

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING THE USE OF TUNNELS ON COLORADO STATE HIGHWAYS

2 CCR 601-8

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Statement of Basis and Purpose and Statutory Authority

The Transportation Commission has revised the Rules Governing the Use of the Tunnels on State Highways in order to update state and federal statutory references, clarify and simplify language, and provide an easily understandable guide for use of the Tunnels on state highways and specifically the Eisenhower-Johnson Memorial Tunnels. Section 42-4-106(7)(a), C.R.S., provides the authority to the Transportation Commission to adopt rules concerning the operation of any motor vehicle and commercial vehicle in any Tunnel which is a part of the state highway system. Pursuant to § 42-4-106(7)(b), C.R.S., the Department may prohibit or regulate the operation of any motor vehicle and commercial vehicle which transports any article, deemed to be dangerous, in any Tunnel which is part of the state highway system. Further, § 42-20-301(3), C.R.S., provides authority to the Transportation Commission to regulate hours of operation of the Eisenhower-Johnson Tunnels on Interstate 70.

These rules shall be interpreted consistently with the requirements of Title 49 CFR parts 100 to 177. Additionally, these rules should be read together with 8 CCR 1507-25 "Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado." These rules are promulgated by the Department of Public Safety, Chief of the Colorado State Patrol pursuant to § 42-20-108 (1) and (2), C.R.S. These rules also regulate the safe transportation of nuclear materials by motor vehicle within the State of Colorado pursuant to

§ 42-20-403, 504 and 508, C.R.S., and exempt agricultural products from the rules pursuant to § 42-20-108.5, C.R.S.

The transport of hazardous materials is strictly governed by federal and state regulations and CDOT must adhere to these legal requirements. CDOT's proposed rules 3.03 and 3.04 are based on federal regulations which CDOT has no authority to modify.

Applicability. These rules apply to all Commercial Vehicles, Motor Vehicles and Persons utilizing the Tunnels under the Colorado Department of Transportation's jurisdiction.

1.00 Definitions

- 1.01 "Commercial Vehicle" as set forth in § 42-4-235, C.R.S., shall mean (I) any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to section 42-4-1904, C.R.S., or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle; (II) any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or

other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and (III) a motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. Sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

- 1.02 "Department" or "CDOT" shall mean the Colorado Department of Transportation established pursuant to § 43-1-103, C.R.S.
- 1.03 "Enforcement Official" shall mean, and is limited to, a peace officer who is an officer of the Colorado State Patrol as described in §§ 16-2.5-101 and 114, C.R.S., a certified peace officer who is a certified port of entry officer as described in §§ 16-2.5-101 and 115, C.R.S., a peace officer who is an investigating official of the transportation section of the public utilities commission as described in §§ 16-2.5-101 and 143, C.R.S., or any other peace officer as described in section § 16-2.5-101, C.R.S. [§ 42-20-103 (2), C.R.S.]
- 1.04 "Hazardous Materials" (also known as "Hazmat") shall mean those materials listed in Tables 1 and 2 of Title 49, Code of Federal Regulations, 172.504 (49 CFR 172.504), excluding highway route controlled quantities of radioactive materials as defined in 49 CFR 173.403 (I), excluding ores, the products from mining, milling, smelting, and similar processing of ores, and the wastes and tailing therefrom, and excluding special fireworks when the aggregate amount of flash powder does not exceed fifty pounds. [§ 42-20-103 (3), C.R.S.]
- 1.05 "Motor vehicle" shall mean any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power.
- 1.06 "Person" shall mean an individual, a corporation, a government or governmental subdivision or agency, a partnership, an association, or any other legal entity; except that separate divisions of the same corporation may, at their request, be treated as separate persons. [§ 42-20-103 (6), C.R.S.]
- 1.07 "Staging" shall mean the parking of a Motor Vehicle or Commercial Vehicle at a specific location to facilitate its safe passage through the Eisenhower-Johnson Memorial Tunnel according to the specific timing requirements of rule 3.04
- 1.08 "State Highway" shall consist of the federal-aid primary roads, the federal-aid secondary roads, and the interstate system, including extensions thereof within urban areas. [§ 43-2-201(1), C.R.S.]
- 1.09 "Tunnel" shall mean enclosed roadways with vehicle access that is restricted to portals regardless of type of structure or method of construction. Tunnels do not include highway bridges, railroad bridges or other bridges over a roadway. Tunnels are structures that require special design considerations that may include lighting, ventilation, fire protection systems, and emergency egress capacity based on the owners' determination.






2.00 General Requirements for Use of All CDOT Tunnels






- 2.01 These Rules apply to all facilities identified below in Rule 4.00.
- 2.02 Any person operating a Motor Vehicle or Commercial Vehicle in any Tunnel on the State Highway System shall comply with all governing state and federal law and regulations. Any Motor Vehicle, Commercial Vehicle or Person failing to abide by all applicable law and regulations will be referred to law enforcement officials.

- 2.03 CDOT, including Tunnel Personnel, may prohibit any Motor Vehicle or Commercial Vehicle or device, pursuant to § 42-4-106 (7), C.R.S., from using a Tunnel when the health or safety of the public warrants such action.
- 2.04 Pedestrians shall not be permitted in Tunnels without the express permission of the Department.
- 2.05 Electrical assisted bicycles, electric personal assistive mobility devices, low-power scooters, low-speed electric vehicles, motor driven cycles, motorcycles, or motor scooters, with a motor which produces five (5) horsepower or less, and bicycles or other means of conveyance are prohibited from using any Tunnel unless a special use permit has been granted by the Colorado State Patrol. [§ 42-1-102, (28.5) (28.7) (48.5)(a), and (48.6), C.R.S.]
- 2.06 The Department shall be authorized to schedule any closure of a segment of the State Highway system or at the request of the Colorado State Patrol in order to provide for the safety of the public and including but not limited to maintenance operations, avalanche control, rock fall mitigation, and roadway construction. The CDOT Maintenance Superintendent or his/her designee, in consultation with the Regional Transportation Director, may exercise discretion related to the use of CDOT tunnels as specified in these rules to provide for the health, safety and welfare of the public.

3.00 Requirements Specific to the Eisenhower-Johnson Memorial Tunnels (EJMT)

- 3.01 CDOT Personnel at the EJMT shall have the authority to:
- A. Direct Motor Vehicles or Commercial Vehicles to staging/parking areas and enlist the assistance of an Enforcement Official to review shipping papers or their equivalent to protect the health, safety and welfare of the public.
 - B. Establish and post restricted access requirements (e.g., speed limit reductions, convoy escort operations, vehicle convoys, and Tunnel closures) granting or denying highway and/or EJMT access, when access would present a hazard to the Tunnels or to persons using the Tunnels.
- 3.02 All Commercial Vehicles, Motor Vehicles and Persons transporting placarded quantities of hazardous materials are required to use Loveland Pass (US 6) when the Pass is open.
- 3.03 Commercial Vehicles, Motor Vehicles and Persons are prohibited at all times from transporting the following placarded hazardous materials through the EJMT, and may not park in the parking lots outside of EJMT.

PROHIBITED AT ALL TIMES FROM EJMT	
	<p>Division 1.1 Placard</p> <p>Explosives With a Mass Explosion Hazard</p>
	<p>Division 1.2 Placard</p> <p>Explosives With a Projection Hazard</p>
	<p>Division 1.3 Placard</p> <p>Explosives With Predominantly a Fire Hazard</p>
	<p>Division 1.4 Placard</p> <p>Explosives With No Significant Blast Hazard</p>
	<p>Division 1.5 Placard</p> <p>Very Insensitive Explosives: Blasting Agents</p>

PROHIBITED AT ALL TIMES FROM EJMT	
	<p>Division 4.3 Placard</p> <p>Dangerous When Wet Materials</p>
	<p>Division 5.2 Placard</p> <p>Organic Peroxides</p>
	<p>Division 2.3</p> <p>Inhalation Hazard</p>
	<p>Division 6.1 Placard</p> <p>Poisonous Materials</p> <p>(inhalation hazards only)</p>
 <p>The HRCQ placard has the square background behind the point on point placard. Compare Class 7 Placard Radioactive Materials under Rule 3.04.</p>	<p>Highway Route-Controlled Quantity</p> <p>(HRCQ)</p>

3.04 Materials Permitted to Use EJMT when Loveland Pass (US 6) is closed.

3.04.1 Subject to the requirements of these rules and all state and federal laws, Commercial Vehicles, Motor Vehicles and Persons may transport the following hazardous materials through the EJMT only when Loveland Pass (US 6) is closed.

PERMITTED TO USE EJMT WHEN LOVELAND PASS (US 6) IS CLOSED

SUBJECT TO RESTRICTION



Division 1.6 Placard
Extremely Insensitive Detonating Substances



This is a point-on-point placard as distinguished from HRCQ placard which has a square background. HRCQ is prohibited at all times

Class 7 Placard
Radioactive Materials



Division 2.1 Placard
Flammable Gases









Division 2.2 Placards
Non-Flammable, Non Poisonous Gases







Class 3 Placards
Flammable Liquids

PERMITTED TO USE EJMT WHEN LOVELAND PASS (US 6) IS CLOSED

SUBJECT TO RESTRICTION

	<p>Class 3 Placards Combustible Liquids</p>
	<p>Division 4.1 Placard Flammable Solids</p>
	<p>Division 4.2 Placard Spontaneously Combustible Materials</p>
	<p>Division 5.1 Placard Oxidizing Substances</p>
	<p>Division 6.1 Placards Poisonous or Toxic Materials (excludes inhalation hazards)</p>
	<p>Division 6.2 Label Infectious Substances</p>

PERMITTED TO USE EJMT WHEN LOVELAND PASS (US 6) IS CLOSED SUBJECT TO RESTRICTION	
	Class 8 Placard Corrosive Substances
	Class 9 Placard Miscellaneous Hazardous Materials
	Dangerous Placard Dangerous Hazardous Materials
	ORM-D Label Other Regulated Materials

3.04.2 Restrictions when Loveland Pass (US 6) is Closed.

- A. Off-Peak Period Operations. Once authorization and specific direction is given by CDOT personnel, Motor Vehicles, Commercial Vehicles and Persons transporting placarded quantities of hazardous materials under this rule may use the EJMT seven days a week on the hour.
- B. Peak Period Operations.
 - 1. Peak Periods are those times of increased vehicle traffic counts determined by the Department which warrant restrictions on the transporting of placarded quantities of permitted hazardous materials. National Holidays referenced below are: New Year's Day (January 1); Martin Luther King, Jr; Day (3rd Monday of January); President's Day (3rd Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (1st Monday in September); Columbus Day (2nd Monday in October); Veteran's Day (November 11); Thanksgiving Day (4th Thursday in November) and Christmas Day (December 25)

2. No vehicles containing placarded quantities of hazardous materials are allowed to use EJMT during the following time frames:

Westbound

Saturday and Sunday mornings, from 7:01 a.m. to 9:59 a.m.

National Holidays when they fall on a Friday from 7:01 a.m. to 9:59 a.m.

Eastbound

Sunday afternoons, from 2:01 p.m. to 6:59 p.m.

National Holidays when they fall on Mondays, from 2:01 p.m. to 6:59 p.m.

- C. During Peak Periods, Motor Vehicles, Commercial Vehicles and Persons intending to transport authorized hazardous materials through the EJMT will be required to Stage in the designated areas described below. Such vehicles may not park in the lots at the EJMT entrances. After the Peak Period has expired, staged vehicles will be escorted from the staging areas to the EJMT by a CDOT representative.

- D. The Peak Period Staging areas are:

Westbound: the Herman Gulch interchange (Exit 218)

Eastbound: the Vail Pass Rest Area (exit 189); or along the ramps of Officers Gulch interchange (exit 198);

- 3.05 All Motor Vehicles, Commercial Vehicles and Persons transporting authorized Hazardous Materials through the EJMT shall:

Travel at speeds no faster than 30 miles per hour;

Not pass other vehicles; and

Maintain a minimum distance of 800 feet from other vehicles.

3.06 Hazmat Routes

- 3.056.1 The EJMT is not located on a designated hazardous materials route section. The designated hazardous materials routes within the State of Colorado may be found at <http://dtdapps.coloradodot.info/staticdata/Downloads/StatewideMaps/HazMatMap.pdf> . See also <http://www.coloradodot.info/business/hazmat-routing> .

4.00 CDOT Tunnels and Snow Sheds

Structure No.	Tunnel Name & Location	Description	Route	Mile Post	NHS (Y/N)
H-03-BT	Interstate 70, MP 50.38, Beavertail Tunnels	Bore 13.75 miles east of Grand Junction in DeBeque Canyon	070A	50.38	Y

H-03-BU	Interstate 70, MP 50.38, Beavertail Tunnels	Bore 13.75 miles east of Grand Junction in DeBeque Canyon	070A	50.37	Y
F-07-Q	Interstate 70, MP 117.83, No Name tunnels	Bores 1.5 miles East of SH 82-Grand Ave., Glenwood Springs	070A	117.81	Y
F-07-R	Interstate 70, MP 117.83, No Name tunnels	Bores 1.5 miles East of SH 82-Grand Ave., Glenwood Springs	070A	117.8	Y
F-08-AP	Interstate 70, MP 125.7, Hanging Lake Tunnels	Glenwood Canyon, 8.1 miles east of Glenwood Springs	070A	125.23	Y
F-08-AQ	Interstate 70, MP 125.7, Hanging Lake Tunnels	Bores, Glenwood Canyon, 8.1 miles east of Glenwood Springs	070A	125.24	Y
F-08-AT	Interstate 70, MP 127.12 Reverse Curve	One bore WB only, 10.5 miles east of Glenwood Springs	070A	127.09	Y
F-13-X	Interstate 70, MP 213, Eisenhower/Johnson Memorial tunnels	Bores, under the Continental Divide, 60 miles west of Denver	070A	213.61	Y
F-13-Y	Interstate 70, MP 213, Eisenhower/Johnson Memorial tunnels	Bores, under the Continental Divide, 60 miles west of Denver	070A	213.61	Y
F-15-BN	Interstate 70, MP 242, Twin tunnels	One bore each tunnel, within the city limits of Idaho Springs (2.6 miles east of junction with SH 103)	070A	242.11	Y
F-15-BO	Interstate 70, MP 242, Twin tunnels	One bore each tunnel, within the city limits of Idaho Springs (2.6 miles east of junction with SH 103)	070A	242.11	Y
F-17-FW	Interstate 225 MP 0.02 at Jctn. with Interstate-25 SB MP 200	Cut and cover Structure, Junction I-225 southbound only with I-25 Southbound only	225A	.	.
F-15-AW	US 6 - MP259 to 270,	One bore each tunnel, Five tunnels in Clear Creek Canyon beginning 4 miles west of Golden for 15 miles	006G	264.76	N
F-15-AX	US 6 - MP259 to 270,	One bore each tunnel, Five tunnels in Clear Creek Canyon beginning 4 miles west of Golden for 15 miles	006G	265.13	N
F-15-AY	US 6 - MP259 to 270,	One bore each tunnel, Five tunnels in Clear Creek Canyon beginning 4 miles west of Golden for 15 miles	006G	270.37	N
F-15-X	US 6 - MP259 to 270,	One bore each tunnel, Five tunnels in Clear Creek Canyon beginning 4 miles west of Golden for 15 miles	006G	258.94	N

F-15-Y	US 6 - MP259 to 270,	One bore each tunnel, Five tunnels in Clear Creek Canyon beginning 4 miles west of Golden for 15 miles	006G	259.46	N
N-09-F	US160 - MP 174.8 Wolf Creek Pass Tunnel	One bore, 31.15 miles east of Pagosa Spgs (located on west side of Wolf Creek Pass)	160A	174.19	Y
L-06-P	US 550 - MP 90.86 Bear Creek Tunnel	One bore, 1.2 miles south of Ouray in Ouray county	550B	90.84	Y
B-15-E	SH 14 - MP 107.2	One bore, 27.48 miles west of Fort Collins in Roosevelt National Forest	014B	107.23	N
D-15-AS	SH 119 - MP 37.6	One bore, in Boulder Canyon, 4.2 miles west of Jct with SH 7 & SH 93	119A	37.69	N
M-06-AG	US 550 – MP 88.16 East Riverside Snow Shed	Snow Shed	550B	88.16	Y
O-09-K	US 160 – MP 168.47 Alberta Snow Shed	Snow Shed	160A	168.47	Y

5.00 Materials Incorporated by Reference

A copy of the rules and of all other incorporated materials are available for public inspection during regular business hours at the Colorado Department of Transportation, Office of Policy and Government Relations, 4201 E Arkansas Avenue, Denver, Colorado 80222. Incorporated materials are also maintained at the State Publications Depository and Distribution Center, 201 East Colfax Avenue, Denver, CO 80203, and may be examined at any other state publications library via inter-library loan. The following regulations and materials are incorporated by reference; such incorporation does not include later amendments or editions of any incorporated material: Title 49 CFR parts 100 to 177; 8 CCR 1507-25 "Rules and Regulations Concerning the Permitting, Routing & Transportation of Hazardous and Nuclear Materials and the Intrastate Transportation of Agricultural Products in the State of Colorado" dated 4.30.2013.

Editor's Notes

History

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