



# COLORADO

## Department of Transportation

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### Statement of Basis, Authority, and Purpose

The rules governing the suspension or revocation of permits for the transportation of hazardous and nuclear materials by motor vehicle are found at 2 CCR 601-25.

The specific authority for the Executive Director of the Colorado Department of Transportation (“the Department”) to establish these Rules is set forth in §§ 43-1-105(6) and 42-20-205, C.R.S.

Senate Bill 20-118 was enacted into law transferring the function of issuing permits for the transportation of hazardous and nuclear materials by motor vehicle from the Public Utilities Commission to the Department. The statutory basis and purpose of these Rules is to establish the specific procedures for the suspension or revocation of permits pursuant to §§ 24-4-104 and 24-4-105, C.R.S.

Given hazardous and nuclear materials create a significant potential risk to the public health, safety and welfare and for compliance with Senate Bill 20-118, the Executive Director adopted emergency rules on January 4, 2021, to ensure the safe transport of hazardous and nuclear materials through the issuance and enforcement of permits.

The specific purpose of this rulemaking is to consider permanently adopting the emergency rules that were promulgated on January 4, 2021, and which establish specific procedures concerning the suspension and revocation of permits as follows:

- The Department proposes to establish key defined terms in Chapter 2 of these Rules to aid in the interpretation and enforcement of these Rules. The defined terms include: Department, State Patrol Chief Rules, Hazardous Materials Carrier, Nuclear Materials Carrier, and Permit.
- The Department proposes to set forth the specific requirements for the suspension or revocation of permits in Chapter 3 of these Rules, such as monitoring and tracking violations reported by the Colorado State Patrol, grounds for suspension and revocation, automatic and immediate revocation of a Hazardous Materials Carrier Permit for lack of financial responsibility or failure to maintain insurance coverage, and summary suspension for willful and deliberate conduct.
- The Department proposes to establish the process for hearings and appeals concerning the suspension and revocation of permits in Chapter 4 of these Rules.
- The Department proposes to allow petitions for a declaratory order in order to increase transparency for the public and in compliance with § 24-4-105(11), C.R.S.
- Finally, the Department proposes minor technical or grammatical changes to the emergency rules.

