



COLORADO
Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

**DEPARTMENT OF TRANSPORTATION
EXECUTIVE DIRECTOR**

**RULE GOVERNING COMMERCIAL FOOD TRUCK OPERATIONS
IN COLORADO'S HIGHWAY REST AREAS OR OTHER DESIGNATED LOCATIONS**

2 CCR 601-24

NOTICE OF ADOPTION OF EMERGENCY RULE

Pursuant to and in compliance with Title 43, Article 1 and Title 24, Article 4, C.R.S. as amended, notice is hereby given of the adoption on an emergency basis for the rule governing commercial food truck operations in Colorado's highway rest areas or other designated locations by the Colorado Department of Transportation.

- Section 1. Statement of Basis and Authority
- Section 2. Statement of Purpose
- Section 3. Applicability
- Section 4. RULE GOVERNING COMMERCIAL FOOD TRUCK OPERATIONS AT COLORADO'S HIGHWAY REST AREAS OR OTHER DESIGNATED LOCATIONS
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The statutory basis and authority for this emergency rule is granted under § 43-1-105(6), § 24-4-103(6)(a), and § 24-33.5-704(2), C.R.S and the Executive Order D 2020 056 dated May 2, 2020 issued by Colorado Governor Polis.

Governor Polis has extended Executive Order D 2020 056 on May 31, 2020, June 29, 2020, July 28, 2020, and August 26, 2020.

Section 2. Statement of Purpose

Commercial truck drivers play a critical role in the nation's supply chain and in the COVID-19 emergency response by transporting essential supplies including equipment, medicine, food, and personal protective equipment across Colorado and the country. Given the extreme and unprecedented nature of the COVID-19 pandemic, commercial truck drivers have struggled finding reliable food services while transporting goods across Colorado and the country.

Executive Order D 2020 056 dated May 2, 2020 issued by Colorado Governor Polis temporarily suspended the restriction found in § 43-3-101(3), C.R.S that prohibits commercial enterprise or activity from occurring at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation. By temporarily suspending this prohibition, commercial food truck operators may operate and sell food at any property



designated as or acquired for or in connection with a freeway or highway by the Department of Transportation in order to provide commercial truck drivers with easy and reliable access to nutritious, affordable, and freshly prepared meals during the global COVID-19 pandemic.

As a result, the Executive Director of the Colorado Department of Transportation finds that immediate adoption of an emergency rule is imperatively necessary for the preservation of public health, safety, or welfare in order to facilitate the requirements for temporary permits for commercial food truck operators operating at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation as declared in Executive Order D 2020 056 dated May 2, 2020 and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest.

The specific purpose of this emergency rule is to set forth the requirements for temporary permits for commercial food truck operators operating at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation as originally mandated by Executive Order D 2020 056 and to ensure the availability of freshly prepared food to commercial truck drivers while simultaneously providing additional economic opportunities to food truck operators.

Section 3. Applicability

This emergency rule governs the requirements for temporary permits for commercial food truck operators operating at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation as originally mandated by Executive Order D 2020 056.

Section 4. RULE GOVERNING COMMERCIAL FOOD TRUCK OPERATIONS IN COLORADO'S HIGHWAY REST AREAS OR OTHER DESIGNATED LOCATIONS

1.00 Temporary Permits to Operate a Food Truck at CDOT Safety Rest Areas or Other Designated Locations

Commercial food truck operators properly certified or licensed in Colorado may apply for a temporary permit allowing for the operation of selling food at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation or any other locations designated by the Department of Transportation. Applicants for a temporary permit must complete the application form titled "Permit Application to Operate a Food Truck at CDOT Safety Rest Areas" and submit all mandatory supporting documentation. Applicants must comply with all the terms and conditions of the temporary permit. The application form titled "Permit Application to Operate a Food Truck at CDOT Safety Rest Areas" may be found on the Colorado Department of Transportation's website. Temporary permits will remain valid for the duration of the Executive Order D 2020 056 dated May 02, 2020 unless extended further by Executive Order.



Section 5. Effective Date

This emergency rule is effective August 27, 2020.





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ADOPTION OF EMERGENCY RULE GOVERNING
COMMERCIAL FOOD TRUCK OPERATIONS IN COLORADO'S
HIGHWAY REST AREAS OR OTHER DESIGNATED LOCATIONS

Commercial truck drivers play a critical role in the nation's supply chain and in the COVID-19 emergency response by transporting essential supplies including equipment, medicine, food, and personal protective equipment across Colorado and the country. Given the extreme and unprecedented nature of the COVID-19 pandemic, commercial truck drivers have struggled finding reliable food services while transporting goods. In Executive Order D 2020 056 dated May 2, 2020, Colorado Governor Polis provided an important sustenance option for motor carriers by temporarily suspending the restriction found in § 43-3-101(3), C.R.S that prohibits commercial enterprise or activity from occurring at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation. Governor Polis has extended Executive Order D 2020 on May 31, 2020, June 29, 2020, July 28, 2020, and August 26, 2020. Governor Polis's action helps ensure the availability of freshly prepared food to commercial truck drivers while simultaneously providing additional economic opportunities to food truck operators, who are mainly owners of small businesses -- which are being hit hard by the COVID-19 crisis.

Consistent with the Governor's direction, the Executive Director of the Colorado Department of Transportation finds that immediate adoption of an emergency rule is necessary for the preservation of public health, safety, or welfare in order to facilitate temporary permits for commercial food truck vendors operating at any property designated as or acquired for or in connection with a freeway or highway by the Department of Transportation as originally declared in Executive Order D 2020 056 dated May 2, 2020 and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., applicable to non-emergency rules, would be contrary to the public interest. Food truck operators will, like critical and non-critical businesses across Colorado, need to comply fully with all social distancing requirements to protect the health and safety of both themselves and freight operators.

Pursuant to the authority granted by § 43-1-105(6), § 24-4-103(6)(a), and § 24-33.5-704(2), C.R.S and the Executive Order D 2020 056 dated May 2, 2020, the Executive Director of the Colorado Department of Transportation hereby adopts an emergency rule governing commercial food truck operations at Colorado's highway rest areas or other designated locations, 2 CCR 601-24.

Shoshana Lew
Executive Director
Colorado Department of Transportation

August 27, 2020

DATE

