

Temporary Resolution #1

Adopt Proposed Changes to the Rules Regarding Transport Permits for the Movement of Extra-legal Vehicles or Loads, 2 CCR 601-4.

WHEREAS, § 42-4-505, C.R.S., authorizes the Transportation Commission of Colorado (“Commission”) to adopt rules related to Longer Vehicle Combinations (LVC); and

WHEREAS, COVID-19, and the corresponding need to use social distancing as a weapon to fight the virus has made dramatic changes to the way in which we live and work in Colorado; and

WHEREAS, Governor Polis’s Executive Order D 2020 013, Ordering Colorado Employers to Reduce In-Person Workforce by Fifty Percent Due to the Presence of COVID-19 in the State, has placed extreme pressure on freight haulers while simultaneously dramatically reducing traffic on our nation’s highways; and

WHEREAS, the Colorado Department of Transportation (“Department”) has an obligation to facilitate the increased movement of freight during this time of crisis; and

WHEREAS, the prohibition of LVC’s in the metropolitan areas of Denver, Colorado Springs, and Pueblo during the weekday morning hours of 7:00 to 9:00 a.m. and evening hours of 4:00 to 6:00 p.m. is a safety and congestion necessity during ordinary times; and

WHEREAS, COVID-19 has placed Colorado under extraordinary times making it essential to move medical supplies, food, and other necessities in an as expeditious manner as possible; and

WHEREAS, suspending the prohibition of LVCs for up to 120 days in response to the COVID-19 crisis will help limit constraints on the freight industry and facilitate more efficient movement of essential goods during this crisis; and

WHEREAS, the reduced traffic on our state’s highways allows for the safe passage of LVCs during the typical rush hour times while simultaneously facilitating the movement of greater quantities of essential goods in less time; and

WHEREAS, Colorado State Government rulemaking is governed by the Colorado Administrative Procedures Act (APA) and § 24-4-103(6)(a), C.R.S., of the APA outlines the process for the adoption of emergency rules without a rulemaking hearing; and

WHEREAS, §24-4-103(6)(a), C.R.S., allows for emergency rules to be adopted without public notice where circumstances imperatively require and only if the Commission and CDOT find that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of the APA would be contrary to the public interest; and

WHEREAS, based on recommendations of CDOT staff and freight industry partners, the Commission finds that immediate adoption of the changes proposed to 2 CCR 601-4 is imperatively necessary to resolve enforcement concerns and to effectively comply with state law for the preservation of public health, safety and welfare; and

WHEREAS, the Commission understands that these emergency rules may only be in place for one-hundred twenty days unless adopted as permanent rules consistent with §24-4-103(2.5) and (2.7), C.R.S.

NOW THEREFORE BE IT RESOLVED, after review and consideration of the proposed changes to the rules, the Commission adopts the proposed changes to the Rules Regarding Transport Permits for the Movement of Extra-legal Vehicles or Loads, 2 CCR 601-4 attached as Exhibit A.

Herman Stockinger
Transportation Secretary

Date