COUNTY;

(g) THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING REPRESENTATIVES OF THE DIVISION OF FIRE PREVENTION AND CONTROL AND THE COLORADO STATE PATROL;

(h) DISTRIBUTORS AND SELLERS OF FUEL;

(i) MOTOR CARRIERS THAT TRANSPORT FUEL; AND

(j) THE COLORADO SKI INDUSTRY, INCLUDING REPRESENTATIVES OF THE KEYSTONE, LOVELAND, AND ARAPAHOE BASIN SKI RESORTS AND THE TRADE ASSOCIATION REPRESENTING COLORADO'S SKI INDUSTRY.

(4) IN CONDUCTING THE STUDY AND PREPARING THE STUDY REPORT, THE DEPARTMENT SHALL, AT A MINIMUM:

(a) CONSIDER ALL OF THE "FACTORS TO ADDRESS WHEN CONSIDERING ROUTE CHANGES" THAT ARE LISTED IN THE DEPARTMENT'S "PROCEDURAL DIRECTIVE NO. 1903.1 - HAZARDOUS MATERIALS ROUTING PROCEDURE", DATED FEBRUARY 3, 2011;

(b) AVOID DUPLICATION OF EFFORT BY TAKING INTO ACCOUNT PAST STUDIES AND RECOMMENDATIONS INCLUDING, AT A MINIMUM:

(I) THE FINAL REPORT TITLED "FIRE EMERGENCY PREPAREDNESS AT THE EISENHOWER-JOHNSON MEMORIAL TUNNELS, CO", DATED FEBRUARY 24, 2017, THAT THE COLORADO SCHOOL OF MINES PREPARED FOR THE DEPARTMENT AND THAT THE DEPARTMENT HAS LABELED AS REPORT NO. CDOT-2017-06; AND

(II) THE FINAL REPORT TITLED "RISK ANALYSIS STUDY OF HAZARDOUS MATERIALS TRUCKS THROUGH EISENHOWER/JOHNSON MEMORIAL TUNNELS", DATED JUNE 2006, THAT PARSONS BRINCKERHOFF QUADE & DOUGLAS PREPARED FOR THE DEPARTMENT;

(c) ANALYZE THE DIFFERENT LEVELS AND TYPES OF RISK TO PUBLIC SAFETY OF MULTIPLE OPTIONS THAT ALLOW THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH THE TUNNEL ON A LIMITED BASIS IN LIEU OF ALLOWING TRANSPORTATION OF ALL HAZARDOUS MATERIALS THROUGH THE TUNNEL AT ALL TIMES, WHICH MUST INCLUDE, AT A MINIMUM, ANALYSIS OF:

(I) EASTBOUND VERSUS WESTBOUND TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH THE TUNNEL;

(II) LIMITATIONS ON THE DAYS OR TIMES DURING WHICH TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH THE TUNNEL IS ALLOWED;

(III) WHETHER THE TRANSPORTATION OF GASOLINE, DIESEL, AND LIQUEFIED PETROLEUM GAS THROUGH THE TUNNEL SHOULD BE SUBJECT TO DIFFERENT REQUIREMENTS THAN THE TRANSPORTATION OF OTHER HAZARDOUS MATERIALS THROUGH THE TUNNEL; AND

(d) CONSIDER THE IMPACT THAT POTENTIAL IMPROVEMENTS TO THE INTERSTATE HIGHWAY 70 MOUNTAIN CORRIDOR BETWEEN MILE MARKERS 204 AND 223 AND THE U.S. HIGHWAY 6 CORRIDOR ON AND ADJACENT TO LOVELAND PASS THROUGH THE UNINCORPORATED COMMUNITY OF KEYSTONE AND THE TOWNS OF DILLON AND SILVERTHORNE MIGHT HAVE ON THE SAFETY AND ENVIRONMENTAL RISKS OF TRANSPORTING HAZARDOUS MATERIALS OVER THOSE HIGHWAYS AND THE COSTS OF MAKING OR NOT MAKING SUCH IMPROVEMENTS.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

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

Approved: April 8, 2019