



COLORADO
Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

**DEPARTMENT OF TRANSPORTATION
EXECUTIVE DIRECTOR**

**RULES GOVERNING THE SUSPENSION OR REVOCATION OF PERMITS FOR THE
TRANSPORTATION OF HAZARDOUS AND NUCLEAR MATERIALS BY MOTOR VEHICLE**

2 CCR 601-25

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
February 19, 2021 at 2:00 PM MST**

**Department of Transportation Headquarters
2829 W. Howard Place
Denver, CO 80204**

VIRTUAL RULEMAKING HEARING REGISTRATION LINK:

<https://attendeegotowebinar.com/register/6401756231942080270>

Pursuant to and in compliance with Title 42, Article 20 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Executive Director of the Colorado Department of Transportation to promulgate, amend, repeal, or repeal and re-enact rules governing the suspension or revocation of permits for the transportation of hazardous and nuclear materials by motor vehicle.

The specific authority for the Executive Director of the Colorado Department of Transportation 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 Colorado Department of Transportation. Effective January 1, 2021, the Colorado Department is responsible for the issuance and enforcement of permits concerning transporting hazardous and nuclear materials by motor vehicle over public roads in Colorado. 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. A full description of the proposed rules can be found on the Statement of Basis, Authority, and Purpose.

Due to the State's COVID-19 response, this proposed permanent rulemaking hearing will only be conducted in a virtual setting. All interested parties are urged to attend this public hearing by registering for the hearing through the link above, and to submit written comments concerning the proposed permanent rules in advance if possible for consideration. The webinar registration link is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules.html>.



In order to facilitate the review of written comments by the Hearing Officer, all interested parties are strongly encouraged to submit their written comments to Natalie Lutz via email at dot_rules@state.co.us on or before 5:00 p.m. on February 8, 2021. Any written comments not received by February 8, 2021, can be submitted at the hearing on February 19, 2021.

If you need special accommodations, please contact Natalie Lutz at 303.757.9441 or dot_rules@state.co.us at least one week prior to the hearing.

The proposed permanent rules, notice of hearing, and the statement of basis and purpose will be available for review by interested parties on or before close of business January 15, 2021, at the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules.html>. Please be advised that the proposed permanent rules being considered are subject to further changes and modifications after public comment and the formal hearing.





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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.

